

Human Will and Divine Will in Roman Divination



Lindsay Gayle Driediger-Murphy
University College, Oxford

Submitted for the degree of Doctor of Philosophy
Hilary Term 2011

Human Will and Divine Will in Roman Divination

Lindsay Gayle Driediger-Murphy

University College

Thesis Submitted for the Degree of Doctor of Philosophy

Hilary Term, 2011

Abstract

This thesis examines the relationship between human will and divine will as mediated through state divination in the Roman Middle and Late Republic. The nature of ancient evidence for incidents involving state divination, and for divinatory ‘rules’, is scrutinized: the historicity of many divinatory incidents recorded in Roman tradition is defended, and the existence of a body of basic divinatory ‘rules’ posited. Current models of the relationship between human and divine will in Roman divination are examined; the thesis challenges the ‘alignment’ model wherein the outcomes of state divination are assumed routinely to have aligned with the will of their recipients. Cases where divinatory outcomes do not appear to have aligned with recipients’ will are identified in Cicero, Livy, and Cassius Dio. The modern view that state divinatory techniques (auspication, haruspicy in sacrifice, and prodigy-interpretation) routinely generated desired results is called into question. The thesis then re-evaluates the canon of ancient ‘rule-statements’ generally cited as evidence for augural ‘principles’ that the report of a sign was considered as valid as an actual sign, and that it was acceptable for individuals to fabricate or to reject signs at will. Instead, it is suggested that a real sign was preferable to a reported one, and that the validity of an oblativ sign depended on the individual’s awareness of it. Finally, the thesis proposes an alternative to the currently-accepted understanding of the auspicial procedure ‘*servare de caelo*’, arguing that even this procedure need not be seen as invariably generating signs in alignment with human will and as countenancing sign-falsification. These conclusions are held to encourage a re-consideration of the modern understanding of the nature of Roman state divination and of Roman religion.

For my Family

Contents

Acknowledgements	vi
Introduction	1
Chapter 1: Sources	4
Evidence for Divinatory Events.....	5
‘Primary’ Documents.....	7
Constraints on Falsification	9
Transmission by Later Writers	14
Anachronism.....	18
<i>Post Eventum</i> Fabrication	20
Livy.....	25
Cassius Dio	27
Cicero.....	30
Evidence for Divinatory Rules	34
Existence of Divinatory Rules	37
Constraints on Falsification	44
‘Primary’ Documents.....	48
Transmission by Later Writers	55
Chapter 2: State Divination in Practice	62
Method and Limitations.....	69
Influencing Military Manoeuvres	71
Hindering Magisterial Departure from Rome.....	83
Preventing or Invalidating Elections and Offices	88
Preventing Other Public Business.....	103
Conclusions.....	115
Chapter 3: State Divination in Theory: Report versus Reality in Augury	121
Statement 1: Cato the Elder	124
Statement 2: Cicero <i>Div.</i> 2.77	126
Statement 3: Cicero <i>Div.</i> 2.71-74.....	128

Statement 4: Dionysius of Halicarnassus.....	135
Statement 5: Seneca the Younger	145
Statement 6: Pliny the Elder	146
Statement 7: Servius	151
Statement 8: Augustine	152
Conclusions.....	155
Appendix 1: Papirius and the <i>Pullarius</i>	161
 Chapter 4: State Divination in Theory: <i>Servare de Caelo</i>	 164
Timing.....	170
Outcomes	176
Bibulus, Antony, and Augural ‘Rules’	179
Conclusions.....	189
Appendix 2: Ancient References to the Bibulus Affair	195
 Conclusion	 197
 Bibliography	 204

Acknowledgements

My thanks go out firstly to my supervisors, Ed Bispham, Anna Clark, and Simon Price, without whose encouragement, insight, and tireless help this work would not have been possible. I am grateful to all those colleagues who shared their expertise with me and took an interest in my work, including Jane Anderson, Andrew Gregory, Andrew Lintott, Wolfgang de Melo, John North, the researchers of the Festus Lexicon Project, Teresa Morgan, Christopher Pelling, Jonathan Prag, and Nicholas Purcell. My thanks also to the participants of the Ancient History Graduate Work-in-Progress Seminar, the Oxford-Princeton graduate seminars (2007 and 2008), and the Corpus Christi Classical Seminar (2010) for much helpful feedback. Thanks to my professors at the University of Calgary, Lisa Hughes, Peter Toohey, and Hanne Sigismund Nielsen, for inspiring me with a love for ancient history and for making my Oxford adventure possible. I am also grateful to all those friends who patiently accommodated me while I was commuting to Oxford: Boris and Liz, George, and Theodora, I owe you one! This work was made possible by generous support from the Social Sciences and Humanities Research Council of Canada, the Government of Alberta, the MacKenzie King Scholarship Trust, the J. Armand Bombardier Internationalist Fellowship, and the Faculty of Classics, University of Oxford, to all of which I am deeply grateful.

Finally, a special thanks to my family, old and new: to my parents, Doug and Gayle, for their sustaining, unconditional love; to my sister Roxanne and her husband Jace, for many laughs along the way; to Sneakers for sleeping on my Greek homework; and to my husband Will, who has always supported me, despite hearing far more about Cicero than he could have expected. And finally, all my thanks to

the One with whom nothing is impossible: ‘Teach me to do your will, for you are my God; may your good Spirit lead me on level ground’.

Introduction

How did Romans conceive their relationship with their gods? The way(s) we choose to answer this question will have a significant impact not just on how we interpret specific expressions of that relationship, such as divination, but also on how we understand and characterize Roman religion more broadly.

Many modern answers have been heavily influenced by what we may call the ‘alignment’ model of Roman divination, in which outcomes produced by state divinatory techniques are assumed routinely to have aligned with the will of their human recipients. This model rests on two fundamental premises: that in Roman divinatory practice, the number of cases in which divinatory outcomes did not cohere with their recipients’ will was negligible; and that in Roman divinatory theory, especially augural theory, it was considered acceptable for individuals to cause divinatory results to align with their will. The purpose of this thesis is to challenge this model and its premises, with the aim of enhancing our understanding not just of specific Roman divinatory techniques but also of the nature of Roman state divination and, thereby, of Roman religion.

I begin by discussing the nature and reliability of our ancient evidence both for incidents of state divination ‘in practice’ and for divinatory ‘rules’ (**Chapter 1**). In **Chapter 2** I examine what this evidence can tell us about Roman practice, arguing that divinatory outcomes may have aligned with individuals’ will less frequently than is often supposed. In **Chapters 3 and 4**, I re-evaluate modern reconstructions of the ‘rules’ of augury, challenging the consensus view that these permitted individuals to ‘make’ divinatory outcomes align with their own will. In so doing, I propose new interpretations of the ‘rules’ that I believe are more congruous

with our ancient evidence. I end by discussing, in my **Conclusion**, our findings' implications for our understanding of Roman conceptions of the human-divine relationship.

Some notes on terminology. By 'state divination' I refer to the divinatory techniques of augury, prodigy-interpretation, and haruspicy in sacrifice, which were officially recognized by the Roman state and which senators and magistrates were required to use in fulfilling their public duties. We will frequently encounter the technical term *vitium*: I follow those scholars who see this word as capable of denoting either an unfavourable auspice, or a human error in auspication.¹ Finally, I follow those scholars who consider the Roman attempt to obtain *litatio* (the attainment of divine acceptance of a sacrifice), a form of perceived communication with the gods, and therefore an aspect of divination.²

My abbreviations of ancient authors and texts, and of standard modern reference works, are those of the *Oxford Classical Dictionary*. Editions used include:

Cic. *Div.* = Pease, A. S. (1920), *M. Tulli Ciceronis De Divinatione. Liber Primus* and (1923), *M. Tulli Ciceronis De Divinatione. Liber Secundus* (Urbana, Illinois)

Cic. *Nat. D.* = Pease, A. S. (1955) *M. Tulli Ciceronis De Natura Deorum, Liber Primus* and (1958), *M. Tulli Ciceronis De Natura Deorum, Libri Secundus et Tertius* (Cambridge, Mass.)

Cic. *Att.* = Shackleton Bailey, D. R. (1965-), *Cicero's Letters to Atticus* (Cambridge)

Cic. *Fam.* = Shackleton Bailey, D. R. (1977), *Cicero: Epistulae ad Familiares* (Cambridge)

¹ Paschall 1936; Linderski 1986a: 2162f.

² Scheid 1990: 337; Beard, North, and Price 1998 (vol. 1): 36-7. The distinctions scholars once posited between 'Etruscan' and 'Roman' divinatory sacrifice, are difficult to prove at best, and not relevant to the period we will be investigating, in which Roman practice appears to have involved mingling both types (Schilling 1962 = 1979; North 1990b: 55; Nasse 1999).

Cic. *Q. Fr.* = Shackleton Bailey, D. R. (1980), *Cicero: Epistulae ad Quintum Fratrem et M. Brutum* (Cambridge)

Cic. *Phil.* = Clark, A. C. (1963), *Cicero: Orationes* vol. 7, second edition (Oxford)

Cic. *Dom.* = Nisbet, R. G. M. (1939), *M. Tulli Ciceronis De domo sua ad pontifices oratio* (Oxford)

Cass. Dio = Boissevain, U. P. (1895-1901, repr. 1955), *Cassii Dionis Cocceiani historiarum Romanarum quae supersunt* (Berlin)

Dion. Hal. *Ant. Rom.* = Jacoby, K. (1885-1905, repr. 1967 Stuttgart) *Dionysii Halicarnasei antiquitatum Romanarum quae supersunt* (Leipzig)

Gell. = Marshall, P. K. (1990), *A. Gellii Noctes Atticae* (Oxford)

Livy = Conway, R. S., Walters, C. F., McDonald, A. H., Walsh, P. G., and Johnson, S. K. (1914-1999), *Titi Livi Ab urbe condita* (Oxford)

Plin. *HN* = Jan, L. von and Mayhoff, K. F. T. (1892-1909), *C. Plini Secundi Naturalis historiae libri XXXVII* (Leipzig)

Serv. *Aen.* = Thilo, G. and Hagen, H. (1902-1927), *Servii Grammatici qui feruntur in Vergilii carmina commentarii* (Leipzig)

Other editions used are identified in the notes whenever relevant.

Chapter 1: **Sources**

Literary sources remain fundamental to our knowledge and reconstructions of Roman state divination. Archaeology and epigraphy of course shed light both on Roman conceptions of the divine and on how practitioners of state divination operated¹ and identified themselves.² Yet in order to examine the effects of divination on actual human behaviour, as we will do in **Chapter 2**, we need as much information as possible about each instance of divination: not just what divinatory sign was received, but in what circumstances it was obtained and reported, and how its recipients responded to it. It will readily be seen that only literary narratives are likely to furnish this information with any frequency. Similarly, when we attempt to understand how divinatory ‘theory’ and rules of practice may have influenced human responses to divination, as we will do in **Chapters 3 and 4**, what we most need to know is what these theories and rules were. This information, too, is more often stated, or at least implied, in literary texts than in other media.³ Accordingly, in the chapters that follow I have chosen to concentrate on the testimonies of Cicero, Livy, and Cassius Dio, each of whom narrates specific divinatory incidents of the Republican period in detail.

¹ E.g. *haruspices* of Tarquinia recorded their names and their contributions to the discipline in inscriptions (n. 174 below); the *lex Ursonensis*, in part Late Republican, makes provision for *haruspices* and augurs in colonies (Haack 2003a; Rüpke 2006b); *ILS* 9337 = *CIL* 6.36841, an inscription dating to Tiberius’ reign, records occasions on which the *augurium salutis* was taken (Costa 1910: 129; Cagnat 1911: 53; Blumenthal 1914: 247; Dessau *ad loc*).

² E.g. augural *lituus* appears on *denarii* from the end of the third century BC; the motif was regularly used by leading men (Taylor 1944, tentatively accepted by Rüpke 2008: no. 984; Fears 1975; Stewart 1997). For identifications of individual augurs, *(quin)decimviri*, and *haruspices* in inscriptions and coins, see entries in Haack 2002; Haack 2006; Rüpke 2008.

³ There are exceptions to the rule, e.g. the uniquely detailed record of ritual procedures (auspication [especially VIa 1-18], extispicy in sacrifice, lustration, and *instauratio*) inscribed between third and first centuries BC by the Atiedian Brothers of Iguvium, Umbria. These bear some similarities to Roman rituals, suggestive of common Italic ritual practice (e.g. Rosenzweig 1937; Devoto 1940; Coli 1958; Poultney 1959; Pfiffig 1964; Prosdocimi 1984a; Prosdocimi 1984b); but note reservations of Wilkins 1994, and differences from Rome, and even from other Umbrian communities, identified by Bradley 2000: 8-9, 12-13, 67, 74-7, 178-83.

Working with such evidence raises various questions, however, which must be considered before we can have confidence in our results. First of all, even if these literary texts do purport to furnish information on human responses to divination, how far should we trust that information? In the case of divinatory incidents, could not the sign, the circumstances, even the human response be mere fabrications or imaginings, either by contemporaries or by later writers? As for Cicero, Livy, and Cassius Dio, might they not have misrepresented previous cases of divination either through ignorance or intent? And when it comes to divinatory ‘rules’ and theory, to what extent were these ever articulated in Rome, and how could they have entered our surviving sources? In what follows I hope to put forward reasonable responses to these questions, suggesting that our sources furnish reasonably sound information on divination and do not appear to distort this information to their own ends as often as has been supposed. In doing so, I also hope to show in what ways the study of our sources for divination can shed exciting new light not just on Roman religion but on historiography as well.

***Evidence for
Divinatory Events***

I believe we may consider it reasonably likely that real events involving divination were preserved fairly accurately in the Roman historical record. What we know of Roman historiography indicates that claims about divinatory results, and about how men dealt with them, survive in our extant sources thanks to a long chain of transmission, originating most likely in ‘primary’ documents like the *annales pontificis maximi*,⁴ senatorial records,⁵ family

⁴ Klotz 1940-1941: 47; Briscoe 1973: 11 n. 4, 88; Frier 1979; Bucher 1987: 32-3, 38; Drews 1988: 295 (suggesting Valerius Antias was the last historian to use them); Petzold 1999: 252-65; *contra*: Rawson 1971; Wiseman 1994: 4; Rich 2005: 158; Rüpke 2008: 30-8 (arguing that Scaevola created the *annales maximi* in the second century, mingling apocryphal material for the Early Republic with material from the pontifical *commentarii*: speculative). Rawson contends that Cicero did not use the *annales* for historical research, but access to them may have been less easy in the first century BC

records,⁶ priestly records (more on these below), and individuals' letters, *commentarii*, and autopsy.⁷ The information contained in these sources could have been elaborated or at least recorded in media like speeches, legends, and drama,⁸ and it also presumably entered the work of Roman prose historians before Livy, either via the 'primary' documents or via their elaborations. The information that

(Oakley 1997: 26 n. 23), and the elder Cato's rejection of the style of the annals implies that they were in his day 'a recognized source for historians' (Cornell 1986: 72; Frier 1979: 115). Note that Cato (Gell. 2.28.6) and the second-century BC historian Sempronius Asellio (Gell. 5.18.8-9) criticized the annals not for mendacity but for the style in which they recorded events; neither denied that they provided basic factual content. On the possible difference between pontifical *libri* and *annales*, North 1998: 54.

⁵ Archiving of *senatus consulta*: Livy 39.4.8; Cic. *Phil.* 5.12; Cic. *Fam.* 12.1.1; *Phil.* 13.19; Plut. *Cat. Min.* 17 (on falsification see Bonnefond-Coudry 1989: 570-3; Moreau 1994); perhaps as early as 449 BC: Dion. Hal. *Ant. Rom.* 11.21.6; Livy 3.55 (Bredehorn 1968: 31-2; Cornell 1995: 264-5; contra Janssen 1973: 92). Archiving of promulgated bills and laws: Frederiksen 1965: 186. Access to such records may well have been difficult (Culham 1989) but we do have some examples: Cic. *Att.* 13.33.3 (book listing *senatus consulta*: Bredehorn 1968: 40 with refs; Badian 1969: 63-4; Linderski 1985: 222); Polyb. 25.4.5 (record of senatorial commissions and their decisions); Cic. *De or.* 3.5 (record of senatorial resolutions [*auctoritates*]); according to Nep. *Att.* 18, Atticus had the means to write a history in which *nulla (...) lex neque pax neque bellum neque res illustris est populi Romani quae non in eo suo tempore sit notata*. Caesar in 59 BC first published the senate's *diurna acta* (Suet. *Iul.* 20; Bats 1994), but individual senators could make their own records before this (Cic. *Sull.* 40-5; Plut. *Cat. Min.* 23; Culham 1989: 104-5; Bats 1994: 25; Berry 1996: 216-220), which ancient historians may have accessed (Bredehorn 1968: 34; Janssen 1973: 93).

⁶ Plin. *HN* 35.7 (*codicibus (...) et monumentis rerum in magistratu gestarum*); exciting or impressive incidents of divination could presumably have been listed in these, as also in 'private' records of official actions: Dion. Hal. *Ant. Rom.* 1.74.5 (Gabba 1964); Festus 490L (*antiqui magistratus in suo imperio tabulis rationum (...) habebant publicarum rationum causa*); Flower 1996: 203-4. Many scholars doubt that such written records were kept from early times, but they probably existed for our period. Some speeches were evidently read long after their delivery (Cic. *Orat.* 37; *Brut.* 16.61-2; convenient list in Peter 1914-1916: xxxiii-xxxiv; for an example of how they might have been used in ancient historical research, Badian 1969: 62-3), and even funerary *laudationes*, many of which were published (list in Flower 1996: 145 n. 72) could have purveyed (purportedly) historical information.

⁷ For the Middle Republic, Polyb. 10.9.3; Plut. *Aem.* 15.5 cite letters of Scipio Africanus and Scipio Nasica respectively; Spurius Mummius still read letters sent by his ancestor from Corinth in 146 BC (Cic. *Att.* 13.6.4). For the Late Republic, Cicero's letters allude to religious events with reasonable frequency (Hooper 1917; Vogt 1935: 79; cf. Laurand 1914), and could conceivably have furnished information both for Cicero's own reference and for later historians (*pace* van den Bruwaene 1937: 43-9; Goar 1978: 126; Brunt 1978: 165). Many stories of divination on campaign probably originated with commanders or their staff, e.g. Manlius Vulso's interest in ritual details during his Asian campaign (Livy 38.18.10, Polyb. 21.37.5-7; Livy 38.20.6; 38.26.1; 38.38.7, 14; 38.48.16; Sage 1936: 80-1 nn. 1, 2; Grainger 1995: 24; contra Mommsen 1879: 540). The scarcity of 'traditional' religious material in Caesar's *commentarii* is probably atypical (Linderski 1982 [1983]: 36; Feeney 1998: 20).

⁸ On the influence of drama on historical tradition (not always convincing): Walsh 1996b; much work by Wiseman, esp. 1998: chs. 1, 3, 5, 6. The nature and content of Middle Republican *fabulae praetextae* is unclear (Zehnacker 1981; Flower 1995; Manuwald 2001; Kragelund 2002; Clark 2007: 109f.; Wiseman 1998 is stimulating but highly speculative). Divinatory revelations would seem promising stuff for drama (note the dialogue between Tarquin the Proud and dream interpreters [*coniectores*] in Acc. *Brut.* fr. 1-2 [Cic. *Div.* 1.44-5]; Kragelund 2002: 17-22), though the genre could presumably have had as much influence on the presentation of episodes in Roman history as it had on their content.

survives for us today in Livy (writing c. 31 BC to his death in AD 17),⁹ Cicero (for our purposes, in texts dating to the 50s and 40s BC), and Cassius Dio (writing c. the first quarter of the third century AD),¹⁰ may thus stem from a wide variety of sources and is in many cases preserved for us at several removes from its first recording. The first issue to consider, therefore, is the reliability of the hypothetical ‘primary’ documents.

**‘Primary’
Documents**

If we accept the ‘hard factual core’ hypothesis¹¹ that Romans possessed records of state business (religious transactions, magistrates, wars, and triumphs) extending back to at least c. 300 BC,¹² then information on state divinatory results and procedures would seem likely to have formed part of this ‘official’ record. This can best be demonstrated in the case of prodigies,¹³ since Aulus Gellius preserves for us the text of a *senatus consultum* of 99 BC which describes a prodigy and its ritual remedies,¹⁴ and since the *annales*

⁹ Discussion of dating in Luce 1965.

¹⁰ The exact dates of his research (ten years) and writing (twelve further years: Cass. Dio 72.23.5) are debated: cf. Schwartz 1897: 1686; Vrind 1923: 166-7; Gabba 1955: 295-301; Millar 1964: 29f.; Eisman 1977; Letta 1979; Barnes 1984, also Bowersock 1965b: 470-3.

¹¹ Beloch 1926: 86-94; Klotz 1940/1; Cornell 1986: 80; Cornell 1995 17-18; Miles 1995: 60 on Livy 39.52; Oakley 1997: 27, 57.

¹² And maybe earlier: Frier 1979: 175; Oakley 1997: 24-5, 26 n. 23; Kraus and Woodman 1997: 3 suggest the fifth century BC, but cf. Rüpke 2008: 26-7. Overview of previous scholarship in Chassignet 1996: xxiii f.

¹³ We have a fairly regular record of prodigies from the third century BC onwards (MacBain 1982: 8 n. 4), and Cass. Dio 43.24.4 seems to suggest that one could check the events of a year against a record of Sibylline oracles reported during the Republic (though he might mean simply that his sources made no mention of a given oracle). Rawson 1971 sees the inclusion of prodigies occurring outside the *ager Romanus* as reason to doubt the existence or accuracy of official prodigy lists, but it seems more natural to suppose that with the expansion of Roman influence and interest in the Italian peninsula and into Sicily and Sardinia, Rome began to take an interest in prodigies occurring in places now relevant to its *imperium* (Luttbacher 1904: 29-33; North 1967: 483 n. 19; Briscoe 1973: 90; MacBain 1982: 23, 30f., ch. 5; Rasmussen 2003: ch. 5; cf. Rosenberger 2005: esp. 240, *contra* MacBain’s emphasis on prodigies as communication with the Italians); and cf. Bispham 2007: 94, 116-123 *contra* Mouritsen 1998: 49-58 on Roman interest in allied behaviour during the Bacchanalia Affair.

¹⁴ Gell. 4.6.

pontifici maximi are said to have recorded prodigious events like eclipses.¹⁵ Notice of any noteworthy (unusual or problematic?) auspicial incidents at Rome (for instance, a magistrate's being required to retake his auspices, or a sign's disrupting the *comitia*) would seem equally likely to have entered such records. And the results of key magisterial sacrifices also appear to have been recorded officially, both because some of these occur in Julius Obsequens' fourth-century AD epitome of the signs contained in Livy's transmission of the 'hard factual core' (his so-called 'annalistic notices'),¹⁶ and because commanders may have been required to report to the senate the number of victims required to obtain *litatio* in their campaigns.¹⁷ Public controversies about the behaviour of state diviners could presumably also have entered the 'official record', as is suggested by Gellius' attribution to the *annales maximi* of information about an attempted treachery of the *haruspices*.¹⁸ We may also expect any divinatory events that created precedents, to have been recorded in the archives of the relevant priestly authorities (we will consider the nature of such archives below, pp. 48f.). Finally, less 'regulated' but equally 'primary' media such as magisterial memoranda, speeches, and letters alluding to public business, must also have recorded divinatory matters debated in the senate, as indeed we see in the letters and speeches of Cicero.

¹⁵ Cato *Orig.* [HRRel. 1: fr. 77]: *quod in tabula apud pontificem maximum est, (...) quotiens lunae aut solis lumine caligo aut quid obstiterit*; Cic. *Rep.* 1.25.

¹⁶ Rossbach 1897; Schmidt 1968; Picone 1974 on Obsequens' debt to Livy; Luterbacher 1904: ch. 6; Santini 1988 on the 'annalistic' '*sermo prodigialis*'.

¹⁷ I suggest that we interpret Cic. *Q. Fr.* 3.2.2 (11 Oct. 54 BC: *ipso decimo die, quo eum oportebat hostiarum numerum et militum renuntiare*) as referring to a requirement that returning generals (or claimants to a triumph) 'announce' the 'number of victims' required to win divine support for the decisive engagement. Many editors (Klotz 1878; Wesenberg 1880: 628; Purser 1902; Watt 1958) would emend to *hostium*, but *hostiarum* is the consensus of the earliest manuscripts, accepted by Shackleton Bailey 1980: 212. State interest in the number of victims required to obtain *litatio* seems plausible when we recall that our sources note whether *litatio* happened easily or with difficulty (*litatum est egregie* and *litatum est pulcherimme* in Livy and Cicero; *non facile litabant* and *haud facile litari* in Livy), and when we consider that generals and writers also made note of instances of *litatio* achieved with the first victims (*primae hostiae*: e.g. Livy 36.1.3; 38.20.6 [Manlius Vulso]): this suggests that the number of victims was significant.

¹⁸ Gell. 4.5.6.

***Constraints on
Falsification***

Like any form of reporting, these ‘primary’ documents could be infiltrated by false information.¹⁹ Likely motives for contemporaries to falsify information about divination might include, for example, the desire to hinder opponents with allegations of unfavourable signs or impious conduct, or the desire to promote and aggrandize one’s friends, and oneself, with reports of favourable signs and pious responses to them. It must be admitted that untruths of this kind would have been difficult to detect, and nearly impossible to police, in some ‘private’ media like drama, and to a lesser extent (for reasons we shall see in a moment) letters, speeches and *commentarii*. However, the standard of proof required for a divinatory incident to be recorded in the *acta senatus*, the pontifical *annales*, or the priestly archives may well have been higher, because we know that Romans made an effort to verify the results of state divination when possible. For example, it is well known that claims about prodigies were examined and debated by the senate.²⁰ Moreover, the fact that in all types of state divination magistrates were required to work in conjunction with a ritual technician,²¹ suggests that auspication and extispicy, too, could have involved verification and discussion of divinatory results and interpretations between at least two people; indeed, cases where such discussion occurred are attested in both the Middle and the Late

¹⁹ E.g. Briscoe 1981a on Livy 37.58.5; Ridley 1983: 375. But cf. Dio’s famous judgement (53.19) that, in contrast to the history of the Imperial period, Republican history could be verified both because business was transacted before senate and people, and recorded in archives (our ‘official record’), and because competing historical accounts of the period survived for comparison.

²⁰ Note especially Livy 22.1.14 (217 BC), where prodigies are confirmed by senatorial questioning of the individuals who reported them.

²¹ North 1990. Thus magistrates seeking *litatio* through sacrifice appear to have been assisted by *victimarii* (**Chapter 2**, 104f.), and when taking the auspices they could consult augurs in case of uncertainty: e.g. Varro *Rust.* 3.2.2 (at election time *Appium Claudium augurem sedentem invenimus in subselliis, ut consuli, siquid usus poposcisset, esset praesto*); 3.7.1 (*Interea venit apparitor Appi a consule et augures ait citari*); Ling. 6.95 (*augur consuli adest tum cum exercitus imperatur ac praeit quid eum dicere oporteat*); Cic. *Att.* 2.12.1 (Pompey was *in auspicio* to Caesar for Clodius’ transfer to the *plebs*); Gell. 13.15.4; see Wissowa 1912: 531; Flinck 1921: 10; Catalano 1960: 225-6 n. 52; Linderski 1986a: 2190f.

Republic.²² Furthermore, as we will see in **Chapters 3 and 4**, the common modern assumption that the reality of signs was irrelevant in augury is probably incorrect. For these reasons, I believe we may accept North's argument that in most attested cases of religious obstruction the signs themselves could not have been fabricated *ex nihilo*;²³ for the same reasons, we do not necessarily need to endorse Rasmussen's claim that narrative treatments of haruspicy and augury will be less reliable than the information on prodigies transmitted in Livy's so-called 'annalistic clusters'.²⁴ Thus we may at least consider it possible that a magistrate wishing to make a false claim about a divinatory result would have been hindered by (the threat of?) contradiction by his ritual assistant, or by other persons present at the ritual. For we will see in **Chapter 2** that despite their low status, *pullarii* and *victimarii* were capable of interrupting magisterial actions if they considered the divinatory signs attending such actions unfavourable or unreliable; they were not expected merely to comply with the magistrate's every wish. In this respect, therefore, we may say that the senate and the priestly bodies had at least some capacity for double-checking divinatory results, which could conceivably have deterred some magistrates from fudging their public claims about them, even in 'unofficial' media like speeches and letters.

The extent to which these constraints operated, however, probably varied, as it must have depended on several factors. Firstly, the individual magistrate's 'good faith', or conversely his audacity. Secondly, the opportunities for 'double-checking'

²² Middle Republic: **Chapter 2**, 97f., 104-5.; Late Republic: **Chapter 2**, 105-6. It is interesting to note that in sacrifice even bystanders not directly carrying out the ritual could perform contemporary 'peer review': e.g. Livy 21.63 (even if these reactions are merely described for effect, they imply that an individual's companions and colleagues could be alert to, and interpret, the signs he received).

²³ North 1967: 388, 401, 423, 785. North goes on to point out that it was rather the decision whether or not to investigate a ritual error, and when, that could be used as a political tool, though this is not to say that such decisions were always so used.

²⁴ Rasmussen 2003: 21.

afforded by the divinatory technique at issue. For example, because sacrifice seems, from literary and artistic depictions, to have involved a larger number of participants than did augury,²⁵ it would seem likely that extispicial results were more subject to verification than auspicial ones. (We may note that the results of techniques of ‘private’ divination, for example dreams and ominous utterances, were presumably even harder to ‘verify’, since they were not sought or acknowledged in a publicly ‘regulated’ way as were the signs handled in ‘state’ forms of divination. This is the main reason I have excluded ‘private’ signs from the current study).²⁶ Changes to a divinatory technique could also affect how many opportunities for verification it offered: for instance, auspication in the Late Republic appears to have dropped the requirement that signs be observed by both assistant and magistrate.²⁷ Thirdly, the medium in which a claim about divination was made (for as discussed above, claimants may have exercised more restraint in some media than in others). And fourthly, the amount of restraining ‘peer pressure’ senators exerted on each other. Given the notorious Roman willingness to insert falsehoods and slanders into invectives,²⁸ and the freedom Roman advocates apparently enjoyed in glossing over the ‘facts’ of a case,²⁹ it may seem unlikely *a*

²⁵ Auspication rituals seem to have included only the magistrate formally ‘taking’ the auspices and one or more assistants *in auspicio* to him (e.g. Cic. *Div.* 2.71-4 [**Chapter 3**, Statement 3]; Dion. Hal. *Ant. Rom.* 2.6 [**Chapter 3**, Statement 4]; compare the lengthy list of participants in sacrifice given in *ThesCRA* 2004 (vol. 1): 196f.; and depictions of bystanders in reliefs (e.g. Ryberg 1955: plates 8, 10, 16, 25; and particularly plate 45, the ‘extispicy’ relief in the Louvre [mid-second century AD]) and literature (e.g. above, **n. 21**).

²⁶ Cf. Livy’s distrust of Scipio’s claims to divine guidance at 26.19.4.

²⁷ **Chapter 3**, 128f.

²⁸ Though it is often assumed that truth was virtually irrelevant in invective (Syme 1939: 149; Nisbet 1961: 193; Riggsby 1997: 147-8), it seems to me that arguments about points of law (religious and others), even when embedded in invective, must have had at least some relationship to the laws at issue if they were to be effective. In this respect disputes about e.g. the rules of augury seem more likely to depend on ‘forensic’ oratorical techniques, which placed a higher value on (at least the appearance of) truthfulness: Riggsby 1997: 247-9; Craig 2004: 196-7, 212 (*contra*, but not convincing, Gotoff 1993). See **Chapter 4**, 183f.

²⁹ But not necessarily in falsifying the facts, a crime of which recent scholarship is inclined to acquit Cicero: Crook 1995: 140 (‘in no instance do we know for certain that Cicero or any of the others was alleging fact or law that he knew [let us stress ‘knew’] to be false’); Powell and Paterson 2004: 25,

priori that senators would have cared very much whether their fellows made false claims about divination. However, the existence of so many ‘unpoliced’ allegations in legal speeches did not mean that Romans were not concerned to detect, and to punish, actual violations of their laws.³⁰ Similarly, though Roman senators might have used false allegations about divination against each other, this need not be taken to indicate that their fellow senators were not concerned to establish the truth of, and the appropriate response to, actual divinatory events. ‘What really happened’ may not always have been paramount in the courts or in senatorial debates about divination, but it still played a role in both. Indeed, in two crucial respects we might say that Romans had more reason and motivation for establishing the actual facts about divination than they had for establishing the actual facts of a crime. Firstly, the state’s handling of divination involved not only men but also the gods, and the gods were considered capable of punishing misdemeanors even when men were not.³¹ Thus the lax acceptance of false information about divination, resulting in action that offended the gods, would be thought to expose the state not just to human but also to divine consequences. Secondly, *observatio*, past experience, and past precedent seem to have been considered fundamental to correctly deciphering the meaning of signs, and thereby of the gods’ disposition towards the state.³² For this reason, it must have been important to ensure, as far as was possible, that the state’s knowledge of signs and their outcomes was accurate, i.e. to ensure that only true incidents entered senatorial and priestly records. An analogy may be useful here. Let us envision the Roman state as a car driven by serving magistrates,

26, 27 (‘while we should always approach advocates’ speeches with due scepticism, there is no reason to start from the assumption that the facts were not more or less as Cicero stated them’).

³⁰ So Riggsby 1997: 237: ‘Roman courts were understood primarily to establish whether defendants had or had not committed certain reasonably well-defined crimes’; Harris 2004: 150-1.

³¹ Hence, I would argue, the principle of *deus ipse vindex erit* (Cic. *Leg.* 2.19); see **Chapter 3**, n. 25.

³² Cornell 1976: 433-6, 439; Linderski 1982; Rasmussen 2003: ch. 4.

divinatory signs as traffic signals, and the senate and priestly bodies' collective knowledge of divination as the British Highway Code. An individual driver might well feel it in his interest to claim that a red light through which he'd sped was actually green, or even that he had seen a new, temporary signal that gave him permission to proceed through the intersection. But if every such claim made by every driver were to be incorporated in the Highway Code, the Code would soon descend into incomprehensibility. That, the sceptic may argue, is precisely what happened to Roman divinatory writing! But to stop there is to overlook the fact that the Highway Code is not just a document, whose coherence or lack thereof has no consequences, but a method of regulating traffic in order to prevent collisions, deaths, and damage to property. In the same way, Roman knowledge of divination was perceived as a method of preventing the state from damage and disaster. Just as the Highway Code could not prevent carnage on the roads if it was full of false and misleading information on what traffic signals mean and how to respond to them, therefore, Roman state divination could not have been used to prevent carnage in the history of the state if it did not accurately record what divinatory signs meant and how to respond to them.³³ Thus I consider it reasonable to suppose that senators who considered the divinatory system efficacious would have felt at least some concern to ensure that senatorial and priestly records of divinatory incidents were true and accurate.

This is not to deny that the extent to which both individual magistrates and their fellow senators felt such concern may have varied according to the situation, and particularly over time. For, as we will see in the following chapters, the breakdown of elite conformity and consensus in the collapsing Republic shattered

³³ As Finkelstein 1963: 464-6 notes for Babylonian divination.

the bounds of the divinatory system likewise. Insofar as our evidence for divinatory incidents goes, it seems that the ability of contemporaries to verify or contest divinatory claims was diminished by political upheaval, threats and even acts of violence. Moreover, powerful individuals appear to have assumed greater freedom in laying claim to signs and reinterpreting them as they saw fit. For both these reasons, it seems likely that our record of divinatory incidents towards the end of the Republic will be less reliable than the record of earlier years,³⁴ though it presumably still contains some ‘true’ information (we will see some likely examples in **Chapter 2**).

Where, then, does all this leave us? It leaves us with a body of ‘primary’ documents recording purported facts about historical incidents of divination, a record in which falsehood was to some extent constrained, though that extent varied according to several factors. But it also leaves us, I hope, with a somewhat more interesting prospect: that at least some divinatory claims could have entered the tradition in the ‘primary’ stage rather than being invented long after the fact, and that the men who wrote them down could sometimes have had both motive and opportunity to ascertain their accuracy and to record them faithfully.

***Transmission by
Later Writers***

Even if contemporaries were under some constraint in their ability to distort divinatory details, we may well wonder whether later writers’ subsequent reworkings of those details were not more open to

³⁴ As evidenced by the growing number of signs prophesying power for individuals in the Late Republic and Empire, and by the fact that even highly improbable signs could be credited during civil war (e.g. prophecy by the corpse of Gabienus to Sextus Pompey: Plin. *HN* 7.178-9; Grenade 1950: 37-42; Ahl 1976: 134-5; Gordon 1987: 232-3; Masters 1992: 203; Ogden 2001: 207-8). As Morgan 2000: 56 aptly puts it, ‘The dominant impression of the Roman civil wars is of a frenzied attempt by each of the various contending parties to assert the truth of its version of events. For a contemporary, what actually happened on any particular occasion was liable to be lost in a welter of partisan claims and counterclaims’.

contamination. The senate may have gone so far as to check whether a sign claimed by a commander during the Second Punic War, let us say, had actually been received, but would, or could, anyone have disputed the point with Coelius Antipater or Valerius Antias, if they chose to recount a sign that differed from the ‘official’ version? In many cases, we may say, probably not; but in a surprising number of cases, perhaps yes. The tendency of older scholarship was to believe the worst of the ‘annalist’ prose historians who preceded our surviving authors,³⁵ to see them as hopelessly biased panegyrists or as alarmingly imaginative inventors. Yet this view is slowly giving way to the acknowledgement, first that we know far less about most of these writers than we would need to in order to fairly judge their work, and second that when they did introduce distortions and falsehoods into the historical record, these did not always go undetected by later historians.³⁶ We know, for example, that the great Roman families attempted to propagate historical inaccuracies,³⁷ and that tradition stereotyped *gentes* like the Fabii, Corneli and Claudii.³⁸ And it seems that some of these distortions came to be passed down as ‘history’.³⁹ Yet it remains significant that the ‘official’ record, the ‘hard factual core’ of information about state affairs, was not always compromised thus;⁴⁰ it is particularly interesting that even later writers, like Cicero and Livy, sometimes display an awareness of variant traditions, which suggests that the historian

³⁵ Discussion of known writers in Klotz 1940-1941: 287f.; Frier 1979: ch. 10; Oakley 1997: ch. 3; Petzold 1999: 184-221.

³⁶ Older scholars were particularly critical (survey in Bredehorn 1968: 4-29), but excessive distrust endures, e.g. Wiseman 1987: 249, 251; Wiseman 1998: ch. 8 (cf. Cornell 1986: 77). Important re-evaluations by Balsdon 1953; Balsdon 1954; Oakley 1997: 90f.; and especially Rich 2005.

³⁷ Livy 8.40.4-5; Cic. *Brut.* 62 complained about falsehoods in family records and funeral *laudationes*, while some Romans of the Late Republic were apparently ignorant of family history: Cic. *Att.* 6.1.17-18 (Wiseman 1994: 39; Flower 1996: 73-4); Cic. *Fam.* 9.21.2-3; Nep. *Att.* 18.

³⁸ Wiseman 1979: chs. 5-8; Oakley 1997: 98f.

³⁹ Peter 1914-1916 [vol. 1]: xxx-lix; Ridley 1983: 377-8; Flower 1996: 145-50; cf. Wikander 1993 on elite interest in celebrating Early Republican ‘ancestors’ in last two centuries BC; Caltabiano 1975: 78-81 on possible Augustan modifications to the legends surrounding the death of Marcellus in 208 BC. Yet some modern attempts to prove distorting effects of family traditions go well beyond the evidence, e.g. Bruun 2000b.

⁴⁰ Cornell 1986: 80; Oakley 1997: 31.

attempting to make a false claim might have expected some challenge from fellow and later historians.⁴¹ Indeed, despite their differences from our own method of writing history, the best ancient historians do not seem to me to have devalued the empirical truth or falsity of historical events in a manner fundamentally alien to us.⁴² We know that historians ‘expanded’ on their predecessors, particularly in filling out the record of supposed events early in Rome’s history, and also that these writers did not necessarily scruple to invent details according to their own standards of plausibility.⁴³ Yet those who chose to write on the Middle and Late Republican periods, with which we are concerned, probably had much less need for ‘expansion’ than writers on the Regal period or Early Republic. For even the first historians of the later Republic presumably had access to the kinds of ‘primary’ sources discussed above,⁴⁴ just as our surviving authors demonstrably drew not only on previous historians’ accounts, but also on the writings and comments of men who were contemporary with, and sometimes participants in, the events they described.⁴⁵

⁴¹ Oakley 1997: 28-33; note especially Livy 7.9 (Licinius Macer); 27.27.13 (Coelius); see further Taylor 1951b on the limits of revisions in Augustan *fasti Capitolini*.

⁴² Brunt 1980a = 1993; Oakley 1997: 7 n. 14; Northwood 2008; *contra* Wiseman 1987: 258; Woodman 1988: 73f., 82-3.

⁴³ Brunt 1980a = 1993: 208; Cornell 1986: 70f., 81 (arguing that rhetorical expansion, rather than the invention of new ‘facts’, is sufficient explanation for the length of later annals); Oakley 1997: 72. I believe we may dismiss the possibility of a vast flood of new evidence supplied by second-century publication of the pontifical annals: Frier 1979: 180f.; Cornell 1986: 71; Bucher 1987: 5-6; Chassignet 1996: xxvif. On use of *exaedicatio* to elaborate on a ‘hard core’ of public facts: Fornara 1983: ch. 4; Cornell 1986: 72-3; Woodman 1988: 92. On historiographic standards in monographs: Ullman 1942. On *inventio* in creating speeches: famously, Thuc. 1.22.1 (Walbank 1966); Ullmann 1927: 6, 16-18, 21; Woodman 1988: 11f.; Oakley 1997: 9, 11.

⁴⁴ Indeed, senatorial records may have been fundamental to the structuring of Roman history: Rich 1997 [revised 2009]; Rich 2005: 156f. (suggesting that it was Valerius Antias who used these records to create the typical blocks of ‘annalistic’ material found in Livy). Cicero clearly used official records in his historical work (e.g. above, nn. 4, 5), and Dio may have (e.g. the *acta diurna*: Andersen 1938: 9-48; Baldwin 1979; Bats 1994: 40; tempered by Swan 1987; *contra* Millar 1964: 37); noteworthy is Livy’s use of state records to contradict the narrative of Polybius, Rutilius, and Valerius Antias (Livy 39.52; Miles 1995: 60).

⁴⁵ Against the older view that Livy relied mainly on Valerius Antias and other first-century annalists, current consensus is that he also used earlier histories (Northwood 2000; Rich 2005: 147 with refs). For the Middle Republic, both Cicero and Livy refer to Fabius Pictor, Coelius Antipater, Silenus, and other *annales*; Livy also made use of Cato the Elder (Livy 39.43.1; Ullmann 1927: 139-40; Tränkle 1971: 7, 11, 12f., 27; Astin 1978: 302-7; Briscoe 1981a on Livy 34.8.4-21); and Dio, too, probably used prose historians predating Livy (Schwartz 1897: 1694f.; Klotz 1936; Strasburger 1938: 30;

As narrators of contemporary divinatory events we may identify Silenus⁴⁶ for the Middle Republic, and Coelius Antipater,⁴⁷ Cicero,⁴⁸ and Volumnius⁴⁹ for the Late Republic, but our authors probably used many more writers as well. Nevertheless, it is probably true that they relied primarily on the work of their predecessor historians;⁵⁰ but we may suggest that even this working method could have preserved and accurately transmitted divinatory information. For it would presumably have required more effort for the historian to invent his own divinatory details than to copy the details he found in his sources. He might expend that effort when he had special reason to do so, but in normal circumstances we can plausibly imagine him repeating happily enough the basic facts of what sign was received, in what circumstances, who dealt with it, and how. If we are willing to attribute, to some such phenomenon, the transmission of the Roman ‘official record’ through time (to be presented, fossilized, in the ‘annalistic clusters’ of a writer as late as

Moscovich 1988; Lintott 1997: 2510). For the Late Republic Cicero cites C. Gracchus, Sulla, and Sisenna (Pease 1920: 27; Wardle 2006: 29-30); Rawson 1972: 39 n. 38 is thus incorrect in stating that *Div.* and *Nat. D.* show ‘no sign’ of the Sullan ‘annalists’ (cf. Rawson 1972: 41 on wide variety of sources in Cicero’s other dialogues). Dio’s treatment of the Late Republic also used ‘primary sources’ (Pelling 1979: 77, 84f.; Marincola 1997: 76-83), including hostile pamphlets (Gabba 1957; Lintott 1997: 2514-15), Caesar’s *commentarii* (bibliography in Zecchini 1978: 15 n. 1; Pelling 1982; *contra* Zecchini 1978: ch. 1), Sallust (Cass. Dio 40.63.4; 43.9.2-3; Millar 1964: 34 n. 40; *contra* Schwartz 1897: 1706), and Asinius Pollio (Gowing 1992: ch. 4; on Pollio as a source, Morgan 2000). Finally, Dio used Livy (Cass. Dio 67.12.4; Schwartz 1897: 1699-1705; Manuwald 1979: 251f.; Pelling 1979: 91) but was not wholly dependent on him (Manuwald 1979: 168-254; Rich 1989: 91 n. 19), and Cicero (Haupt 1884: 687-8; Millar 1961: 18-19; Millar 1964: 54; Manuwald 1979: 268-72; Martinelli 1990: 416; Claasen 1996; Lintott 1997: 2501, 2519-20; Ramsey 2003: 13 n. 16).

⁴⁶ The source of the story of Hannibal’s prophetic dream about the *vastitas Italiae* (Cic. *Div.* 1.49; also in Livy 21.22; Cass. Dio [Zonar. 8.22]). It is at least possible that Silenus heard of it from the great man himself. He was perhaps one of those pro-Hannibalic writers whom Polybius chastised for introducing θεοὺς καὶ θεῶν παῖδας into ‘factual history’ (πραγματικὴν ἱστορίαν: 3.47.6-48.12). Another possible contemporary source for Middle Republican divinatory events might be Fabius Pictor: he seems at least a likely source for the divinatory incidents Livy attributes to Q. Fabius Maximus, perhaps reported to Pictor by the Cunctator himself.

⁴⁷ He recorded a dream reported to him by C. Gracchus (Cic. *Div.* 1.56; Val. Max. 1.7.6).

⁴⁸ He employs both his own and his fellow augur Appius Claudius’ experiences in *Div.* (Pease 1920: 27-8), and depicts Balbus in *Nat. D.* as hearing about the auspicial error of 163/2 BC (*Nat. D.* 2.11) and the prodigy reports of 129 BC (*Nat. D.* 2.14), from his father (**Chapter 2**, 98).

⁴⁹ Companion of Brutus during the civil wars, he described signs witnessed at the Battle of Philippi (cf. **Chapter 2**, 80f.).

⁵⁰ Dorey and Lydall 1968: 12; Cornell 1995: 4, 7.

Livy),⁵¹ it seems only reasonable to grant that the prose historians might not have altered but rather have preserved some information about divinatory events in the same way.

Anachronism Even with such pressures in favour of conservatism in the transmission of evidence for divinatory incidents, it seems likely enough that some details were lost or distorted in the chain of transmission. Anachronism is one likely culprit behind this. It is evident, for example, that Roman conceptions of the religious past were shaped by ideals as well as realities. It is undeniable that ancient tradition ascribed to the Late Republic a major religious ‘decline’ not just because Late Republican politicians like Cicero, Clodius, and Bibulus eagerly bespattered their opponents with accusations of religious misconduct, but also because religious ‘restorers’ like Augustus themselves stressed previous lapses in order to magnify their own achievement, and respect for ‘tradition’, in renovating Roman religion.⁵² And it is well-known that the foil to this perception of current decadence, inspired by Roman reverence for the *maiores*⁵³ and desire for ‘exemplary’ history, was the imaginative construction of a ‘golden age’ of respect for religion,⁵⁴ in which rites now forgotten or misunderstood had been scrupulously practiced.⁵⁵ Cicero, Livy, and Dio are all subject to these

⁵¹ Or even Cassius Dio, whose narrative preserves an ‘annalistic’ structure where possible; note that most cases of suspected intrusion of his own views on contemporary issues (debate between Maecenas and Agrippa [Millar 1964: 102-18; McKechnie 1981; cf. Rich 1989: 99-100]; Caesar’s speech at Vesontio [Flach 1973: 134-5; Letta 1979: 166 n. 170]; Philiscus’s speech [Millar 1961: 15-17; Millar 1964: 49-51; Letta 1979: 157-63; but cf. Claassen 1996]), occur towards the end of the ‘Republican’ narrative, when his sources may have been less coherent.

⁵² Moatti 1991: 45; Wallace-Hadrill 2008: 239; 249-50; on Roman religious ‘conservatism’, North 1976. On (re)invention/rediscovery of ‘tradition’ under Augustus, Beard 1987; in the second century BC, Rawson 1973.

⁵³ Flower 1996; Pina Polo 2004: 163-72; Fox 2007: ch. 6; Wallace-Hadrill 2008: ch. 5.

⁵⁴ E.g. Cic. *Nat. D.* 2.9 (see below, pp. 46-7).

⁵⁵ North 1976: 12; Moatti 1988: 387-91; Moatti 1991; Wallace-Hadrill 2008: 236.

historiographic trends.⁵⁶ Yet the degree to which such thinking compromised their depictions of divination should not be overstated. For, as we have seen, ancient historians sometimes had access to contemporary, even verifiable, records of divinatory events, and may reasonably be expected to have repeated at least some information from these records without alteration. Furthermore, laments of decline in our surviving authors are attributed not just to the Late but also to the Middle Republic,⁵⁷ and even if these comments are retrojections of the more bitter divisions of the Late Republic, their attribution to the *maiores* still shows that Roman historians did not completely idealize the effects of divination on human behaviour in the earlier period. Indeed, we will see in **Chapter 2** that Levene overstates the degree to which Livy attributes positive divinatory results to the Middle Republic's great men and negative results to its failures, for Livy shows his heroes, too, receiving discouraging signs from the gods.⁵⁸ Thus although appeals to 'the ancestors' in rhetoric may be 'anti-historical' (in denying that 'Romans at different

⁵⁶ Develin 1978: 5. Cicero: *Div.* 1.28 (the *neglegentia* of the augural college); 2.73-4 (auspication by *pulli* was more genuine in the past); *Leg.* 2.29 (*pontificum neglegentia*); 2.33 (*haec disciplina et ars augurum evanuerit iam et vetustate et neglegentia*); accusations of religious misconduct by Clodius (*Har. resp.*) and Antony (*Phil.*). Livy: 10.40 (the description of Papirius Cursor's nephew as *iuuenis ante doctrinam deos spernentem natus*; see **Appendix 1**); 8.11 (*omnis diuini humanique moris memoria aboleuit noua peregrinaque omnia priscis ac patriis praeferendo*). Dio: His treatment is in fact the least influenced by this 'Dekadenz-Modell': he attributes a breakdown of religious order to the civil war period (e.g. 37.24 [political breakdown in the 60's caused neglect of rites]; 40.49 [moral degeneration of the *plebs*]; 44.53 [Antony's ritual carelessness in making Lepidus *pontifex maximus*]; 45.17 [senatorial disregard for *dies nefasti*]) but has a remarkably negative view of the Early Republic too. I would follow Hose 1994: 400-405 in arguing that Dio did not consider the morals of the Late Republic fundamentally different from those of the Roman ancestors.

⁵⁷ Famously by Cato the Elder (Astin 1978: 91-103, 292-4; on divination, Cic. *Div.* 1.28 [declining use of *auguria*]). Livy's Middle Republican characters also allege abuse of divination, though they are usually unsympathetic (as we will see).

⁵⁸ Levene 1993: 77: 'the divine, virtually wherever it appears, serves to reinforce the idea that piety is rewarded, that impiety is punished, and, more generally, that the Roman victory has been guaranteed in advance by the gods'; similarly Dorey and Lydall 1972: 10: Livy 'depicts types rather than individuals, and he ignores or suppresses details that conflict with the pattern that he has in mind'. In addition to our evidence to the contrary as regards stories about divination, consider Livy's treatment of the controversial figure of Manlius Vulso, which recognizes and to some extent endorses the negative tradition which criticized Vulso as the bringer of 'Asian luxury' to Rome, but at the same incorporates a remarkably high number of details about Vulso's pious religious behaviour and encouraging divinatory results. Whether the combination is deliberate or simply the result of Livy's following disparate sources, it reveals that the divinatory incidents ascribed to Middle Republican figures were not always edited to cohere with the later tradition's opinion of them.

periods behaved in fundamentally different ways’ and that there was ‘any conflict of opinion and interest between different individuals and groups’),⁵⁹ narrative history appears to have retained a somewhat more realistic grasp of conflict and contest among the *maiores*.⁶⁰ The importance of this point is that it opens the possibility of giving more credit to our sources’ perceptions of the use and abuse of divination. That is, rather than regarding state divination as by nature both manipulable and unverifiable, and rejecting as mere wishful thinking our sources’ allegations that divination was once more respected than it was in the Late Republic, we may consider the possibility that our authors are correct in seeing divination as rigorous and in positing a ‘decline’ in respect for its ‘rules’ during the Late Republic.⁶¹ (We will consider the possible nature and transmission of these rules below). This does not, of course, preclude the possibility that our surviving authors, or their sources, misunderstand and thus present anachronistically aspects of state divination. Yet the extent to which they do so is best adjudged case by case, and, as we will see below, in their accounts of divinatory incidents our authors tend to hold up surprisingly well under scrutiny.

***Post Eventum
Fabrication***

We must also reckon, of course, with the possibility that divinatory stories were invented after the fact, to justify unexpected outcomes like defeat, to add further glory to successful leaders, or just to spice up a good story. That divinatory stories were elaborated over time, for

⁵⁹ Wallace-Hadrill 2008: 227.

⁶⁰ Note also North 1976: 8-9 on the willingness of Roman historians to admit that new gods introduced to Rome during the Middle Republic were indeed ‘new’, not traditional.

⁶¹ Beard and Crawford 1985: ch. 3 typify the current tendency to doubt the extent of Late Republican religious ‘decline’; I prefer to follow North 1976: 11: ‘there was much wrong with religion in the later republic; but its troubles should be seen (...) as the result of external social changes, such as the disruption of late republican life and the availability of alternative forms of religious experience.’ Beard and Crawford admit this when they allow (p. 38) that conflicts over issues like Bibulus’ sky-watching reveal disruption of religious life, as well as its importance.

instance, seems plausible enough, though in practice it is usually difficult to detect which stories have been altered in this way, and how much.⁶² We may also be tempted to doubt the historicity of signs that, to our eyes, conform too conveniently to a pattern, or provide explanation for an event that would otherwise seem inexplicable. For example, the fact that there are several stories involving the Sempronii and prodigious snakes, or the Papirii and auspicial *pulli*, may indicate that these tales stem from family traditions,⁶³ and are thus less reliable than information derived from more ‘official’ sources. On the other hand, we cannot be sure that such stories were not based on real incidents, especially since a family tradition about a previous brush with divination could well have influenced the behaviour of other members of the family.⁶⁴ Similarly, it is evident that divine signs had propaganda value as legitimation and ammunition for ancient holders and claimants of power,⁶⁵ and that claims about divination could be used to exculpate military commanders of responsibility for defeat.⁶⁶ Yet the number of cases where retrospective use of divination as justification can be conclusively established is actually quite small,⁶⁷ and though some signs may appear to us too congruent with events to be coincidental, it seems unduly limiting to judge them unhistorical

⁶² Possible examples: earthquakes Coelius attributed to the Battle of Lake Trasimene (Cic. *Div.* 1.78; Livy 22.5; Plin. *HN* 2.200; Plut. *Fab.* 3.2; Cass. Dio [Zonar. 8.25]; but even this story is early: Klotz 1936: 73-4); signs prohibiting Crassus’ departure for Parthia [**Chapter 3**, n. 85]; Cassius’ bee prodigy [**Chapter 2**, 80f.]; Lucan’s description of signs preceding the civil war [Rambaud 1988: 374-5]).

⁶³ Linderski 1993: 62; Santangelo 2005a.

⁶⁴ So Münzer 1923: 1409 on the Sempronii.

⁶⁵ Günther 1964; Liebeschuetz 1979: 28, 56; Rosenstein 1990: 57, 73; Bertrand-Écanvil 1994 (but these signs are dreams, a kind of divination not ‘regulated’ by the state as public divination was, and thus presumably easier to falsify: cf. Bertrand-Écanvil 1994: 502); Weber 2000; Vigourt 2001; Wiseman 2009.

⁶⁶ Liebeschuetz 1979: 28, 56; Rosenstein 1990; Tatum 1992.

⁶⁷ Rosenstein 1990: 57-8. As Rosenstein notes (p. 67-8), in most such cases the error lay not in evident ‘mistakes that had somehow slipped by those who ought to have caught them’, but rather in ‘violations [that] were not recognized at the time and in most cases could not have been’ because they were only proved by subsequent events; functionally, such errors were ‘safe and sometimes even useful to the political establishment’.

without firm evidence for their falsity.⁶⁸ Thus although it is in most cases impossible to prove that accounts of divine signs were not ‘remembered’ or fabricated *post eventum*, it is equally impossible to prove that they were so invented.

In fact, I think we can go one step further, and demonstrate that some divinatory predictions in antiquity were made before the fact. The public debate at Athens during the Persian Wars about the meaning of the ‘wooden walls’ oracle may be one of the most celebrated (albeit controverted) historical cases.⁶⁹ Yet we have its like at Rome, in Livy’s account of the senatorial debates concerning the meaning of the *carmina Marciana* in 212 BC,⁷⁰ and, for the Late Republic, in Cicero’s eyewitness testimony for senatorial debate about the meaning of the Sibylline Oracle of 56 BC (**Chapter 2**, 109f.), a debate which was clearly conducted before events had unfolded.⁷¹ That ancient discussions of divination, both favourable and hostile, display the need to discuss the phenomenon of predictions belied by subsequent events, further suggests that some divinatory results were received in advance, and were not expunged from the historical record even when events seemed to contradict them.⁷² For these reasons, our awareness that claims

⁶⁸ Current work on Roman religion is on the whole more cautious in judging the ‘truth’ of Roman narratives than in the past, but old views die hard: even so recent a commentary as Oakley 1997 rejects incursions of ‘the miraculous’ in Livy’s narrative as ‘sensationalism’; MacInnes 2000 rejects many bee prodigies as ‘literary’ (rather than historical) with scant argument.

⁶⁹ Price 1985: 133, 146-8; Parker 1985: 301-2; Robertson 1987 (but overconfident). That the oracle was performative and evolved in oral tradition (Maurizio 1997: 316-17; 329-34) does not prove that a version of it was not delivered before the fact; Bowden 2005: 100-107 is too categorical in dismissing Herodotus’s testimony.

⁷⁰ Livy 25.12 insists that although the significance of the first prophecy was only clarified by subsequent events (prompting earlier scholars to consider it a *post eventum* forgery: Warde Fowler 1911: 326-7; Gagé 1955: 273f.; Latte 1960: 255-6; MacBain 1982: 39), the senate attempted to interpret the second prophecy before its fulfillment (accepted by Gagé 1955; Herrmann 1960: 115; North 1990b: 60 n. 24; North 2000: 102). Rosenberger 1998: 44 notes that the second prophecy was more general than the first and more focused on ritual prescriptions, but Livy’s discussion of its interpretation before the fact surely still qualifies it as a prediction.

⁷¹ Note also that in Cic. *Leg.* 2.20 (*alterum quod interpretetur fatidicorum et vatium effata incognita, quorum senatus populusque adsciverit*); 2.30 (*ad interpretanda alii praedicta vatium*), the function of the *quindecimviri* is primarily to interpret prophecies (Gordon 1990a: 181 n. 10).

⁷² E.g. Cic. *Div.* 1.24; 1.124; Euseb. *Praep. evang.* 4.2. On prophecy as important, if under-attested, aspect of Roman religion, Wiseman 1992; North 2000.

about divination could have been invented after the fact should best be used as a counterpoint to, not a refutation of, the remarkable reluctance of Greeks and Romans to allege that divination stories were fabricated *post eventum*, or were generally faked.⁷³ To a certain extent this reluctance can be attributed to cultural assumptions about the truth and reliability of divination, which, we can surmise, functioned to protect belief in the divinatory system in Greece and Rome much as they do in modern cultures.⁷⁴ Yet it is interesting to note that even Christian apologists, despite their staunch opposition to ‘pagan’ divination,⁷⁵ tended to accept its truthfulness and reality.⁷⁶ For though Christians were aware of ‘fabricated’ prophecies allegedly received by pagans,⁷⁷ a far more common theme in apologetic is the discussion of ‘true’ pagan prophecy,⁷⁸ attributed most often to evil demons,⁷⁹

⁷³ Greeks sometimes accuse diviners of lying (e.g. Lucian *Alex.*), but even by doing so they tend to vindicate the prophecies of prestigious institutions like the Delphic oracle and the possibility of divination itself (Marinatos 1981; Smith 1989; Maurizio 1997: 312), or to criticize diviners for giving real, but formulaic or erroneous or unhelpful responses (Thuc. 8.1.1 [Sicilian expedition]; Oenomaus *apud* Euseb. *Praep. evang.* 5.18-36 [Hammerstaedt 1988]; Plut. *Mor.* 168E-169B; Lucian *Iupp. conf.* 12-14; *Iupp. trag.* 20, 28f., 43; Diog. Oen. fr. 23, 24, 53 Smith [though fr. 54 may deny the possibility of divination: Smith 1992: 138, 502-3]). Among Romans, note especially that although Cicero sometimes argues that divinatory techniques could be ‘manipulated’, and although he alleges that stories about divination may be invented and are not always credible (*Div.* 2.27; 2.58), his arguments in *Div.* and *Nat. D.* tend to accept the ‘good faith’ of practitioners of divination and their obedience to rules. Usually his criticism is not that divinatory techniques do not genuinely produce results, but that there is no way to explain how they do this (e.g. *Div.* 1.5: *haec, ut ego arbitror, veteres rerum magis eventis moniti quam ratione docti probaverunt*; 1.84f.; 2.34f.; 2.42-3; 2.80; he is less forgiving to Greek institutions like Delphi: *Div.* 2.116, 118). For this reason, Greek and Roman claims that diviners gave erroneous prophecies (e.g. Cic. *Div.* 2.51-3 on the *haruspices*) should not be confused with claims that prophecies were deliberately falsified.

⁷⁴ In antiquity: Parker 1985: 302-3; Zeitlyn 1990; Flower 2008: 147f., chs. 4-5; but cf. Lloyd 1979: ch. 1 (Greek criticism of ‘underlying assumptions’ about divine intervention). In other cultures: Evans-Pritchard 1937: Part 1 ch. 2, Part 3 ch. 4; Lienhardt 1961: 68-80; Jules-Rosette 1978.

⁷⁵ Despite apparent willingness of some Christians to practice divination (Frede 1999: 235), and the fact that Christian law codes only seem to consider divination theologically-incorrect from the 380’s onwards (Nicole Belayche, Oxford ‘Talking to the Gods’ Seminar, 8/10/2007), the view that it was evil and immoral emerges even in first century AD (*Acts*; *Herm.* [if it dates to this period]).

⁷⁶ Presumably because, in some cases, its ‘success’ was considered so established as to demand explanation, not simply denial: Aune 1983: 229.

⁷⁷ Attributed either to enemies of Christianity (Quodvultdeus *Lib. prom.* 3.38(44); Zacharias *Life of Severus* p. 40), to demons (*Herm. Mand.* 11; August. *De civ. D.* 9.22), or to human fabrication (Min. Fel. 26.6). More common was the argument that such prophecies were real, but false: e.g. Tert. *Apol.* 22.9; Tert. *An.* 2.3; Cyprian *Idol.* 5; Euseb. *Praep. evang.* 3.17; 4.1-2; August. *De civ. D.* 19.23 [also allowing for demonic influence]).

⁷⁸ Sfameni Gasparro 1995: 300-1 (‘la demonizzazione della sfera oracolare pagana, di cui non si nega quindi la realtà effettuale e la sostanziale capacità di rivelazione’); Briquel 1997: 76f.; e.g. Cyprian *Idol.* 7; Origen *C. Cels.* 1.36; 2.14; Arn. *Adv. nat.* 7.40(37)-41(38); Lactant. *Div. inst.* 1.6-7;

but occasionally also to an inherent ability of the human soul⁸⁰ or to the Christian God.⁸¹ Thus even in Christian authors familiar with Republican material, like Minucius Felix and Lactantius, allegations of human fakery and manipulation of divination are surprisingly few.⁸² This does not prove that Roman claims about divination were not sometimes invented after the fact, but it does, I think, give us warrant to work with our sources' presentation of Roman divinatory interpretation as immediately responsive, and even proactive, and thus as a potential influence on human decision-making.

We have seen, therefore, that our knowledge about the credibility of the historians used by our surviving authors is quite limited, and we have also examined evidence that some divinatory incidents, at least, were neither invented *post eventum*, nor forced to conform to an anachronistic idealization of the Middle Republic at the expense of the Late Republic. In light of these observations, and given the near impossibility of ascertaining which previous writer Cicero, Livy, or Dio employs in any specific passage of a work, it seems reasonable to accept the divinatory details they give as at least potentially true, unless they are contradicted

4.6, 15, 18; August. *De civ. D.* 3.31. Christian attacks on 'pagan' oracles intensify with Origen and into the fourth century (Dorival 1998: 445, 460), but even then acceptance of the possibility of 'true' 'pagan' divination is not as rare as Belayche 2004: 153 supposes.

⁷⁹ Mark 1:24 = Luke 4:34; Mark 3:11 = Luke 4:41; Mark 5:7 = Matt 8:29 = Luke 8:28; *Herm. Mand.* 11.3 (Aune 1983: 218, 228); Justin *I Apol.* 5, 56; *2 Apol.* 5; Min. Fel. 26-27 (though Felix says that *oracula efficiunt falsis pluribus involuta*, his emphasis on the real supernatural powers of demons may suggest that the 'falsehoods' he means are the demons' claims to be gods, rather than the content of their prophecies); Tatianus *Ad Gr.* 12.5, 18.2-3; Athenagoras *Leg.* 23, 27 (Crehan 1956: 152 n. 193); Tert. *I Apol.* 21-23; *An.* 46-7; Cyprian *Epist.* 75.10.2 (Firmilian); Lactant. *Div. inst.* 2.17; Lactant. *Epit.* 23(28); Origen *C. Cels.* 4.92; 8.16, 8.22, 8.23f., 9.1, 9.22, 10.12, 10.16, 10.18; Oros. 4.13.12; Waldner 2007: 201. On Christian versus 'pagan' demonology, Smith 1978; Brenk 1986; Edwards 1989; Briquel 1997: 82-94.

⁸⁰ Min. Fel. 26.7; Athenagoras *Leg.* 27; Clem. Al. *Strom.* 1.135.2.

⁸¹ Justin *I Apol.* 44; Tert. *An.* 46, 47.2; *Scap.* 3; Const. *Or. s. c.* 1, 18; Quodvultdeus *Lib. prom.* 3.38(44).

⁸² Allegations that prophecies were actually given *post eventum* are rare: by Christians against pagans, Min. Fel. 26.6; by pagans against Christians, Celsus *apud* Origen *C. Cels.* 7.56; Const. *Or. s. c.* 19; Lactant. *Div. inst.* 4.15.26; August. *De civ. D.* 18.46; August. *Serm.* 374.2. Lactant. *Div. inst.* 4.27.3 claims that demons cannot produce 'pagan' divinatory outcomes if the sign of the cross is made, but implies that they would give results of some kind otherwise; Euseb. *Praep. evang.* 4.2 argues that oracles are often fraudulent human guess-work, but seems to envision them as responses to contemporaneous enquiries, rather than subsequent forgeries.

by other evidence.⁸³ And it is to the credibility of our surviving authors that we may finally turn. With them we can at last see clearly how stylistic, programmatic, and contemporary concerns influence the historian's selection and presentation of events. But we can also see that even these concerns do not appear to prevent our authors from passing on intriguing, and potentially accurate, information about incidents of divination in the Roman past.

Livy Livy's desire to produce an edifying and 'exemplary' history of Roman affairs is well-known,⁸⁴ and it is clear that his presentation of the religious attitudes (as of the speeches and other behaviour) of specific historical figures is partly shaped by his attempts to characterize them.⁸⁵ Levene has also demonstrated that the degree of Livy's attention to religious detail, and the amount of religious information he provides, varies over the course of his history in accordance with his stylistic and ideological aims.⁸⁶ Finally, the concerns and climate of the Augustan regime under which he was writing, including its interest in religious 'restoration' and traditionalism,⁸⁷ must surely have affected Livy's portrayal of religious behaviour in the centuries before his own.⁸⁸ However,

⁸³ Similarly Briscoe 1973: 12; Cornell 1986: 86; Cornell 1995: 5; Warrior 1996: 13. Likewise, when Dio mentions divinatory incidents not mentioned by Livy, or omits divinatory incidents that Cicero and Livy record, it is generally impossible to tell whether the divergences reflect: elaboration over time, Dio's use of a different source, or Dio's including details that the other authors knew but chose to exclude (on differences between prodigy lists in Livy and Dio: Klotz 1936: 84-90).

⁸⁴ Kraus and Woodman 1997: 55.

⁸⁵ By linking piety with 'good' figures of Roman history and impiety with 'bad': Burck 1971; Dorey and Lydall 1972: 6; Walsh 1974: 19; Levene 1993: 77. But caution is in order: many such stereotypes presumably developed long before Livy used them, and he could assign punctiliously correct religious behaviour to figures whose actions were open to criticism (above, n. 58).

⁸⁶ Levene 1993.

⁸⁷ Beard, North, and Price 1998 (vol. 1): ch. 4; Scheid 2005a; above, p. 18.

⁸⁸ A famous test case is Livy's discussion of Cossus and the *spolia opima* at 4.19-20.11, where the historian feels compelled to compare the accounts of earlier sources with the Augustan interpretation relevant to contemporary politics: Syme 1959: 43-6; Luce 1965; Harrison 1989; Miles 1995: 46; Rich 1996. Note that Livy compares conflicting accounts rather than removing evidence of discrepancy; perhaps a sign that he is not prepared to alter his sources significantly to reflect an Augustan world-view.

most modern scholars would agree that the patterns discernable in Livy's use of his sources suggest that he a) followed them relatively carefully and b) was relatively restrained in his invention of detail.⁸⁹ His well-known unwillingness to judge between or exclude variants⁹⁰ can increase our confidence that he sometimes declined to alter the details he found in his sources, and as we saw above, his depiction of Middle Republican Romans responding respectfully to divinatory signs need not be dismissed merely as an anachronistic, 'Augustan' idealism.⁹¹ Two observations, in particular, seem to me to argue for Livy's close following of earlier evidence for Roman religious behaviour, and to argue against the supposition that he invariably forced his picture of religion at Rome to conform to his own interests. Firstly, if we can trust the evidence of Obsequens' epitome, Livy's later books appear to have featured far fewer prodigies than did the books dealing with the Middle Republican period.⁹² This may suggest that Livy's account reflected (his perception of?) real patterns in Roman interest in and recording of prodigies, since we might have expected his own interest in prodigies to be more consistent throughout his narrative.⁹³ Secondly, Livy's treatment of religious material is heavily affected by his use of Polybius, with those portions of his narrative in which he drew heavily on Polybius featuring far less religious detail than the (presumably) 'annalistic' portions,⁹⁴ so that Polybius' own lack of interest in particular Roman

⁸⁹ Oakley 1997: 75.

⁹⁰ See esp. the 'preface' and 43.13.1-2 (Kraus and Woodman 1997: 73); the older view of Livy's inconsistencies as result of carelessness (e.g. Luce 1965: 212-13) has given way to appreciation of the historiographic caution they display: Feldherr 1988:74-5; Miles 1995: 38, 60, *passim*.

⁹¹ Especially when we consider that events that seem to confirm the 'Augustan' or Livian world-view could nevertheless really have occurred in the past!

⁹² Bloch 1963: 146; Liebeschuetz 1979: 57 n. 2; Linderski 1993 = 1995d: 618-19; *contra* Santangelo 2005b: 169. On fluctuations in the number of prodigies recorded for earlier periods: MacBain 1982: 17-18.

⁹³ Santini 1988: 213-14 n. 26. Livy notoriously believed that his contemporaries did not heed prodigies as their ancestors did (see especially 43.13.1-2); see **Chapter 3**, n. 131.

⁹⁴ E.g. Book 32, where chapters 26-31, not drawn from Polybius (Sage 1953: 232 n. 1, 248 n. 1; Briscoe 1973: 2-3, 9-10; Mineo 2003: 94 n. 236) contain far more religious detail than the preceding

religious practices⁹⁵ would seem to have shaped Livy's account also. Together, these two observations imply that Livy as editor and author was not so concerned to produce a univocal narrative that he would insert or fabricate divinatory details to ensure homogeneity of tone and content.

Cassius Dio

Compared to Livy, Cassius Dio appears to give fewer variants and not to include so much explicit criticism of his information.⁹⁶ Yet his narrative also displays inconsistencies that seem to have resulted from his following contradictory sources at different points in the text,⁹⁷ and this suggests that he too did not always alter the information contained in his sources.⁹⁸ Like Livy, he allowed his own preoccupations to influence his text: his speculations about motives are not always to be relied upon,⁹⁹ lengthy speeches tend to express his own opinions or political theory,¹⁰⁰ his tendency towards 'generalizing' psychological characterization¹⁰¹ may have inclined him to portray responses to divination in a stereotyped manner, and he is conspicuously hostile to Cicero and partial to Octavian/Augustus.¹⁰² Yet when it comes to divinatory

Polybian narrative. Levene 1993: 103, 124-5 holds that Livy's use of Polybius as source material is not primarily responsible for the decrease in frequency of divinatory incidents in Livy's post-Punic-War narrative, but the difference between his 'annalistic' and 'Polybian' passages seems too great (and too inconsistent, with religious material often appearing in western affairs and not in eastern during Livy's account of a single year) to be the result of a 'systematic' literary strategy on Livy's part.

⁹⁵ Polyb. 6.56.6-12 demonstrates Polybius' awareness of the importance of religion at Rome, and he includes more religious information than some scholars imply (cf. Vaahtera 2000), but his evident scepticism towards religious claims (in Book 6 as well as 10.2, 4-5, 9, [Africanus' religiosity]; 3.48 [propriety of excluding supernatural occurrences from history]) seems the most likely cause for the paucity of Roman religious detail in his history (see Walbank 1967: 60; van Hooft 1977; Ferrary 1988: 265-76; Walbank 2002: 245-57).

⁹⁶ Lintott 1997: 2520.

⁹⁷ Millar 1964: 54 and n. 9; Gowing 1992: 120, 147; Pelling 1997a: 126; but cf. Gowing 1992: 47.

⁹⁸ On the 'Romanness' of Dio's writing, Flach 1973; on his precision in translating and explaining Roman legal terms, Vrind 1923; Mason 1974.

⁹⁹ Gowing 1992: 62, 258.

¹⁰⁰ Millar 1964: 73-4, 78f.; Martinelli 1990; above, n. 51.

¹⁰¹ Millar 1964: 43; Pelling 1997a: 117, 137, 143.

¹⁰² The extent to which Dio himself shaped his material this way, rather than simply following sources of different tendencies, is debated: on Cicero, cf. Haupt 1884: 688-92 and Gabba 1957;

incidents, Dio's record actually seems to have been very little influenced by his personal view of events and agents. For instance, he describes the signs before Philippi and Actium as threats of damage to the Roman state and people, not just promises of power for the triumvirs.¹⁰³ Despite his apparent dislike of Cicero, his descriptions of Cicero's divinatory experiences (the *augurium salutis* of 63 BC, Clodius' laws on sky-watching, or the Sibylline oracle of 56 BC) do not twist them to the orator's discredit but in fact cohere with, perhaps even follow, his testimony. And just as Dio offers both positive and negative comments on many key figures of the Late Republic,¹⁰⁴ so the recipients and meanings of the signs he reports for the civil war period are more varied than we might expect after Augustan editing and propagandizing. The prodigy lists, for example, frequently include prodigies in contexts when these might seem to reflect negatively on Caesar, Octavian, and Antony.¹⁰⁵ Some of these signs may even have circulated in pro-'Republican' propaganda, raising the possibility that Dio has preserved for us some of the divinatory stories of the losing side in the civil wars.¹⁰⁶ For this reason we may say that even if Dio's view of momentous events as inevitable (Octavian and Antony's victory at Philippi, for instance, or Antony's defeat at Actium) influenced his

Millar 1961: 18f. and Millar 1964: 46, 52-4; Gowing 1992: 143-5, 147-8, 158-60 and Lintott 1997: 2514f. On Augustus: Millar 1964: 75-6; Manuwald 1979; Rich 1989; Reinhold and Swan 1990 (influence of contemporary concerns on Dio's presentation); Gowing 1992: 258; Freyburger 2003. Dio's narratives display interpretive threads (Rich 1989; Pelling 1997a: 123) but these do not always amount to an overarching interpretation (Millar 1964: 55-60, 73).

¹⁰³ Gowing 1992: 64; also 45.4 (sign coinciding with Octavian's arrival in Rome); Manuwald 1979: 31.

¹⁰⁴ Reinhold and Swan 1990: 158-9; also Manuwald 1979: 70-4; Rawson 1986: 114-16; Rich 1989: 95; Gowing 1992: 254, 258.

¹⁰⁵ Caesar: 42.26-27.1 (47 BC); 43.2.1 and 43.21.1 (46 BC). Octavian and Antony: 45.4.4 (44 BC); 47.2.2-3 (43 BC); 47.40-41 (42 BC); 48.43.4f. (38 BC); 48.50.3-4 (37 BC).

¹⁰⁶ E.g. Caesar's misfortune during his triumphs in 46 BC (43.21.1); favourable signs for Sextus Pompey (48.21.2-3). Perhaps also 48.50.3-4 (sweating statue when Agrippa creates a harbour to build ships against Sextus Pompey). Dio professes himself unable to explain the prodigy's meaning. Propaganda by Sextus and supporters against Agrippa's project? Or simply a sign observed and recorded even though its meaning was unclear? As we will see, signs' meanings were sometimes harder to 'agree' on in times of disruption.

inclusion of signs in these portions of his narrative,¹⁰⁷ it did not completely distort his record of Republican divinatory events, nor his presentation of them when he chose to include them.

It is particularly to Dio's credit that he allows his narrative to reflect both the character of his sources and the political realities of the periods narrated, presenting Roman activity largely as collective in the Middle Republic, and as involving numerous individuals even in the 50's BC, but concentrating on dominant individuals in the triumviral period and Principate.¹⁰⁸ His record of state divination follows this, probably historical, pattern, shifting from 'annalistic'-style treatment of prodigies as relevant to the whole state, to focus, in the transition to Empire, on signs received by charismatic individuals.¹⁰⁹ When it comes to details, Dio's evidence for divination is occasionally inaccurate,¹¹⁰ but as we shall see, in many places it coheres with the testimony of Cicero and Livy.¹¹¹ Finally, we may note that although Dio himself seems to have considered destiny inescapable and signs fundamentally predictive,¹¹² and thus misunderstood one of the traditional purposes

¹⁰⁷ Gowing 1992: 120, 212: '[o]mens, the convenient substitute for a more demanding analysis, are enlisted to confirm the correctness of the historian's view'.

¹⁰⁸ Questa 1957; Millar 1964: 40, 60-1; Pelling 1997: 117, 121-2. Whether this effect results from Dio's following his sources or from his own shaping of his material is debated: Pelling 1983: 222-3; Rich 1989: 92-5. On anachronisms introduced by Dio's 'individualised' conception of politics, Swan 1987: 279; Gowing 1992: 144 n. 3; Lintott 1997: 2517-18, 2520.

¹⁰⁹ Freyburger-Galland 1999: 544 notes this trend in Dio's references to dreams, but it also applies to his treatment of other types of divination: **Chapter 3**, 157f.

¹¹⁰ E.g. his definition of *tripudium* in Book 12 (vol. 1 p. 170 Boissevain) differs from Cicero's emphasis on crumbs falling from the chicken's mouths (as also Festus [Paulus] 285L, with North 2008: 166-7), though this may be the epitomator's fault, not Dio's. 12.51 correctly notes that Romans repeated festivals if ritual errors occurred, but limits these repetitions to one day (μέχρι περ καὶ ἀμέμπτως πάντα γεγονέναι σφίσιν ἔδοξεν, μὴ γέ τινη ἡμέρᾳ ἀνεωρτάζετο), whereas we know of *instaurationes* requiring several days. Possible misunderstanding of nature of Bibulus' sky-watching: **Chapter 4**, n. 81.

¹¹¹ His prodigy lists are in keeping with Roman tradition: Freyburger and Roddaz 1994: xxx.

¹¹² Predictive signs and destiny: Book 13 [Zonar. 8.22] on war with Carthage (τὸ δαιμόνιον τὰ γενησόμενα προεσήμηνεν); 37.24.1-25.3 (demagoguery in 63 BC); 40.19.4 (Crassus and his men before Carrhae are 'as if destined by some divinity to be ruined', καθάπερ ὑπὸ δαιμονίου τινὸς κατακεκριμένοι); 41.14 (sign of defeat for Pompey 49 BC); 41.61 (signs of defeat for Pompey before Pharsalus 48 BC); 44.18.3 (Caesar ignored signs predicting his death because 'it was fated that he should die at that time', ἀλλ' ἔδει γὰρ αὐτὸν τότε μεταλλάξαι); 46.33 (prodigies for Vibius before his defeat by Antony 43 BC); 47.1 (signs predicting the destinies of Antony, Octavian, and Lepidus after

of state divination (the averting of ills threatened by the gods),¹¹³ his Republican narrative nevertheless treats several signs as preventative.¹¹⁴ It thus appears to reflect the comments of an earlier source, closer in sympathy to the old Republican prodigy model, and suggests that, like Livy, Dio did not always force his depictions of Roman state divination to cohere with his own understanding of signs.

Cicero

The special value of Cicero's testimony for incidents involving state divination lies both in the fact that he was himself an augur and thus familiar with the methods and records of that college, and that he is contemporary with several of the events he describes. Of course this does not mean that all his statements are reliable! For instance, his different philosophical treatises give different amounts of detail on divinatory events,¹¹⁵ and sometimes

their pact 43 BC: ἐναργέστατα μὲν καὶ πρότερον, σαφέστατα δὲ καὶ τότε τὸ μέλλον ἔσεσθαι προμαθόντες). According to 47.40.1 the divine 'is always wont to signify in advance the most unnatural events' (τὸ γὰρ δαιμόνιον, ὥσπερ που καὶ αἰεὶ πρὸ τῶν ἀτοπωτάτων φιλεῖ προσημαίνειν). *Contra* Hose 1994: 435-6; Swan 2004: 11-13, arguing that Dio did not see destiny as fixed. Cf. Millar 1964: 179-81, 77 (underemphasizing the importance of signs in Dio, but rightly noting that for him they do not usually function as historical causation); Liebeschuetz 1979: 227-9; Rich 1990: 12; Gowing 1992: 16 n. 25, 30.

¹¹³ As evidenced by his confusion when prodigies are not followed by momentous events, e.g. 17.59-60; 40.17; 50.8-9. Book 14 fr. 57.22 (vol. 1 p. 220 Boissevain) shows awareness of the Republican notion of expiation as undertaken 'to relieve fear and to escape expected disaster' (πρὸς τε τὴν τοῦ παρόντος δεινοῦ σφισιν ἄκεσιν καὶ πρὸς τὴν τοῦ ὑποπτευομένου διάφευξιν), but denigrates the idea. This cannot be an expression of general doubt about the veracity of prodigies, since Dio accepts their accuracy elsewhere. Rather, it seems to convey Dio's own view of their purpose (since the future cannot be averted, it is 'against one's true interest' to attempt to avoid it and thus fail to prepare one's spirit for it [cf. 38.24-25]). This view is presumably influenced both by Stoicism (Veyne 1990) and by the Imperial-period understanding of signs as presages of individual destiny: **Chapter 3**, 158-9. But cf. Swan 2004: 11; Rich 1990: 12 n. 62 takes no position.

¹¹⁴ E.g. Book 17 [Zonar. 9.12] (augury and private divination prevent conspiracy, 203 BC); 37.9.1-2 and 37.34.3-4 (prodigies of 65 BC expiated in order to bring conspiracies to light; Dio adopts Cicero's view in the Third Catilinarian, perhaps his source); 39.61.3 (desire to punish Gabinius in 54 BC to forestall further divine punishment). Cf. Dio's conviction that signs give clear warnings if correctly observed: 37.58.2f. (Pompey, Crassus and Caesar conceal their pact in 60 BC, but *to daimonion* reveals it through signs).

¹¹⁵ Sometimes *Nat. D.* gives more technical details than *Div.*, perhaps because *Div.* is more concerned with the possibility of divination than with its techniques, or because Cicero varied his style when composing multiple works on related themes (Schofield 1986: 50). Cf. e.g. *Nat. D.* 2.11 and *Div.* 2.74 (with **Chapter 2**, 97f.). That the story of Claudius Pulcher's neglect of auspices at Drepanum is more detailed in *Nat. D.* than in *Div.* because it was only invented 56-44 BC, but had by the time of *Div.*'s writing 'become part of the tradition' (so Wiseman 1979: 110-11), is unconvincing (Briscoe 1981b; Cornell 1982: 204-6; Rich 2005: 142).

exclude qualifications that would detract from a tendentious point.¹¹⁶ Scholars have also drawn attention to the fact that in his private letters Cicero sometimes seems less exercised about contemporary divinatory results (like the Sibylline oracle of 56 or unfavourable signs for Crassus in 55 BC), than he does in his speeches or treatises. As we might expect, the speeches also exaggerate the significance of divinatory decisions when these are damaging to Cicero's opponents.¹¹⁷ That Cicero was both prone to self-aggrandizement, and willing to play fast and loose with the truth to score rhetorical points, is undeniable, and modern scholars have sometimes taken these facts as license not only to doubt Cicero's testimony about divinatory events but even to argue its direct opposite (as, for instance, Linderski and Lintott do in rejecting Cicero's claims about the rules of *servare de caelo*, which we will consider in **Chapter 4**). My own view, however, is that the key issue in evaluating Cicero's evidence must be, not whether he had the motive to lie, but whether he had the opportunity. In his philosophical treatises the latitude for misrepresentation may have been fairly wide, particularly since these writings juxtaposed (and exaggerated the contrast between?) Roman tradition and philosophical, 'rational' modes of thought and argument,¹¹⁸ and also since by the 40's BC (when he was writing *Nat. D.* and *Div.*) Cicero may have fallen out of ideological sympathy with some 'traditional' aspects of state divination.¹¹⁹ Even so, however, we may suggest that Cicero's 'philosophical' descriptions of Roman divination would have required

¹¹⁶ E.g. **Chapter 3**, Statements 2, 3.

¹¹⁷ E.g. Cic. *Dom.* 41 mocks Clodius because *auspicioꝝ religione augures totum evertunt tribunatum tuum*: the augural college did not pronounce this officially (Linderski 1985: 208), but it is true that individual *augures* publicly expressed this opinion. Similarly, Cicero's allegations that Clodius utterly destroyed the *leges Aelia et Fufia* are hyperbole, but Clodius did limit these laws in some fashion (**Chapter 4**, 182).

¹¹⁸ Jaeger 1937: 241-2; Linderski 1982 [1983]: 23; Beard 1986: 40-5; Schofield 1986: 51-5; Schiavone 1987: 73-108; Moatti 1988: 395f., 416; North 1990b: 57; Moatti 1997: 173-83; Krostenko 2000: 370-3.

¹¹⁹ Perhaps driven by frustration at Caesar's use of signs, and claims to divine patronage, to bolster his political power: Linderski 1982 [1983]: 37-8; Momigliano 1984: 210; Krostenko 2000: 384-5.

some resemblance to the real thing if they were to be effective as either defense or mockery. For example, at *Div.* 1.29-30, Cicero appears to misrepresent the arguments of his contemporary augur Ap. Claudius Pulcher,¹²⁰ but he also accurately identifies the two key issues of the debate at hand, and provides reliable evidence for Appius' actions, if not for his opinions. As in the letters and speeches, so in the philosophical treatises it seems to me that there is usually a 'kernel' of historical truth in Cicero's allusions to divinatory signs and their handling. Thus the 'distortions' we encounter in his record usually occur not in his 'facts' themselves, but in whether, and how, he chooses to emphasize them, in how broadly applicable he wishes to make them seem,¹²¹ and in whether he portrays himself as crediting them or doubting them. Nor, despite his notorious penchant for self-promotion, does Cicero invariably shrink from reporting divinatory information that might not have redounded to his credit: he records the failed *augurium salutis* of 63 BC, for instance, although he may well have wanted it to succeed,¹²² and in *Div.* he argues both for and against one of his own prophetic dreams.¹²³ Moreover, when he discussed the divinatory events of the past rather than those in which he was himself involved, Cicero was presumably dependent, as Livy and Cassius Dio were, on preceding 'official' records and historical narratives, and he may well, like Livy and Dio, have been content at times simply to repeat the details he found therein.

Even the philosophical works, therefore, may have preserved accurate information about divinatory events, but I think we can make a somewhat stronger case for the accuracy of the divinatory information Cicero gives in letters and

¹²⁰ Schäublin 1986: 171 n. 22, 178-9.

¹²¹ Cf. Lintott 2008: ch. 3: though Cicero does use outright falsehoods in speeches, his preferred way of bending truth is 'the falsehood by implication through tendentious description'. Note that this demands circumstantial detail that is at least partly true.

¹²² **Chapter 2**, 107f.

¹²³ Cic. *Div.* 1.59; 2.136-40.

speeches. For speeches whose arguments twisted known and agreed facts of state divination would presumably have been easier to refute, and thus less effective at persuading senatorial listeners (and readers), than orations whose arguments tapped into shared values. This would not necessarily have prevented Cicero from opting for the straw man, of course, but it does suggest that he had reason to be accurate when possible, in order to give his assertions extra punch. For similar reasons, letters about divinatory events demanding action from Cicero's correspondent were bound to communicate the relevant facts with some degree of truth: the facts might be sugar-coated, but their contours had to remain recognizable if anything was to be done about them (as we can see, for example, in Cicero's letters to Lentulus about the Sibylline Oracle of 56 BC, discussed in **Chapter 2**). Finally, and most importantly, we must recall that in both letters and speeches Cicero was addressing contemporaries who had access to other sources of information about state divination. These sources would have included not only senatorial records and word of mouth, but also, for most senators, a 'working' knowledge of state divination. For augury, haruspicy, and debates about prodigies were routine components of public business, with which all magistrates must have had some familiarity, even if theory or finer points eluded them. And senators who were themselves augurs or *quindecimviri* may have had more knowledge than this, as well as, presumably, access to the records of their priestly colleges. Like any magistrate tempted to venture a false claim about divination, therefore, Cicero too may have been restrained by contemporary constraints on falsification. Even if he had motive to make false claims about divinatory incidents, therefore, he may have lacked the opportunity to do so before fellow-senators who could have caught him out.¹²⁴ For

¹²⁴ Cf. Stockton 1962 *contra* Balsdon 1957: 18-19 on constraints on falsification in Cic. *Fam.* 1.9.

these reasons, and given that our scant knowledge of Roman state divination is often insufficient to allow us to determine to what extent, and in what respects, Cicero's philosophical, rhetorical, or political goals may be distorting his record, I believe we may work with his testimony much as we work with Livy's or Dio's. That is, we must examine each piece of evidence carefully and with due regard for context, bearing in mind the possibility that it is not true, but we may reasonably consider it innocent unless proven guilty by contradiction with other evidence.

What follows from all this, I think, is that when our sources depict Romans submitting to divinatory results that would seem to have been in conflict with their own desires, there is at least a possibility that these depicted reactions were genuine, the result neither of contemporaries' self-interest nor historians' wishful thinking, but rather of individuals' obedience to the perceived commands of the gods. How exciting the implications of such obedience may be for our understanding of how the Romans related to their gods, we will see in the chapters to come. But is such a picture of Roman divinatory behaviour compatible with what we know of Roman divinatory theory? To answer that question, as I will seek to do in **Chapters 3 and 4**, we must first consider the nature of our evidence for Roman divinatory rules.

***Evidence for
Divinatory Rules***

We do not lack for ancient allusions to divinatory 'rules', many of which purport to be based on what we may call 'primary' documents: records kept by the relevant priestly bodies (the augurs, (*quin*)*decimviri*, and *haruspices*), and treatises by individual practitioners of divination. Of these documents, only Cicero's discussions of divination survive today, preserved in his 'philosophical' treatises and in allusions in his speeches and

letters. Thus, many ancient claims about divinatory rules come to us only in later writers: in historians attempting to explain how past Romans applied divinatory regulations, in poets and dramatists depicting divination, in ‘technical’ writings by thinkers, antiquarians, literary commentators, and grammarians. Amidst all this evidence, however, we have no rule-book, and modern scholars have tended to interpret this deficiency in one of two ways. Some assume that a coherent body of divinatory rules once existed, of which our diverse sources preserve some nuggets (much as the surviving Roman historical tradition is thought to preserve a ‘hard factual core’ of ‘official’ information about events). Other scholars, by contrast, take the great diversity of surviving rule-statements as evidence that, in practice, there was no universally-agreed body of divinatory rules in antiquity: that almost any principle of divination was open to individual interpretation, and that what our sources preserve are more often the free-for-all musings of individuals than the ‘official’ doctrines of priestly bodies.

Both approaches, however, may be said to agree in seeing Roman state divination as more often conducive to, than a check on, human will. For scholars of the former camp, like Valeton, Thulin, and to some extent Linderksi, argue that attested divinatory rules allowed practitioners great latitude in choosing whether to obey, to fabricate, or to ignore divinatory signs. And proponents of the second approach, like Liebeschuetz and Scheid, have likewise argued (from the supposition that what rules there were, were confused and developed *ad hoc*) that Roman methods of interpreting divinatory results were largely situational and within the discretion of the individual, tending to place humans in control of, rather than subjection to, the divinatory system. From both sides, therefore, objections against the project of this thesis might seem to rise. For it would seem misguided to attempt

to track human ‘obedience’ to divination, as I will do in **Chapter 2**, if Romans were not expected to ‘obey’ divination. And there would seem to be little point in attempting to show that Roman divinatory rules did indeed enjoin obedience, as I will do in **Chapters 3 and 4**, if there were few or no widely agreed divinatory rules at Rome.

Between a rock and a hard place, indeed! However, I believe that a moderate use of both these approaches may in fact strengthen, rather than weaken, my proposed reconstruction of Roman state divination. For we have evidence enough, I think, to consider it highly likely that there was a systematized body of rules for divinatory techniques like augury, haruspicy, and prodigy-interpretation. When we combine this with an awareness of the diversity of our surviving sources, and of the possibility of change over time, two key observations emerge. The first is that disagreement between our sources is not necessarily proof that Romans never agreed on the rules of divination, for it may equally be caused by different sources’ describing rules at different stages of development. The second is that we probably know much less about the rules of Roman divination than we have thought. As we will see further in **Chapters 3 and 4**, many of the divinatory ‘rules’ currently accepted by modern scholars rest on inaccurate or inadequate statements in our sources, or indeed on what turn out to be the personal opinions of surviving, late, authors, not their quotations of ancient Republican rulings. But this realization is more liberating than depressing. For it frees us to consider other possible ways of understanding Roman divinatory practice, with intriguing implications for our view of Roman religion.

***Existence of
Divinatory Rules***

That Roman divinatory rituals must have had at least some basic rules in practice seems clear enough. We can deduce this not only from the fact that so many sources purport to cite them, but also from the fact that Romans demonstrably expected each other to engage with, and judged the appropriateness of others' engagement with, the results of divinatory rituals.¹²⁵ This does not, of course, preclude the possibility of the finer points or theoretical underpinnings of the techniques remaining undefined, not articulated, or known through practice but not recorded in writing. But it does mean that even if the broader 'theoretical principles' of state divination were 'hopelessly vague',¹²⁶ the divinatory system nevertheless could have had at least some fundamental and commonly-agreed principles. That it did so seems all the more likely when we consider the well-known punctiliousness of Roman orthopraxy. For if every slip of the tongue in a prayer, every interruption of *silentium*¹²⁷ by an ill-omened sound, every unexpected flinch of the sacrificial victim could be sufficient to require the repetition of the ritual act, and every appeal to the gods by the wrong name or formula was deemed ineffective, and if the correct performance of ritual was of the paramount importance to Romans that is usually supposed, then it seems unlikely in the extreme that divinatory rituals would have been left so vague and open that individuals could conduct them as they pleased.¹²⁸ For that would surely be to run an

¹²⁵ In demanding human response, such rituals differ from the 'automatic' or 'meaningless' model proposed by Humphrey and Laidlaw 1994: 2, 5, 35, 95, 123, 197 for Jain *puja*, and sometimes applied to Roman ritual practice (e.g. Scheid 2003b: 207-8). For *puja* is not explicitly intended to influence one's subsequent conduct: its outcome never varies, and requires no 'response'. The act of 'performing *puja*' can therefore remain unconscious in a way that taking the auspices or examining the entrails could not. Cf. Davies 2004: 96: ritual is 'in some senses, the thin end of the wedge. The real work is the interpretative labour.'

¹²⁶ Liebeschuetz 1979: 24, 27.

¹²⁷ On this ritual term, see **Chapter 3**, n. 83.

¹²⁸ E.g. Cic. *Har. resp.* 12.23; Plin. *HN* 28.11; Cohee 1994. Cf. Gargola 1995: 7 (importance of regulated religious actions in Roman public life); 85-7 demonstrates that despite gaps in our knowledge, there is evidence for 'a common body of rules to lay out (colonial) public spaces and temples'.

unacceptably high risk of incurring divine wrath. Thus, just as other Roman rituals emphasized actions over propositions, and were to some extent independent of interpretations and exegeses,¹²⁹ but nevertheless imposed precise requirements for ‘correct’ performance; just as Roman law evolved systematic, articulated principles only through the efforts of the Late Republican jurists, but forbade certain behaviours, and gave practical injunctions for policing them, as early as the Twelve Tables,¹³⁰ so divinatory rituals, too, presumably involved ‘fixed’ standards or requirements for human performance, even if some of their theoretical aspects remained vague or disputed. The divinatory ‘rules’ that I will consider in the following chapters are, I suggest, of this basic and necessary kind. They answered practical questions like: what auspicial activities forbid public business (**Chapter 4**)? Is it possible to ‘nullify’ an unfavourable auspice that would otherwise prevent one from acting (**Chapter 3**)?

It is difficult to see how Roman divination could possibly have operated without having rules for such matters, although modern scholars have advanced various possibilities. It is possible that Roman haruspicy worked as Parker envisages for Greek pre-battle sacrifice, where the official ‘result’ of a sacrifice was largely determined by the diviner’s adaptation to the wishes of his general.¹³¹ Or that, as Levick suggests, respect for divination was seen as adding credit or ‘points’ to a magistrate’s actions, but that he could sometimes manage without those ‘points’ provided that he transacted his business successfully without them.¹³² We might suppose with Wissowa that individuals had full discretion about whether to obey

¹²⁹ E.g. Beard 1987; Beard, North and Price 1998 (vol. 1): 174f.; Scheid 2005b.

¹³⁰ On the Tables, Crawford 1996 (vol. 2): no. 40; on character of Republican law, Harries 2006: ch. 3. Note her argument that *ius pontificium* and *ius augurale* were more organized than other aspects of *ius publicum* (161).

¹³¹ Parker 2004: 144-5.

¹³² Levick 1987: 235-6.

signs, but that deliberate neglect of a clearly real and prohibitive sign left one's actions open to possible annulment later.¹³³ Or we might hold with Scheid that the Romans had no concept of an objective religious infraction, so that in deciding whether the auspices had been neglected, for instance, the interests and wishes of the human community were primary (the implication of this is seemingly that if a violation of the auspices was not deemed of public significance, it would be considered acceptable).¹³⁴ However, most of these possibilities could only really have worked if Roman interpretation of divinatory signs was predominantly retrospective, whereas, as discussed above, it seems at least as likely to have been contemporaneous and proactive.¹³⁵ Indeed, we will see in the coming chapters that our sources tend to speak as if magistrates and generals should obey signs as soon as they receive them. It is true that we sometimes hear of individuals who ignored one negative sign and then received further negative signs, but *pace* Scheid this does not necessarily mean that it was theoretically acceptable to act in spite of one bad sign.¹³⁶ For such stories could equally well reflect the idea that defying one sign only heightens divine anger, as signaled by further signs. Similarly, although Cicero suggests to Lentulus that even an act in defiance of a Sibylline oracle would be forgiven if it met with success, we shall see that his view was not necessarily a universal one: Lentulus himself, for one, appears to have thought differently. For haruspicy, too, we will encounter cases where, despite Parker's surmise,

¹³³ Wissowa 1912: 531: 'so schloß dieses Recht [that signs could be either accepted or rejected] doch nicht aus, daß absichtliche Nichtbeachtung eines evident eingetretenen und zweifellos ungünstigen Zeichens die nachträgliche Anfechtung des betreffenden Aktes zur Folge hatte'.

¹³⁴ Scheid 1981: 144-5: 'c'est la volonté publique qui décide si au regard des intérêts de l'État l'action commise par l'individu constitue un délit, sans cette médiation l'acte individuel reste indifférent.' Thus 'l'acte impie (...) est apprécié, non pas par rapport à un absolu divin, mais par rapport aux intérêts et aux volontés de la communauté humaine'; 148-9 n. 115, 152-3.

¹³⁵ How, for instance, could a deliberate decision to ignore a sign (which Wissowa thinks was permissible) have been distinguished in practice from deliberate 'neglect' of a sign (which he deems punishable)?

¹³⁶ Scheid 1987-9: 133; cf. **Chapter 3**.

commanders who seem likely to have desired favourable results nevertheless obtained unfavourable ones through sacrifice. Most importantly, we will see that it may have been much more difficult for a Roman to ritually ‘cancel out’ a negative sign than modern scholars have thought. For these reasons it seems probable that Roman divinatory interpretations were standardized, and binding, to some degree at least.

Rather more difficult to assess, however, is the relationship between these rules in practice and our sources’ picture of them. For recent scholarship has questioned the extent to which any constitutional ‘rules’ were systematized at Rome, from Mary Beard’s recent study of the Roman triumph,¹³⁷ to the work of Moatti and Wallace-Hadrill demonstrating that the rise of antiquarianism, and the codification and ‘literarification’ of religious and other legal knowledge from the second century BC onwards coincided with a period of increasing social uncertainty and contest.¹³⁸ Such work raises the possibility that the ‘rules’ preserved in our sources are not necessarily representative of Roman divinatory practice, which may have depended primarily on oral, *ad hoc* tradition, but, rather, came to the fore in the struggle to impose some kind of order on that tradition.¹³⁹ That this is true of some of the divinatory rules we now find in our sources seems plausible enough. However, this does not prove that all recorded rule-statements were equally open to dispute. For although it is possible to see antiquarianism as a shift of power away

¹³⁷ Beard 2007: ch. 6; but cf. Chaplin 2000: ch. 5 on Livy’s depiction of senatorial respect for (though creative use of) constitutional precedents in this area; Vervaeke 2008.

¹³⁸ Momigliano 1984; Moatti 1991; Moatti 1997; Beard, North and Price 1998 (vol. 1): 108-113; Wallace-Hadrill 2008: ch. 5.

¹³⁹ Thus Gordon 1990a: 190 sees codification as cause, not symptom, of irreconcilable religious interpretations (see also Bremmer 1982); Beard 1991: 56-7 argues that the ritual precedent and decisions accumulated in priestly records over time were ‘presumably often in conflict with one another’.

from the elite to the specialist,¹⁴⁰ it is also possible to interpret it as an attempt to conserve and protect the treasured knowledge (and, by extension, the religious and political authority) of that very elite.¹⁴¹ For at least some of this religious writing may have been ‘sedimentary’ as well as innovative,¹⁴² in that even authors seeking to impose their own vision on the system may have been obliged to engage with, and may have desired to preserve, known precedents and principles.¹⁴³ For this reason, to assume that ancient allusions to divinatory rules constitute proof that Romans did not agree upon those rules, appears quite arbitrary. Why should ‘[t]he sheer number, and general forum of intellectual debate in the late-Republic’ necessarily imply, as Green argues, that ‘there was no standardized approach to the practice [of augury]’?¹⁴⁴ To take a specific example, what compels Linderski to read the fact that the augur Messalla articulated in his work *de auspiciis*¹⁴⁵ a point of doctrine which Cicero attributes to augural *libri*,¹⁴⁶ as proof that Cicero refers only to Messalla’s work, and thus that the principle involved was not formally agreed among augurs?¹⁴⁷ Why should not the two references be read, rather, as proof that there was wide augural agreement on the point at issue?¹⁴⁸ For the fact that Messalla expressed his opinion on the issue only shows that he was asked about, or wrote on, the point, not that there was no contemporary agreement about it. On the whole, indeed, we may say that although modern scholars often presume that Roman

¹⁴⁰ Hopkins 1978: 74-96; Schiavone 1987; Moatti 1988: 403-5, 413, 419-20; Wallace-Hadrill 2008: ch. 5, 236f., 253-8.

¹⁴¹ Rawson 1985: 299; Gordon 1990a: 191; Beard 1991: 56-7; Moatti 1991: 34.

¹⁴² On the nature of juridical texts of the period, Moatti 1991: 34.

¹⁴³ Schiavone 1991. Cf. Rawson 1973 on the ‘strong practical side’ to Roman religious ‘revivalism’ in the second century BC: even antiquarianism could give new and important relevance to rites in our period.

¹⁴⁴ Green 2009: 161.

¹⁴⁵ Cited in Gell. 13.15.4.

¹⁴⁶ Cic. *Att.* 9.9.3.

¹⁴⁷ Linderski 1986a: 2182; cf. Stewart 1998: 98-102.

¹⁴⁸ So Mommsen 1887 (vol. 2.1): 126 n. 2, taking Cicero’s *libri* to denote official ‘Auguralschriften’; Giovannini 1998: 110. This would fit better the confident tone of Cicero’s pronouncement on the point at *Att.* 9.15.2: *neutrum est ius*. Note that the point at issue appears to be one of constitutional principle, not simply of precedent (Giovannini 1998: 110).

practitioners of divination held ‘divergent interpretations of even its essential tenets’,¹⁴⁹ the number of cases where we can actually identify disagreement among ancient experts is extremely small. As we saw above, divinatory techniques probably demanded an agreement on basic ritual practices, while perhaps leaving the exegetical or ‘theoretical’ justifications of such practices more open to debate. And that, I suggest, is precisely what we tend to see in known ancient disagreements about divination. Consider, for example, the intellectual dispute between Marcellus and Ap. Claudius Pulcher in Cic. *Leg.* 2.32. This debate was about the purpose of the entire system of augury, not, so far as we can tell, about its specific rules.¹⁵⁰ The issue is the same in Cic. *Div.* 2.74, when ‘Marcus’ refuses to accept Tiberius Sempronius Gracchus’ respect for the rules of augury as evidence for divination, saying: *Quis negat augurum disciplinam esse? Divinationem nego.* He thus presupposes that there is general agreement about the ‘rules’ of the *disciplina*; what is open for debate is whether the discipline is worth having at all. Similarly, although our surviving sources’ contradictory opinions about how many *saecula* were allotted to the Etruscan race may well reflect disagreement among *haruspices* themselves,¹⁵¹ that point of disagreement, too, is a highly theological one, and does not necessarily mean that *haruspices* did not employ a ‘standard’ set of basic sign interpretations in every day practice.

Indeed, even instances where divinatory rules were demonstrably debated do not prove that Romans had not previously been in agreement about them. For example, the difference between the definitions of *praetor maximus* and *consul maior* given by the augural college and by L. Julius Caesar respectively, may be

¹⁴⁹ So Linderski 1982 [1983]: 31 on augurs.

¹⁵⁰ Linderski 1982 [1983]: 28-31; Linderski 1985: 230 n. 85; Dyck 2004: 346, 250. *Pace* Harries 2006: 162-3, this does not necessarily imply a difference of content.

¹⁵¹ Harris 1971: 37.

more apparent than real.¹⁵² But even if it reflects a serious difference of opinion,¹⁵³ the fact that the augural college appears to have made an official pronouncement on the issue still suggests that it was possible, and considered necessary, to arrive at a consensus on what the ‘right’ answer was.¹⁵⁴ Similar problems are raised by a common modern approach to Cicero’s evidence for sky-watching, discussed in **Chapter 4**. For some scholars argue that Cicero (and, accepting his version of events, Dio) greatly overstates the general importance of magisterial *servare de caelo* and *obnuntiatio* in the 50s,¹⁵⁵ or assume that he misleads when he suggests that a mere announcement of sky-watching was a technically valid form of ritual obstruction.¹⁵⁶ Now, as in his evidence for divinatory events (as discussed above), so in his evidence for divinatory rules Cicero was certainly capable of lying. However, for modern scholars to reject Cicero’s interpretations of divinatory rules on the grounds that his contemporaries might not have agreed with him, even when we have no evidence for such dissent, seems an overreaction. Of course it could be true that dissent from Cicero’s opinion might once have existed, but is not attested in our

¹⁵² Festus 152L (*Maximum praetorem dici putant ali eum, qui maximi imperi sit; ali, qui[a] aetatis maximae. Pro collegio quidem augurum decretum est, quod in Salutis augurio praetores maiores et minores appellantur, non ad aetatem, sed ad vim imperii pertinere*); 154L (*maiolem consulem L. Caesar putat dici vel eum, penes quem fasces sint, vel eum, qui prior factus sit*). It is not certain that, as Linderski 1986a: 2178 contends, the consideration of which consul *prior factus sit* ‘runs counter to the explanation given in the augural decree’. For the notion of being ‘made consul first’ surely refers to being elected first rather than to the age criterion rejected by the augurs. Since being elected first made one the first to hold the *fasces* (Taylor and Broughton 1949; Taylor and Broughton 1968), and since holding the *fasces* in a sense privileged one colleague’s *imperium* over the other (Linderski 1986a: 2179 n. 115), Caesar’s criteria might well be understood as ways of assessing the *vim imperii* of colleagues, the criterion emphasized by the augurs. Alternatively, Harries 2006: 167 suggests that the augural *decretum* addresses the distinction between consuls and praetors, whereas Caesar’s ruling concerns colleagues with the same *imperium*.

¹⁵³ So Linderski 1986a: 2178-9; *contra* Pinsent 1975: 25-6.

¹⁵⁴ Macrobius *Sat.* 1.16.28 offers another example. Here the *pontifices* are said to have ruled, upon being consulted by M. Valerius Messalla, that *nundinae* were not *feriae*, whereas L. Julius Caesar wrote that it was not permissible to hold a *contio* on *nundinae* (Macrobius takes this to mean that Caesar considered such days *feriae*; see Michels 1967: 47 n. 26). Cichorius 1902: 590 saw this as an ongoing controversy. However, since the two augurs were contemporaries, it is equally possible that they circulated rival interpretations subsequently resolved by Messalla’s consultation of the *pontifices*. Thus their disagreement does not prove that no attempt was made to come to agreement on the matter.

¹⁵⁵ Tatum 1999a: 129.

¹⁵⁶ Linderski 1985: 224; Lintott 1999b: 62 n. 94; Lintott 1999a: 146.

surviving sources. Yet it could equally well be true that Cicero's contemporaries shared his opinion. Thus dispute might have prompted Romans to write down divinatory rules in two quite different ways: on the one hand, some divinatory rules may have been recorded precisely when, and because, they were themselves under dispute; but on the other hand, writers wishing to use divinatory arguments against an opponent could also have had good reason to write down rules that were an accepted and traditional part of Roman divinatory practice.

***Constraints on
Falsification***

Even if our sources do refer to 'practical' and widely accepted divinatory rules, however, how accurate is their presentation of these rules likely to be? To a large extent the answer to this question depends on the genre of the source, as we will see below. But many of our observations about the reliability of sources for divinatory incidents also apply here. 'Official' documents were presumably more likely to give a consensus view of divinatory rules than were individual commentaries, and later writers probably had more opportunity to 'expand' on, or to misunderstand and misrepresent, divinatory rule-statements than contemporaries had. Like ancient claims about divinatory events, moreover, claims about divinatory rules may also have been subject to some constraints on falsification. For divination was ubiquitous in Roman public life: every magistrate would have needed to know how to conduct a pre-battle sacrifice, for instance, or how to take the auspices before presiding over a senate meeting or an assembly. True, he had his ritual assistant to help him, but for him to remain in complete ignorance of every aspect of divinatory procedure would presumably not have been in the state's interest, as his mistakes or hesitations would have made his ritual performance less efficient. Nor, perhaps, would ritual ignorance have been in

his own interest, as it would have left him at the mercy of his assistant, unable to question his assistant's interpretation of a sign if he wished to dispute it. (The fact that our sources provide evidence for such questioning may thereby suggest that some magistrates were familiar with the 'technical' points at issue). Therefore, it seems reasonable to suppose that an audience of senators would have been capable of 'double-checking' their fellows' assertions about basic rules of divination, even if the finer points or principles remained ill-defined, or familiar only to experts.¹⁵⁷ This supposition may be supported by Cicero's claims that the augural principles he discusses in his speeches are common knowledge.¹⁵⁸ Modern scholars tend to dismiss those claims as rhetorical, assuming instead that the principles he cites were arcane and obscure, such that he could depend on his listeners' ignorance of them,¹⁵⁹ but in fact there is no necessary reason to assume this. Indeed, when we consider that Ciceronian speeches which refer to rules of *servare de caelo* or *obnuntiatio* are for the most part senatorial,¹⁶⁰ and thus that Cicero generally employs augural arguments not before the less informed people¹⁶¹ but before the audience we might expect to understand augury best, it would seem most unlikely that he was using augural minutiae to hoodwink his opponents. If anything, he seems instead to have

¹⁵⁷ Even the sons of senators might have gleaned some knowledge of divinatory matters as they heard about senate debates: Bremmer 1995: 37.

¹⁵⁸ *Dom.* 39-40 (*venio ad augures, quorum ego libros, si qui sunt reconditi, non scrutor; non sum in exquirendo iure augurum curiosus; haec quae una cum populo didici, quae saepe in contionibus responsa sunt, novi. negant fas esse agi cum populo cum de caelo servatum sit*); *Phil.* 5.7 (*Iove enim tonante cum populo agi non esse fas quis ignorat?*)

¹⁵⁹ E.g. Weinrib 1970: 403 n. 33. Even sympathetic Beard, North and Price 1998 (vol. 1): 128 suggest that in Bibulus' case augural rules were unclear ('it would not have been the case in 59 of not following the religious rules, but of not knowing what were the rules to follow.')

¹⁶⁰ *Phil.* 1, 2 (never delivered, but presented as occurring in the senate), 5; *Red. sen.*; *Prov. cons.*; *Dom.*; *Har. resp.* Exceptions are *Sest.* and *Vat.*, but these too were explicitly aimed at an audience including the senatorial *ordo*.

¹⁶¹ Though Cicero's contional speeches presume a high level of 'civic knowledge' among his audience, the senatorial speeches tend to make greater use of legal arguments: Pina Polo 1996: 123f.; Morstein-Marx 2004: 28-29, 72, 117-118. If opportunity to deliver speeches in which sky-watching was relevant had arisen only in the senate, not before the people, one might have objected that the distribution of Cicero's remarks was accidental. But *Red. pop.* and *Mil.*, aimed at more general audiences in the same period, surely gave ample opportunity to use arguments about violation of *auspicia*, but do not use them.

saved his augural arguments for those who were in the best position to appreciate them!¹⁶²

However, this constraint on falsification in ‘primary’ documents would have become less effective over time if Romans ‘lost’ knowledge of state divination, which may have occurred during the Late Republic. Complaints that religious knowledge was decaying certainly proliferate in Late Republican writers,¹⁶³ as do laments about their contemporaries’ diminishing knowledge of the law.¹⁶⁴ In reflecting the increasing specialization of fields of knowledge in this period, such comments may well reflect real historical trends, though they may also contain an element of exaggeration.¹⁶⁵ It may therefore be risky to assume that Cicero’s rule-statements are equally applicable to the Middle as to the Late Republic, and even more risky to assume accurate knowledge of Republican divination in authors of the Imperial period. However, it is worth noting that such losses of knowledge were not absolute. For at least some of the religious information whose loss contemporaries bemoaned, seems to have concerned rituals and deities that had long since ceased to be in use as Roman religion evolved.¹⁶⁶ By contrast, it may seem unlikely that rules still relevant to daily religious life would, or could, be left to languish in similar obscurity.¹⁶⁷ Cicero notoriously denounced the *neglegentia nobilitatis*, by which *augurii disciplina omissa veritas auspiciorum sprete est*, but he went on to concede

¹⁶² Wardle 2006: 5-6 notes that Cicero discusses prodigies mainly in his ‘popular’ speeches, but the fact that he tends to use their occurrence, not their ‘rules’, in his arguments makes their case somewhat different from his use of augury. Perhaps the senate was already better informed than the people about the details of the signs to which he alluded, or perhaps he was less interested in haruspicy than in augury (Haury 1966: 1625-7).

¹⁶³ E.g. Varro and Cicero on the former’s *ARD*: Cic. *Acad.* 1.3; *Acad. post.* 1.9; August. *De civ. D.* 3.17; 6.2. That some knowledge had been lost is no doubt true (Momigliano 1984: 204; Wallace-Hadrill 2008: 233), but was it all ‘useful’ knowledge by that time?

¹⁶⁴ E.g. Cic. *De or.* 3.136.

¹⁶⁵ Wallace-Hadrill 2008: 252.

¹⁶⁶ North 1976: 12.

¹⁶⁷ Thus there is no necessary reason to assume with Rawson 1985: 302 that the augural writings of the first century were out of date.

that *species tantum retenta*, and although his writings reveal that some forms of auspication had fallen out of use, they make it equally clear that other forms were still of crucial political importance in his day.¹⁶⁸ Finally, even in the Late Republic it was possible to be, like Ap. Claudius Pulcher, *cum auguralibus tum omnis publici iuris antiquitatisque nostrae bene peritus*,¹⁶⁹ and Pompey's ostensible need for a Varronian instruction manual on senatorial procedure may have been the remarked-upon exception, not the rule.¹⁷⁰ Thus the fact that Romans of the Late Republic wrote about some constitutional and divinatory rules does not necessarily prove that their contemporaries were unfamiliar with any rules of this kind. For some attested treatises might have dealt with obscure antiquarian points irrelevant to daily practice, and others may have been based upon rules that were in constant use. *Pace* Moatti, therefore, I do not think it necessary to suppose that by the first century BC, written works on senatorial duties, magisterial powers, and assemblies (and, we may add, on state divination) had come fully to 'complètent ou remplacent la formation traditionnelle de l'homme politique', in place of the oral and experiential training men received in earlier generations.¹⁷¹ That Cicero's contemporaries knew less about divination than their forebears did seems likely enough. But this does not necessarily mean that they lacked knowledge of the fundamental rituals and requirements of current divinatory practice. That kind of knowledge, therefore, could still have imposed some restraints on what men were prepared to assert in public about divinatory rules.

¹⁶⁸ Cic. *Nat. D.* 2.9.

¹⁶⁹ Cic. *Brut.* 267.

¹⁷⁰ Gell. 14.7; Cenderelli 1973: 72 n. 4. The need for Varro's commentary may indicate a changing 'rapport entre savoir et pouvoir' (Moatti 1988: 424), but it surely also reflects the quite exceptional nature of Pompey's rise to power; such political exigencies cannot prove how much other magistrates knew or did not know.

¹⁷¹ Moatti 1991: 34; cf. Harries 2006: 72-4 ('it does not follow that [jurists'] knowledge was exclusive, while the rest of the Roman upper classes remained in ignorance').

**‘Primary’
Documents**

As in the case of divinatory events, so in the case of divinatory rules such constraints on falsification were presumably strongest in claims made before contemporaries, in media like speeches and letters that were designed both to convey information and to use it to persuade. Thus I would suggest that of our surviving sources, Cicero’s speeches are the most likely to provide reliable evidence for divinatory rules, since, tendentious though they often were, they may have been restrained by some of the constraints on falsification noted above. However, there were other possible media for the recording of divinatory rules in antiquity, upon which our surviving authors may also have drawn. For, as we saw above, the priestly bodies appear to have written ‘primary’ and ‘official’ documents in which they recorded the rules of their divinatory techniques, documents whose accuracy they were probably concerned to ensure. For the *haruspices* and (*quin*)*decimviri*, our clearest evidence for ‘official’ records is of decisions about how to deal with prodigies, written down for use by the senate,¹⁷² and sometimes preserved for us, at least partly, in *senatus consulta*¹⁷³ and inscriptions set up by the priests themselves.¹⁷⁴ Like the inscribed Augustan and

¹⁷² E.g. Livy 42.2 (*ut decemviri scriptum ediderant*); Cic. *Har. resp.* quotes an official *responsum* of *haruspices* (*Har. resp.* 9 shows that the response was ‘recited’ in a *contio*, but also *scriptum*); Wissowa 1912: 545; Lenaghan 1969: 34; Cancik 1983: 561; Beard, North and Price 1998 (vol. 2): 175-6; Liberman 1998: 65-7; Scheid 1998: 11, 13, 17.

¹⁷³ E.g. *senatus consultum* of 99 BC quoted by Gell. 4.6. So Scheid 1998: 26: ‘l’acte religieux [in state divination] produisait au moins un édit sacerdotal, un sénatus-consulte et un édit de magistrat.’ Orlin 1997: 84-5; Scheid 1998: 22 suggest that senatorial and magisterial proclamations may have quoted portions of the Sibylline Oracles themselves; unprovable, though snatches of oracles do enter literary sources, through allusion by historians, quotation in contemporary debate (North 1998: 47), or quotation for their own sake, as in Phlegon *Mir.* 10 (two oracles delivered in 125 BC: North 2000: 103, 105; cf. Diels 1890: ch. 8; den Boer 1979: 106, 111; Breglia Pulci Doria 1983: 286-8; Breglia Pulci Doria 1998: 281-2; Hansen 1996: 126-37) or Phlegon *Peri Macrob.* 4 Keller; Zos. 2.6 (Schnegg-Köhler 2002: 221-228; Augustan date but perhaps containing Republican elements: Diels 1890: 13-15; Breglia Pulci Doria 1983: ch. 6; Hansen 1996: 186-9 with refs).

¹⁷⁴ The Tarquinian *fasti* record activities of individual *haruspices*, at least one of the Republican period (before 51 BC: Torelli 1975: 117f.; Cornell 1978: 167); there is a possible reference to some sort of dealing with the Roman *decemviri (sacris faciundis)* in fr. 1 Torelli = *AE* 1951: 187 (Torelli 1975: 105-135; Cornell 1976: 423-9; Cornell 1978: 168, 172-3). It thus seems possible that Etruscan

Severan *commentarii* of the *quindecimviri* about the Saecular Games,¹⁷⁵ such priestly records may have been more concerned to specify the ritual remedies deemed appropriate, than to explain how and why the priests had decided to suggest those remedies.¹⁷⁶ In this sense such records may not have articulated much in the way of divinatory ‘rules’, although they may still be said to provide evidence for some basic principles (like ‘if there is a rain of stones, there must be a *novemdiale sacrum*’, or even ‘if there is a prodigy, it must be appropriately expiated’).¹⁷⁷ Nevertheless, we might expect the priestly bodies to have possessed more explicit and detailed rule-books as well, for three reasons. Firstly, as North argues, because men became augurs and (*quin*)*decimviri* as adults,¹⁷⁸ and generally entered different priestly colleges than their fathers did, so that they may at first have felt the need for written instructions to supplement experience and imitation in acquiring knowledge of the ritual techniques necessary for their calling.¹⁷⁹ Secondly, because Romans insisted on the precise wording of prayers, so that priestly bodies who made prayers during divinatory rituals (for example, the *precatio maxima* of the augurs, perhaps recited during the *augurium salutis* ceremony), may have found it helpful to have written versions of these, in order to avoid mistakes.¹⁸⁰ And thirdly, because the process of interpreting signs by comparing them to precedents would presumably

haruspices may have possessed their own record of state consultations and rulings (Colonna 1976; Cornell 1976: 433-8; reservations in Harris 1971: 28-30; Rawson 1978: 140; Flower 1996: 74-5 is agnostic).

¹⁷⁵ For the text, Pighi 1965; Moretti 1982-4; Schnegg-Köhler 2002. The Augustan inscription appears to include *senatus consulta*, an imperial letter, and decisions of the college itself about aspects of the ritual (Lieberman 1998: 67; Schnegg-Köhler 2002: 46-8).

¹⁷⁶ Cf. Scheid 1994: 184, envisaging priestly records as ‘comptes rendus annuels enregistrant toutes les décisions prises par le collège concerné dans le cadre de leurs attributions régulières, ou en réponse à une interrogation publique ou privée, ainsi que des rapports sur les rites célébrés au cours de l’année écoulée’ as well as, in the case of the (*quin*)*decimviri sacris faciundis*, ‘livres contenant des oracles’.

¹⁷⁷ Cf. Cicero’s ‘quote’ from the *commentarii* of the *pontifices*, *Dom.* 136, and his claim to derive knowledge of specific rules of pontifical procedure *ex rebus palam per magistratus actis ad collegiumque delatis, ex senatus consulto, ex lege*.

¹⁷⁸ Hahn 1963.

¹⁷⁹ North 1998: 52.

¹⁸⁰ Lieberman 1998: 66.

have been much easier if those precedents and their interpretations had been written down. The most famous surviving evidence for such precedent-collections is furnished by Babylonian collections of liver-omens, but it seems reasonable to suppose that Roman diviners used texts of a similar kind. That the *haruspices* had such texts is in fact indicated by Censorinus, who asserts, following Varro, that ‘Etruscan histories’ listed both divinatory signs and their outcomes in events.¹⁸¹ But the best evidence for Roman priestly bodies articulating, and recording, specific rules for divination, comes from the augurs. At Cic. *Div.* 2.73, for instance, we read of a *decretum collegi vetus* about which kinds of birds could give a *tripudium*, a ruling which Cicero cites not in reference to a specific historical consultation by the senate, but to a general principle of augury.¹⁸² And *pace* Pighi and Linderski, the agreement between Cicero’s etymology for *tripudium sollistimum* (*Div.* 2.72) and that of Ap. Claudius Pulcher (as quoted by Festus 386L), is surely at least as likely to result from their shared knowledge of established augural tenets, as to stem from Cicero’s reading of Appius’ *libri* on augury.¹⁸³ That augurs were once¹⁸⁴ in the habit of meeting to discuss technical questions¹⁸⁵ is indeed attested by Cicero,¹⁸⁶ and though some scholars have presumed such meetings informal,¹⁸⁷ there is no obvious reason to assume that they could not have generated a consensus on points of

¹⁸¹ Censorinus *DN* 17.6: *Quare in Tuscis historiis, quae octavo eorum saeculo scriptae sunt, ut Varro testatur, et quot numero saecula ei genti data sint, et transactorum singula quanta fuerint quibusve ostentis eorum exitus designati sint, continetur*; Weinstock 1951: 150; Harris 1971: 5-9; Rawson 1985: 27-9; Weinstock 1951: 150.

¹⁸² Festus 152L may be another example. Even if *pro collegio augurum (...) decretum est*, defining what is meant by *praetores maiores* and *minores* in the (prayer?) of the *augurium Salutis*, is not derived from an actual text of the decree, it still shows that the augural college sometimes felt the need to reach decisions on the correct interpretation of its terminology. On the possible context of the ruling, Linderski 1986a: 2177-80.

¹⁸³ Pighi 1950: 153-4; Linderski 1985: 227; cf. Rawson 1972: 39 n. 59.

¹⁸⁴ It is not clear when the custom ceased; perhaps in the Civil War? (Rüpke 2002: 48; Wardle 2006: 323).

¹⁸⁵ Taking *commentandi* in the sense of ‘comment’ or ‘interpret’ (Linderski 1975: 287, *contra* the convoluted proposals of Köves-Zulauf 1972); Regell 1878: 24.

¹⁸⁶ *Amic.* 7; *Div.* 1.90.

¹⁸⁷ Linderski 1985: 212-13; Wardle 2006: 323.

doctrine like those above.¹⁸⁸ Finally, the *libri* that convicted Tiberius Sempronius Gracchus with *religio* for an augural infraction in 162 BC (**Chapter 2**, 97f.) are surely more likely to have done so if they contained fixed principles (like ‘if you cross the *pomerium* you must re-take the auspices’) than if they merely discussed non-binding possibilities. Taken together, this evidence seems to me strongly to suggest that the college of augurs both articulated, and wrote down, rulings on specific points of its doctrine.¹⁸⁹

It therefore seems likely that Roman priestly bodies had texts that recorded at least some of the ‘rules’ of their techniques. Perhaps these included the *libri* our sources ascribe to the augurs¹⁹⁰ and the *haruspices* (or ‘Etruscans’),¹⁹¹ though we can only speculate about the actual content of these books.¹⁹² Surviving evidence does

¹⁸⁸ Note that Cicero describes the meetings as a *munus* and an *officium*, not a hobby.

¹⁸⁹ Other references to *decreta*: Cic. *Leg.* 2.31 (college’s *decretum* distinguished from individual augur’s *consilium*; cf. Linderski 1986a: 2165 n. 54); Livy 4.7.3; Marquardt 1878: 384-5; Regell 1878: 23-4; Wissowa 1896a: 2323; Wissowa 1912: 527; Norden 1939; North 1976: 4-5; Linderski 1985; Linderski 1986a: 2178, 2241f.

¹⁹⁰ Cic. *Dom.* 39 (*augures, quorum ego libros, qui sunt reconditi, non scrutor*); Cic. *Div.* 1.72 (*disciplina, quod (...) declarant (...) libri, vestri etiam augurales*); Cic. *Rep.* 2.54 (*libri augurales* prove the antiquity of *provocatio*); Veranius (Festus 298L); Varro (*Ling.* 5.21 [spelling of *terra*]; 5.58 [mention of *divi potes*]; 7.51 [definition of the end of the day]; Macrob. *Sat.* 1.16.19 [activities forbidden on *feriae*]); and Serv. *Dan. Aen.* 4.45 [Juno presides over nuptial auspices]; 8.95 [terms for the Tiber]; 9.20 [*ostenta (...) caelum discessisse*]).

¹⁹¹ Cic. *Div.* 1.72: *haruspici et fulgurales et rituales libri* (on the reading, Pease 1920: 217-18); similarly Cic. *Har. resp.* 25 (*nos ex Etruscorum scriptis haruspices [...] monerent*). The epithets may denote different types of text, though we lack evidence to distinguish them meaningfully (Regell 1878: 30f.; Thulin 1906a (vol. 1): ch. 1; Torelli 1975: 132-3; Torelli 1976: 1006-8). *Libri Etruscorum* or *Etrusci*: Cic. *Har. resp.* 53; Serv. *Aen.* 1.42; Serv. *Aen.* 8.398; Serv. *Dan. Aen.* 3.537 (but defining an *auspicium*: erroneous?); Serv. *Dan. Ecl.* 4.43. *Etruscae disciplinae voluminibus*: Plin. *HN* 2.199 (recording a portentous earthquake of 91 BC as witnessed by Roman *equites*). *Etrusci libri de fulguratura*: Serv. *Dan. Aen.* 1.42; *libri fulgurales*: Amm. Marc. 25.13. *Libri (Etruscorum) rituales*: Festus 358L (*rituales nominantur Etruscorum libri, in quibus praescriptum est, quo ritu condantur urbes, arae, aedes sacrentur, qua sanctitate muri, quo iure portae, quomodo tribus, curiae, centuriae distribuantur, exercitus constituent<ur>, ordinentur, ceteraque eiusmodi ad bellum ac pacem pertinentia*); Censorinus *DN* 11.6; 17.5; Macrob. *Sat.* 3.7.2. *Libri fatales*: Censorinus *DN* 14.6; cf. Cic. *Div.* 1.100 (*fatis, quae Veientes scripta haberent*). *Libri exercitiales*: Amm. Marc. 10. *Ostentarium Tuscum*: Macrob. *Sat.* 3.7.2. *Tuscae historiae*: Censorinus *DN* 17.6 (not necessarily to be equated with the *libri*: Thulin 1906a (vol. 1): 6-7; Harris 1971: 11-12; Cornell 1976: 419-22, 432-3; contra Mommsen 1859: 189 n. 372). *Libri* are also ascribed to figures of Etruscan legend (*libri Tagetici/Vegoici*) but their character is not clear (Serv. *Aen.* 6.72; Vegoia’s writing on *artem fulguritarum* entered the state canon, Serv. *Aen.* 6.72). Fragments collected in Thulin 1906b.

¹⁹² Overview, Cancik 1983. On historiography of modern reconstructions, particularly the much-debated distinction between *libri* and *commentarii*, Sini 1983; Scheid 1994; North 1998: 60. Some terms were applied to more than one kind of book: both haruspical and augural books can be

not allow us to determine how effectively or consistently such records were organized¹⁹³ (were they kept in chronological order, as Liberman suggests of the *commentarii* of the *quindecimviri*?¹⁹⁴ or organized by topic, as Regell supposed of the augural *libri*?),¹⁹⁵ and it is probable that they came to include more details over time, as surviving priestly *commentarii* can be shown to have done.¹⁹⁶ That they were sometimes accessible to consultation by members of the relevant priestly body is, however, at least suggested by Gracchus' behaviour above, by the reference to consultation of *antiqueis libris* in the Augustan Saecular Games inscription,¹⁹⁷ and by the repetition of ritual prescriptions on occasions far removed from one another in time, where memory of precise details seems more likely to have been preserved in writing than by word of mouth.¹⁹⁸

In addition to such 'official' collections of divinatory rules, we also know of treatises written by individual, contemporary practitioners of both augury¹⁹⁹ and haruspicy.²⁰⁰ (No texts of this kind are attributed to *[quin]decimviri*: perhaps their

reconditi (Serv. Dan. *Aen.* 2.649; Serv. Dan. *Aen.* 1.398; Linderski 1985: 233, *contra* Regell 1878: 37; Thulin 1909 (vol. 3): 111 n. 4); both haruspical and Sibylline books can be *fatales* (Livy 5.15; Livy 42.2; Suet. *Iul.* 79; Serv. Dan. *Aen.* 2.140; Cancik 1983: 559 n. 40, 562, 571; Guittard 2004: 30 n. 12. Our ignorance should make us cautious: much as I sympathize with the enthusiasm of Giovannini 1998, we cannot assume that all augural knowledge was written down, much less that it was all contained within the augural *libri*.

¹⁹³ North 1998: 58. To suppose that only priestly *scribae* had the wherewithal to navigate them (Giovannini 1998: 117f.) is arbitrary.

¹⁹⁴ Liberman 1998: 68-9, 72.

¹⁹⁵ Regell 1878: 24; Sini 1983: 176-7.

¹⁹⁶ Beard 1985 (Arval Acta); Liberman 1998: 72 n. 47 (Saecular Games inscriptions).

¹⁹⁷ Moretti 1982-4: 366; *contra* Scheid 1998: 19.

¹⁹⁸ Scheid 1998: 22. Cf. the *codices* kept for reference by the Arval Brothers: Scheid 1994: 179.

¹⁹⁹ Overview, Harries 2006: 162-9. C. Claudius Marcellus (pr. 80): Cic. *Leg.* 2.32. Ap. Claudius Pulcher (cos. 54, censor 50): Cic. *Fam.* 3.4.1; 3.9.3; 3.11.4; *Leg.* 2.32 (the purpose of augury); Festus 386L (*tripudium sollistimum*); reference to his opinion (*ait*) in Festus 214L (*oscines aves*). L. Julius Caesar (cos. 90 BC): Macrobi. *Sat.* 1.16.29 (on whether *nundinae* are *feriae*); Prisc. *Inst.* 6.16.86 (*Caesar in auguralibus: si sincera pecus erat*); 8.4.15 (*certaeque res augurantur*); reference to his opinion (*putat*) in Festus 154L (*maiolem consulem*); on the identification, Rüpke 2008: no. 2007; Linderski 1986: 2178 prefers his son, the consul of 64 BC. M. Valerius Messalla (cos. 53): Gell. 13.14 (augury on the Aventine, definition of *pomerium*); 13.15 (*auspicia maxima and minora*); 13.16 (powers of magistrates, definition of *cum populo agere* and *contionem habere*); Festus [Paulus] 520L (*verniserat*). Reference to his opinion (*ait*) in Festus 476L (*bene sponsis, beneque volueris*).

²⁰⁰ A. Caecina, the contemporary of Cicero and definitely a *haruspex* (Cic. *Fam.* 6.6.3): Sen. *Q Nat.* 2; presumably much of Plin. *HN* 2.137-146, and perhaps 11.197; Verona Scholiast *Aen.* 10.200;

methods, like their oracles, were supposed to be kept secret).²⁰¹ If these writers were members of the relevant priestly bodies, they presumably had access to their ‘official’ records,²⁰² and it seems reasonable to suppose that they may have repeated at least some of the ‘rules’ of divination found therein, although they may also have added their own interpretations of these rules. So many of these works are now lost that it is virtually impossible to say how widely-accepted, or, by contrast, idiosyncratic, their views may have been, though it is worth noting that despite Linderski’s confidence that nearly all such *commentarii* were ‘unofficial’,²⁰³ it is possible that some at least expressed the ‘official’ views of the writer’s priestly group.²⁰⁴ In Cicero’s case, the ‘philosophical’ works clearly employ divinatory tenets as ammunition for argument, cited out of context and perhaps adapted to suit

Torelli 1969b: 295; Hohti 1975; Rawson 1978: 137-8; Capdeville 1993: 13f.; Capdeville 1997: 289-94; and especially Weinstock 1951 (highly speculative, but making the important point that the summaries of Caecina’s doctrine in Seneca and Pliny do not necessarily represent traditional Etruscan views); Rawson 1985: 304-5. Tarquinius Priscus: not proven to be a *haruspex* (his name is probably not to be restored in the Tarquinian *fasti* (CIL 11.3370; Heurgon Latomus 1953; Torelli 1975: 105f., 117-19; Heurgon 1978: 101 n. 5; Rawson 1978: 139 n. 61; Guittard 1990: 91 [Linderski 1985: 231 n. 88 is agnostic]), though Amm. Marc. 25.2.7, where the state *haruspices* refer to *Tarquitianis libris*, suggests that his writings were intended for practitioners. He is cited in Pliny’s Indexes for *HN* Books 2 (lightning), 11 (extispicy); perhaps Festus 340L (‘Tarqui-’, though for non-religious content); Macrobi. *Sat.* 3.7.2 (spots of purple on a sheep or ram portend prosperity to a *princeps*; Thulin 1906a (vol. 1): 10-11); 3.20.3 (he wrote an *Ostentario arborario*, identifying trees that are *infelices* because in the *tutela* of the *di inferi*).

²⁰¹ Rawson 1985: 303. Varro wrote about the college (see below), but *pace* Cichorius 1922: 199-200, is not known to be a *quindecimvir* (Gagé 1955: 700; Rüpke 2008: 916 n. 4). The *XVvirorum commentarii* cited by Censorinus *DN* 17.10-11 are probably not ‘individual’ but the college’s ‘official’ records (Pease 1923: 424; Pighi 1967: 50; North 1976: 4-5; Sini 1983: 105; Scheid 1994: 177-8, 180) or perhaps senatorial or inscribed records (Lieberman 1998: 70). On secrecy surrounding Sibylline Books, Cic. *Div.* 2.112; *Leg.* 2.30; Dion. Hal. *Ant. Rom.* 4.62; Val. Max. 1.13; Cass. Dio 39.15; 54.17; Tac. *Ann.* 6.12; Lactant. *Div. inst.* 1.6.13; Radke 1963: 1125, 1136; Linderski 1985: 211-12; Rosenberger 1998: 58. Despite Plut. *Q. Rom.* 99, augurs do not seem to have been sworn to secrecy to the same extent: Giovannini 1998: 117.

²⁰² Thus I follow Linderski 1985: 208-10 in seeing Cicero’s self-distancing from the augurs’ *libri reconditi* in *Dom.* as a feint, probably to stress the fact that the augural principle at issue is not arcane but well-known to all (on ‘disavowal of specialist knowledge’ as strategy, Nisbet 1939: 95, 103, 187). *Pace* Linderski 1985: 224-5, however, I find it unlikely for the same reason that in this speech Cicero fundamentally misrepresents augural doctrine.

²⁰³ Linderski 1985. Cf. Wissowa 1896a: 2323; Regell 1878: 30f.; Pighi 1967: 49 (apparently seeing *commentarii* as official ‘verbali degli atti professionali’); Cic. *Div.* 2.42 (*in nostris commentariis scriptum habemus*) surely has an official ring to it (Wissowa 1896a: 2323).

²⁰⁴ E.g. if individual treatises were more accessible to non-members of priestly bodies than their ‘official’ records, later writers might attribute a rule to an individual treatise simply because they found it there, but this would not tell us whether the rule was, or was not, also to be found in ‘official’ priestly records.

his personal interpretation. Yet even here we find what purport to be quotations of accepted divinatory rules, and the fact that our surviving sources usually cite individual treatises for definitions of ritual terms, and for specific points of doctrine, may to some extent reflect not only those sources' preoccupations, but also the content of the original texts. At the least, it suggests that some parts of augural treatises resembled legal commentaries, in putting forward the writer's view of aspects of his discipline; indeed, even the few ancient references we have to Cicero's lost *De Auspiciis* concern rules and definitions,²⁰⁵ which may perhaps suggest that that piece was more 'technical' than his surviving philosophical works.²⁰⁶ It is even more difficult to tell how representative treatises about haruspicy were, not only because *haruspices* may have disagreed on the interpretation of tenets of their doctrine (though, as discussed above, there is no necessary reason to assume that they could not have agreed on certain 'standard' interpretations) but also because the treatises of Caecina and Priscus are generally assumed to have incorporated non-traditional foreign (Greek and Near Eastern) elements into their treatments of haruspicy.²⁰⁷ However, it also seems likely that Caecina and Tarquinius wrote, in part, to preserve in Latin (for interested Romans?) the threatened traditions and language of Etruria,²⁰⁸ and it would therefore seem logical to expect from them conservatism as well as innovation.²⁰⁹ More importantly, the inclusion of 'foreign'

²⁰⁵ Possible allusions in Cic. *Fam.* 3.9.3; *Div.* 2.76 (Momigliano 1984: 208); cited by Serv. *Aen.* 5.738 (tribunes cannot be absent from the *urbs* all night, but may leave after midnight and return before the [following?] midnight); Charisius *Gramm.* 1 p. 133 Barwick (*oscen*); p. 156 Barwick (*avi incerta*); p. 176 Barwick (*oscinis*); reference to his opinion (*ait*) in Festus [Paulus] 488-9L (*tesca*); Pease 1920: 10 n. 13; Schanz-Hosius 1927: 526.

²⁰⁶ Was this perhaps why it attracted less interest from the medieval readers who preserved Cicero's more wide-ranging philosophical discussions?

²⁰⁷ Wissowa 1912: 544 n. 1; Weinstock 1951.

²⁰⁸ Hohti 1975: 428; Rawson 1985: 28, 299; Beard, North and Price 1998 (vol. 1): 113 (Roman interest in 'reviving' haruspicy).

²⁰⁹ Surviving Latin texts may still preserve Etruscan concepts and terminology, and Latin phraseology in haruspical pronouncements may be mere linguistic adaptation, not necessarily signifying departure from 'Etruscan' ways of thinking: Guittard 1990: 99; Capdeville 1994. Note

elements in treatises on haruspicy need not only have been caused by abstruse and idiosyncratic speculation, for it could also be evidence that the *haruspices* of the first century BC employed in practice a *mélange* of techniques. For these reasons, we may consider it possible that at least some of the ‘rules’ for divination transmitted from individual treatises to our surviving authors are representative of Republican divinatory practice.

Finally, we should note that individual treatises on political structures and magisterial duties,²¹⁰ even when not written by members of priestly bodies such as *haruspices*, augurs, and (*quin*)*decimviri*, may still be said to be written by ‘practitioners’ of divination insofar as all magistrates were required to use state divination in transacting public business. These treatises too, therefore, may have furnished later writers with practical information on divinatory rules.²¹¹

***Transmission by
Later Writers***

Specific questions about the reliability of the many ancient authors who transmit divinatory rules to us will be addressed in the chapters to come, but underlying issues may be briefly considered here. Firstly, we do not really know how much access later writers had to the ‘primary’ documents discussed above. Access to the ‘official’ records of the priestly bodies was presumably much easier for members, and may even have been

that Etruscan was still used in the first century BC: Bispham 2007: 5 with refs, strengthening surmise of Cornell 1978: 172-3 that even ancient Etruscan *libri* were comprehensible in the Late Republic.

²¹⁰ E.g. writings attributed to Q. Aelius Tubero (Bremer 1896: 364-7) and L. Cincius (Bremer 1896: 252-60; Funaioli 1907: 371f.).

²¹¹ Thus *commentarii* (to be equated with his *libri magistratuum*?) of C. Sempronius Tuditanus (cos. 129), are cited for an augural rule in Gell. 13.15.4; Cichorius 1902; Schanz-Hosius 1927: 196-7; Bardon 1952 (vol. 1): 105-6. His writings treated other religious subjects too, including intercalation (Macrob. *Sat.* 1.13.21), *nundinae* (Macrob. *Sat.* 1.16.32), and discovery of ‘books of Numa’, 181 BC (Plin. *HN* 13.84).

restricted to them, though we do not know this for certain.²¹² (That in *Dom.* 136 Cicero, who disclaims knowledge of the *abscondito pontificum iure*,²¹³ is ready to cite rules from the pontifical *commentarii*, could of course be mere posturing or inconsistency, but alternatively it might suggest that some priestly records were more secret than others).²¹⁴ Even if the ‘official’ records were themselves kept away from the public eye, however, it seems likely enough that information from them entered wider circulation through word of mouth, as well as through citation in individual treatises and speeches as discussed above, for at least some of our surviving authors had access to these (although it is often difficult to tell whether their knowledge of these texts is first hand, or drawn merely from the citations of earlier writers).²¹⁵

The accuracy with which rule-statements in these ‘primary’ sources were transcribed by later writers must depend to a large extent on the genre in which they were writing. Ancient historians who depict Romans applying divinatory rules may well have copied these without too much alteration from older sources, for reasons discussed above, and it is encouraging to note that they sometimes highlight differences between the divinatory practices of their own day and of earlier periods. Thus, as we will see, Cassius Dio notes changes in the meanings diviners assigned to specific signs during the final Civil War and the Principate, while Dionysius of Halicarnassus is aware of (Late Republican?) alterations to the ritual of magisterial auspication upon entry to office. This suggests that ancient historians did not always

²¹² The augural formulae in Varro may suggest that he had access to ‘official’ records: Norden 1939: 4f.; North 1976: 5. Scheid 1998: 26 suggests that members of one priestly college may have had access to records of others.

²¹³ *Dom.* 138.

²¹⁴ Cf. Linderski 1985: 220; North 1998: 49. Another allusion to *pontificum commentariis* at *Brut.* 55.

²¹⁵ Early writers may also have been able to commission *scribae* of the priestly bodies to conduct research among the ‘official’ records on their behalf (Giovannini 1998: 117, 121-2), if such records were not secret.

impose more recent divinatory rules on their depictions of past Roman behaviour in response to divination, though we must always bear in mind the possibility that they failed to notice some changes in practice and thus erroneously retrojected them to earlier periods.²¹⁶ The evidence of ‘creative’ writers such as poets and dramatists, by contrast, is perhaps less to be trusted, since artistic depictions of divinatory rites would not have been limited by the historian’s potential interest in what actually happened, nor, necessarily, by close following of an older source. ‘Creative license’, too, must often have been at work, as attempts to heighten the dramatic effect or grotesqueness of signs, as well as imitation of Greek writers who reflect non-Roman systems of divination, may give a distorted impression of daily Roman practice.

Perhaps the most alluring, and yet the most challenging, evidence for divinatory rules, however, comes to us in ‘technical’ treatises written either by scientific researchers like the younger Seneca and Pliny the Elder,²¹⁷ or by linguistic commentators like Sennius Capito,²¹⁸ Festus²¹⁹ and Servius/Danielis,²²⁰ or by

²¹⁶ Thus the confidence of Giovannini 1998: 122 that historians would not have fabricated priestly rulings because they could be refuted by reference to the priestly archives, has some basis, but is excessive: later historians were not necessarily subject to the constraints on falsification that weighed on their predecessors.

²¹⁷ See **Chapter 3**, Statements 5 and 6.

²¹⁸ On augury: Festus 454L (*sinistrae aves*). On prodigies and *Etrusca disciplina*: Festus 122L (*monstrum*); perhaps John Lydus *Ost.* 2, 3 (Wachsmuth 1897: xxv-xxvi, *contra* Müller 1877 (vol. 2): 36 n. 70). Other religious interests: Festus 436L, 438L (the *Ludi Apollinares*); 186L (definition lost); 500L (*tensam*), perhaps from his work *de Spectaculis* (Lactant. *Div. inst.* 6.20).

²¹⁹ See Glinister et al. 2007; on Paulus’ epitome, North 2008.

²²⁰ Servius (Kaster 1988: ch. 5) wrote after 391/2 or 395 but before 410 (Georgii 1912; Murgia 2003: 430-435); Marinone 1970 opts for the 430s, but has not been widely followed. Servius’ commentary on Virgil (S) was based on that of Aelius Donatus (c. 360; Murgia 2003: 47; Kaster 1988: 275f.; 356f.), as was that of the ‘Danielis Scholiast’ (D), whose work is interpolated in Servius’ in the Servius Danielis manuscript (DS) (Lloyd 1961; Goold 1970: 101-22; Zetzel 1984: 81-3; Kaster 1988: 169 n. 2). I will follow convention in using ‘Serv.’ to denote S and ‘Serv. Dan.’ to denote DS. These recensions suggest that Donatus cited several Republican authors, including Cato the Elder, Cicero, Sisenna, Sallust, and Varro, as well as Livy, Pliny the Elder, and, probably, Verrius Flaccus (Nettleship 1881: lviii, cvi; Lloyd 1961: 297, 299-301, 303, 309-14, 323-5; McDonough et al. 2004: xxii-xxiii), though this does not guarantee the accuracy of Servius/Danielis’ statements (below, **n. 225**). Servius in particular seems guilty of abbreviation and simplification: he is often suspected of writing for students (Lloyd 1961: 301; Zetzel 1984: 84, 100-1; Starr 2007: 963).

antiquarian compilers like Aelius Stilo,²²¹ Varro,²²² Veranius,²²³ and Verrius Flaccus.²²⁴ (Of these only Seneca, Pliny, Festus, and Servius survive). For on the one hand there is no reason to suppose that texts like these could not preserve fragments of Republican divinatory thinking, and indeed they often oblige us with explicit rule-statements that modern scholars have frequently accepted at face value. On the other hand, we must acknowledge that the view of divination which such sources transmit could have been contaminated both by these authors' own goals and presuppositions, and by changes in actual divinatory practice and attitudes by the time their texts were written.²²⁵ For this reason, the work of those modern

²²¹ His writings on *pontifices* (Cic. *De or.* 1.193) may have discussed prodigy-interpretation. If *itaque tera in augurum libris scripta* in Varro *Ling.* 5.21 is part of the citation, Stilo would seem to have commented on orthography of augural *libri* (Norden 1939: 5). Other religious interests: Salian Hymn (Varro *Ling.* 7.2); on his life, Suet. *Gram.* 3; Kaster 1995: 68-70, 72-78; Wallace-Hadrill 2008: 234.

²²² Overview, Cenderelli 1973: 101-9. On augury: Macrobi. *Sat.* 1.16.19 cites *augurum libri* (Rawson 1985: 302 n. 20), though this may be a reference to an augural portion of *ARD* (Ritschl 1877 [vol. 3]: 480) or of manual for Pompey (Schanz-Hosius 1927: 567). *Ling.* quotes ritual formulae (see especially Norden 1939 on *Ling.* 7.8); Pompey's manual defined *templa* (Gell. 14.7.7) and gave instructions for when to take the auspices and when to sacrifice (Gell. 14.7.9). On haruspicy: he referred to *libri fatales* and *Tuscae historiae* (Censorinus *DN* 14.6; 17.6), and may have used Tarquinius Priscus (Heurgon 1978; Guittard 1990). On prodigy-interpretation: *ARD* included a book on (*quin*)*decemviri*, which seems to have related history of the discipline (origins of the Sibyl, state efforts to reconstruct the books after Capitoline fire, 83 BC): Dion. Hal. *Ant. Rom.* 4.62; Lactant. *Div. inst.* 1.6; Lactant. *Epit.* 5; *Ira Dei* 22.5; Serv. *Aen.* 3.444-5; 6.36, 72, 74.

²²³ On augury: Festus 366L (a work *auspiciorum de comitiis*). References to his opinion (*ait*) at Festus 474L (how and where auspiciant should sleep); 298L (*paludati*); Gordon 1955: 937; Linderski 1986a: 2186. On haruspicy: Macrobi. *Sat.* 3.5.6; 3.6.14; 3.20.2 (rules for selecting victims and preparing *exta*, relevant to ascertaining *litatio*); perhaps Festus 148L (though it is not clear which entry he is being cited for); reference to his opinion (*ait*) in Festus 296L (*prodiguae hostiae*); 298L (*presan...*, something to do with funerary sacrifices); Macrobi. *Sat.* 3.2.3-4 (*porricere [exta]*); 3.5.6 (choosing *eximias [hostias]*; attributed to *pontifices*, not *haruspices*, but presumably still relevant to sacrificial ritual). Writings on pontifical matters and *supplicationes* (Macrobi. *Sat.* 3.5.6; 3.6.14) could conceivably have encompassed prodigies.

²²⁴ On augury: *De verborum significatu* is presumably source of many of Festus' augural definitions: Strzelecki 1932: 77-8; Schanz-Hosius 1935: 362-6; Dihle 1958: 1640; Reitzenstein 1887 [1966]: 47-51; Grandazzi 1993 (not always correct on points of detail). On haruspicy: said to have written (*libri rerum*) *Etruscarum*: Verona Scholiast *Aen.* 10.183, 200; Peter 1906 (vol. 2): cviii; Harris 1971: 26-7. His *libri rerum memoria dignarum* recorded events involving *haruspices* (Gell. 4.5.6) and prodigies (Macrobi. *Sat.* 1.6.15). The thesis of Grandazzi 1993: 57-73 that Verrius avoided *Etrusca disciplina* in his lexicon (*contra* Müller 1880: xiii; Münzer 1898: 606), depends on the unconvincing premise that all mentions of prodigies, *fulgura*, and *exta* in Festus are augural. For such items are far more likely to derive from haruspicy (the sacrificial *pestifera auspicia* and *piacularia auspicia* of Festus [Paulus] 244-5L are unusual and probably mean *auspicium* as 'sign', not in a technical sense (Regell 1893: 18 n. 45; Thulin 1906a (vol. 2): 8-9; Catalano 1960: 38-9; 205 n. 39). Other religious interests: *evocatio* (Plin. *HN* 28.18).

²²⁵ The quotations in Festus' lexicon, for instance, usually explicate archaic words rather than contemporary practice (North 2007), while Paulus' epitome often obscures the degree of ancient

scholars who have attempted to reconstruct Roman divinatory rules by collecting and comparing all extant rule-statements, while tremendously valuable, has also been somewhat over-confident, and we may say that the modern study of Roman divination which depends upon their work, has yet to fully incorporate the more recent breakthroughs of historiography, yet to grapple with the realization that a ‘fragment’ is seldom a quotation,²²⁶ and that genre exerts a tremendous influence on how and what is said, and not said.²²⁷ The effects of change over time are particularly relevant here. For, as we will see in **Chapter 3**, some divinatory ‘rules’ appear to have been altered during the course of the Republic,²²⁸ and just as it may have been harder to ‘double-check’ the truth of divinatory stories in times of crisis (as we saw above), so it may also have been harder at those times to control and weed out innovative, ‘non-traditional’ interpretations of signs. Thus with the passage of time ancient researchers might find it difficult to understand the rule-statements of older sources (as, for example, Gellius suggests that most of his contemporaries no longer knew what the sacrificial term *succidanea* meant, or Servius seems to hypothesize general rules of augury from a few specific cases), and may transmit rule-statements of various periods that were not in fact all in force

debate about a word or practice, and suppresses details (North 2008). Divinatory rules may have changed significantly by Servius’ time (even sacrifices had stopped by his time of writing: Murgia 1988: 496 n. 5; Murgia 2003: 61), and he is not always in sympathy with the religious implications that Virgil offered his first century BC readers (Zetzel 1984: 119; Knox 1997: 229). His Danielis Scholiast (following Donatus?) sometimes draws religious inferences far removed from the likely meaning of Virgil’s text (what Jones 1961: 222f. calls ‘allegorism *ex ritu Romano*’). Augustine aims to prove the futility of ‘pagan’ divination, and may therefore distort our picture of it. Macrobius, for all his evident passion for the preservation of ‘pagan’ religious lore (Bloch 1963: 208-9, 213; but cf. Cameron 1977: 16-26; Beard 1985: 146 and n. 106), is sometimes led into overstatement by his excessive reverence for Virgil (e.g. when he asserts that *tauri* are never sacrificed to Jupiter, Macrobius *Sat.* 3.10 [this datum is attributed to Ateius Capito, but the most we can say with security is that it derives from Donatus: Murgia 2003: 46]; on the difficulties here cf. Tromp 1921: 60; Krause 1931; Benveniste 1945; Capdeville 1978).

²²⁶ Cf. Strasburger 1977 = 1990: 191f.; Brunt 1980b; Schepens 1997: 166; Bowersock 1997; Kidd 1997; for examples see Sacks 1994 (Diodorus Siculus); Ambaglio 1990 (Athenaeus).

²²⁷ See especially Feeney 1998; North 1998: 59f. on ‘religious’ texts; Bispham 2007: 17f. on the politics of antiquarianism.

²²⁸ On mechanisms of changing ritual at Rome, North 1976.

at the same point in time. (One helpful implication of this observation, however, is that when we find contradictory rule-statements in our surviving sources, we do not always need to see the inconsistency as proof that there was no ancient agreement on the rules at any given time; instead, the contradictions may stem from different sources reporting different periods' perceptions of the rules). Furthermore, it is probably unwise to expect the same degree of consistency and reliability from antiquarians, who were at least writing on divination specifically, as from grammarians, who sought to use snippets of divinatory lore in support of their linguistic arguments, and may thus have paid little attention to those snippets' precise context. And even antiquarians had their ideological axes to grind, as modern scholars have shown for Varro²²⁹ and for Festus.²³⁰ We have seen that ideology did not always compromise the reliability of the divinatory information reported by well-preserved writers like Cicero, Livy, and Cassius Dio, and that may also be true of the rules recorded by antiquarians and grammarians, but it is important to recognize that we cannot be certain about this. For all these reasons, therefore, we must acknowledge that in many cases, we have little means of assessing the scope and applicability of the 'rules' cited in ancient 'technical' literature.²³¹

The first half of this chapter suggested that we have at least some evidence for real, historical incidents of divination in the Republican period. The second half

²²⁹ Varro, for instance, drew on a multiplicity of sources and genres: Moatti 1991: 38, 43. Even *ARD* appears to have combined 'ancestral' religious knowledge of the Republic with Varro's own, philosophical understanding of the nature of gods and religion (Boyancé 1955; Rawson 1985: 316; Momigliano 1984: 204; cf. Dumézil 1970 [vol. 1]: ch. 10). How precisely were the two demarcated? Bispham 2007: 17-24, 31 shows that Festus' definitions are not necessarily 'ancient' or 'traditional' but reflect the socio-political concerns of Verrius Flaccus and his contemporaries.

²³⁰ Bispham 2007: 17-24, 31, 104.

²³¹ Wissowa 1986a: 2324; Linderski 1985: 220, 228-30; Gordon 1990a: 189.

suggested that we have evidence for both the existence and the content of some Roman divinatory rules, although we also noted that attested rule-statements are not necessarily to be taken at face value. It is time now to see how these three observations can aid us in using the ancient evidence to come to a new scholarly understanding of Roman divinatory practice.

Chapter 2: **State Divination in Practice**

Many modern treatments of Roman state divination assume that the number of cases in which divinatory outcomes did not cohere with Roman interests, desires, and plans, is negligible. Liebeschuetz asserts that although '[t]here must have been some examples of religious obstruction which were purely accidental, or at least not manoeuvred by any interested group', nevertheless '[n]o doubt in the great majority of cases' divinatory rituals 'revealed divine approval so that the ceremony was little more than an impressive formality'.¹ Scheid goes further: 'dans les rites divinatoires, les magistrats ou les prêtres seuls ont la parole, les dieux restent silencieux (...). Comme l'auspiciant ou le sacrificant, ils ont le droit de créer et d'annoncer la volonté divine',² so much so that 'the gods were under the control of the magistrates'.³ Important work by North, Beard, Price and Potter has already shown that Romans considered the gods as instigators of certain forms of divinatory communication, and themselves as simply responsive to it.⁴ North has also

¹ Liebeschuetz 1979: 11, 17. Similarly 13 ('Normally [divination] did little more than provide routine confirmation' of human decisions) and 29 (only 'a quite improbably strong belief would have produced acquiescence in a decision on the sole ground of it being supported by divination'). Goodman and Holladay 1986: 161 are even more categorical: 'there is no certain evidence that the observance of religious scruples ever acted to Rome's detriment.'

² Scheid 1987-9: 133-4. More cautious, but tending in the same direction, Linderski 1986a: 2207: augury reflects 'an active, bold but careful attitude of the Romans toward supernatural powers', so that 'one should do whatever one could to appease them, but also whenever it was possible one should try to gain control over them (...). Like everybody else, the deity had to serve the state. (...) In Rome the fight for political power was also a fight for control over the gods'.

³ Scheid 2003a: 150; similarly 1985b: 52, 55; 1987-9: 126-7 ('les réponses des dieux sont pratiquement toujours positives, elles vont toujours dans le sens demandé et espéré'). Though Scheid 1985a: 47 called divination a 'dialogue', Scheid's subsequent publications reject the term. A personal communication (06/03/2007) confirms that he has not substantially changed his views on divination since his 1987-9 article, and reiterates his assertion that Roman divination was 'not a dialogue'.

⁴ North 1990b: 61 (the 'essential characteristic' of Republican divination was its 'system of consultation with the gods, in which human action was constantly adjusted to this perception of the divine response'; 64); Potter 1994: 134 (the senate 'acted on the best information that was available to it about what the gods wanted. It was the senate's task to preserve a relationship whose parameters were entirely determined by the gods'); Beard, North, and Price 1998 (vol. 1): 35, 37 (Roman divination may be seen as 'communication', and sacrifice provided 'opportunities for the exchange of messages' between gods and men). Similarly Kearns 1995: 522 on Greek ritual: 'the performance

demonstrated definitively that in the Middle Republic at least, Romans could not simply have fabricated divinatory signs *ex nihilo*, opening the possibility that some Roman responses to divination were primarily ‘religiously’ motivated.⁵ Yet the view that, in reality, state divination generally cohered with Roman desires remains influential, particularly among Continental scholars. The latest handbooks suggest that Romans had an ‘uneasiness [which] arose from a piety that was constantly mobilised in the expectation of celestial signs’, but nevertheless assert that state divination did not usually prevent human action because Roman ‘ritualism and legalism were rooted in an opportunistic realism, concerned first and foremost with obtaining effective results’; ‘although [the pious Roman] paid heed to [divine] warning signals, he always insisted on maintaining his freedom to act.’⁶ Divination may rightly be regarded as ‘the technique of discovering the gods’ will in present and future contingencies’ and as ‘dialogue with the gods’, but nevertheless, with some exceptions, ‘[t]his constant checking of the acceptability of public actions routinely assumed a positive result.’⁷ More specialized modern treatments of augury, haruspicy, and even prodigies take the same line, arguing that in most known incidents of state divination, divinatory outcomes reinforced the will of the individuals involved.⁸ This supposition undergirds several modern theories about

of religious acts creates a presumption that they are directed somewhere, that through them the visible community is linked with something beyond it’. Ritual is therefore ‘conceived as a two-way process in which deity responds to human communication’.

⁵ North 1967; see also Develin 1978: esp. 11, 16; Develin 1985.

⁶ Turcan 2000: 6-7.

⁷ Rüpke 2007: 228. As exceptions Rüpke cites prodigies and magisterial *obnuntiatio*, but assumes that even the latter were used mainly in ‘compelling individual magistrates to act in accordance with the consensus-view of the senatorial class’.

⁸ E.g. Burckhardt 1988: 178f. (*obnuntiatio* was an optimate tool for blocking *popularis* measures); de Libero 1992: 56-64 (discusses Late Republican *obnuntiatio* solely from the perspective of the magistrate employing it); Giovannini 1998: 109 (Middle Republican augury displays ‘correspondence entre les avertissements donnés par les auspices et la volonté du Sénat, les auspices étant favorables lorsque le chef militaire agit conformément aux directives de celui-ci et défavorables dans le cas contraire’); Linderski 1985: 226 (auspication with *pulli* almost never contradicted Roman will); Rosenberger 1998: 77 (Prodigies: ‘Obstruktion (...) war ein Mittel, mit dem die senatorische Oberschicht ihre Mitglieder kontrollieren konnte: da die mit der Deutung der Zeichen befaßten

the ‘functions’ of divination at Rome,⁹ for example that it enhanced magisterial and senatorial authority, calmed panic and validated decisions taken by magistrates and senate, enforced magisterial submission to the senate and priestly bodies, helped Romans to cope with situations of uncertainty and helplessness, created delay in order to buy ‘breathing-space’ for calmer and more reasoned discussion and/or the application of ‘peer-pressure’, or (rather paradoxically) freed Romans from the prospect, and anxiety, of religious constraint on their actions.¹⁰ When taken to the extreme, such views lead to the conclusion that state divination had very little impact on Roman decision-making¹¹ (witness the recent Franco-German project

Priester den besten Familien entstammten, drückten ihre Interpretationen zumeist auch den Konsens der senatorischen Elite aus.’); further refs in case studies below *ad loc.*

⁹ Conveniently summarized by Liebeschuetz 1979: 8f., but implicit or explicit in many works: e.g. Vernant 1974: 10 (divination makes decision-making appear more ‘objective’); Wardman 1982: 20, 45; Scheid 1985b: 46 (augury legitimated public decisions); Gordon 1990a: 192-3 (religion as a ‘veil’ concealing the ‘real-world forces’ [i.e. failings of the elite] that truly shaped events); cf. Gordon 1990c; North 1990b: 64-5 (divination could validate public decisions, though he criticizes Liebeschuetz’s emphasis on this); Dowden 1992: 35; Orlin 1997: 90-1 (Sibylline consultations could calm panic and validate senate decisions, though he also recognizes ‘religious’ motives as possible); Rosenberger 1998; Rüpke 2005a (divination bought time for the negotiation of elite consensus); Rüpke 2005b: 1443-4 (divination as psychological aid, social process, and symbol), 1450 (divination as ‘Widerspruchsschleifen, die insgesamt den Entscheidungsprozeß in Richtung Konsens optimieren’); further refs in preceding and following notes. The ‘control of helplessness’ theory is prominent in studies of Greek divination: Eidenow 2007; Flower 2008: 74f., 243-4 (divination’s ‘primary function (...) is its ability to help individuals and groups make decisions that are particularly difficult, stressful, contentious, or consequential’), but probably not as applicable to Rome: North 1990b: 62-4.

¹⁰ Liebeschuetz 1979: 12-13 (divination may have ‘ma[d]e possible a very secular, and therefore seemingly modern, form of politics. Divination freed the state from fear that its agents were irritating the gods, and so made possible the taking of decisions by objective considerations, unhampered (...) by religious scruples (...) [thus the Roman magistrate] had no need to base his public acts on anything other than law, precedent, or public advantage’); Bloch 1984: 81-2 (divination was designed to preserve divine favour ‘sans compromettre le déroulement normal et nécessaire de l’entreprise et de l’action’); Turcan 2000: 11 (‘Religious legalism had the advantage of curbing the imagination and keeping dread of the supernatural under control. (...) In the end, *religiones* were useful to give a feeling of security to human undertakings by “easing the pressure” on the devout person who adhered strictly to the letter of the ritual. By fulfilling these religious “scruples”, one is liberated from them (...) In short, Roman piety was a form of therapy against superstitious fears’).

¹¹ Succinctly, Liebeschuetz 1979: 3 (‘fear of divine displeasure was very rarely a motive when a Roman decided on a course of action’), 18-19 (the rules of divination ‘were drawn up in such a way that it could not seriously divert the state from the course on which its leaders had set it’); Scheid 1985b: 53: ‘même pour les manifestations les moins prévisibles du dieu, la République a formulé des règles qui ont pour effet de limiter jusque dans le détail les interventions subjectives du magistrat tout autant que celles de Jupiter’. Little change from Bloch 1963: 80-1 (‘pour empêcher la pluie des présages de paralyser sa vie publique et sa vie privée, les Romains ont-ils imaginé toute une série de moyens efficaces garantissant au maximum leur liberté d’action’).

‘Divination et décision’,¹² where the possibility of divinatory outcomes contradicting the will of the elite is virtually ignored).

Such conclusions lie at the heart of modern theorizing about how Roman state divination worked and, by extension, about how we should understand Roman religion. Before the 1980s-1990s, scholars tended to assume that alignment between divinatory outcomes and recipients’ desires must have been achieved through deliberate ‘manipulation’ and ‘abuse’ of divinatory signs. This interpretation both drew on, and fed into, the belief that many Romans were religiously insincere and cynical, especially during the Late Republic.¹³ In the last few decades, scholars have been much more willing to credit Romans with genuine ‘belief in’ their divinatory system,¹⁴ but have not mounted a sustained challenge to the assumption that divinatory outcomes usually aligned with recipients’ desires. They have instead reinterpreted the supposed alignment, arguing that Romans considered it appropriate and acceptable, and that their divinatory techniques were inherently biased towards yielding desired results.¹⁵ This interpretation both draws on, and feeds into, the claim that in a ‘non-Christian’ religion such as Roman polytheism, alignment between ‘religious’ and ‘non-religious’ aspects of life was both expected and accepted.¹⁶ Alignment between human and (perceived) divine will has also

¹² *Cahiers du Centre Gustave Glotz* 16 (2005); *Revue de l’histoire des religions* 224.2 (2007).

¹³ E.g. Bouché-Leclercq 1879-82 [1975] (vol. 4): 125, 174, 185f, 210; Wissowa 1912: 70-2; Warde Fowler 1911: ch. 13; Koch 1960: 187f.; Dumézil 1970: 609; Rawson 1971: 164; hints even in Jocelyn 1982: 159.

¹⁴ E.g. Scheid 1987-9: 126; North 1990: 64; Harris 1990: 289; Potter 1994: 50.

¹⁵ In augury, **Chapters 3** and **4**. In haruspicy, the modern assumption that Roman sacrifice routinely proceeded *usque ad litationem*: Tromp 1921: 63; Wissowa 1927: 741; Krause 1931: 277; Schilling 1969: 472; Scheid 1981: 123; Scheid 1987-9: 130-1; Beard, North and Price 1998 (vol. 1): 36; Turcan 2000: 9; Rasmussen 2003: 121 and n. 144; a dissenting voice is Potter 1999: 156. In prodigy-interpretation, the assumption that expiation was easy and efficient: e.g. Goodman and Holladay 1986: 161; Bloch 1984: 100-1.

¹⁶ Szemler 1971: 124f.; Scheid 1985b: 47 (‘le magistrat est toujours un peu prêtre, et le prêtre un peu magistrat, dans la mesure où le magistrat participe de la liturgie officielle de Rome et que le prêtre n’est pas un <<renonçant>>, un homme extérieur au monde, mais une sorte de magistrat’; though 1985b: 56-7 recognizes that priests and magistrates could also operate in separate spheres); Scheid 1987-9: 132. Cf. the argument that Greek religion was ‘embedded’ in ancient (particularly *polis*) life:

been interpreted as reflecting a characteristically Roman view of the gods as benevolent by default towards their state and its plans.¹⁷ On this theory, Romans saw divine entities simply as more powerful versions of themselves, equanimous ‘co-citizens’ who would naturally support their human compatriots.¹⁸ State divination, in Scheid’s words, functioned as a ‘reenactment of a theological given’, revealing once more the gods’ support of Rome;¹⁹ as ‘not so much an empirical and direct consultation with the gods, but rather (...) the recitation of a kind of prayer that revealed the gods’ agreement with whoever was consulting them’.²⁰ From this, it follows that Romans expected their gods to respond beneficently so long as their rites were correctly performed; that is, orthopraxy was sufficient to ensure divine favour.²¹

That divination could fulfill most of the social ‘functions’ scholars have ascribed to it, that political and personal self-interest could coincide with ‘religious’ concerns,²² and that religion was ‘embedded’ in Roman public life (in the sense of

Price 1999: 3 (‘There is no religious sphere separate from that of politics and warfare or private life’); Bremmer 1998 on vocabulary; Sourvinou-Inwood 2000a; Sourvinou-Inwood 2000b; cf. Bendlin 1997; Woolf 1997.

¹⁷ Freyburger 1977: 315; Liebeschuetz 1979: 61; Scheid 1985a. This theory underlies the model of Roman imperialism as driven by an unusual degree of confidence in divine support: Brunt 1979: 161 (Romans believed that their ‘dominion was ordained by the gods, whose favour Rome had deserved by piety and justice’), also Harris 1979: 123; Beard and Crawford 1985: 31 (‘the interest of the gods always lay in promoting the success of the Roman state (...) It was axiomatic that the gods should (...) approve’). On this ‘boastful confidence in divine favour’ as supposedly characteristic of Roman, but not Greek, religion, Welles 1934: 155; Ma 1999: 101.

¹⁸ Veyne 1986; Scheid 1989-1990: 782; Rüpke 2006a: 225 (‘In general, the Romans were not excessively eager to contact [the gods]. The gods were thought of as members of an ordered society who had obligations and rights. They were to receive their share and, for the most part, no more’). But cf. Veyne 2005: 424, seeing Roman religion as expressing: ‘les rapports internationaux de deux races (...) qui sont indépendantes, mais inégales, et la piété consiste à reconnaître en actes et en paroles la supériorité de la race divine’; similarly Beard, North, and Price 1998 (vol. 1): 34.

¹⁹ Scheid 1987-9: 132.

²⁰ Scheid 2003a: 112.

²¹ Scheid 1981: 130; Wardman 1982: 9; Rosenstein 1990: 56; Scheid 2003b: 206 (Roman ritualism did not involve emotional anxiety), 209 (‘les rites sont plus importantes que les dieux’ in how Romans understood their religion); Scheid 2005c: 278 (‘Les dieux regardaient les actes cultuels (...) et ils ne sondaient pas les coeurs.’ Cf. **Chapter 3; Conclusion**, 202.

²² E.g. Wardman 1982: 41; Orlin 1997: ch. 3; **Chapter 4**, 166.

being involved in every aspect of it, and of being defined primarily in civic terms),²³ is no doubt true. Other aspects of the picture sketched in the preceding paragraphs are, however, open to challenge. Beard, North, and Price argue that Romans did not see their gods as ‘reliably controlled or predicted’ (though they also maintain that the gods were not considered ‘all-powerful or irresponsible’).²⁴ Some scholars hold that Roman gods were not always thought to be benevolent,²⁵ and Eckstein and Ando have recently gone so far as to write of Roman ‘fear’ of the gods during the Middle to Late Republic.²⁶ A few dissenting voices stress the importance, in Roman piety, of maintaining a right attitude to the gods.²⁷ Finally, recent work on Greek divination has begun to accept that divinatory outcomes could, and did, have an

²³ Marquardt 1878 (vol. 3): 212-13; Szezmeler 1971; Scheid 1985b; Boyancé 1958 = 1972: 28; North 1989: 599; Beard, North, and Price 1998 (vol. 1): 43; Scheid 2005c. Similarly Connor 1988: 181; Bremmer 1994: 2-4 on Greek religion.

²⁴ Beard, North, and Price 1998 (vol. 1): 34.

²⁵ North 1989: 598: the gods’ ‘benevolence is essential to success, but it can never be assumed to be available without continuous human effort to maintain the right relationship’; Rosenstein 1990: 56; Veyne 2005: 428-9; Eckstein 2006: ch. 6 (an important challenge to the view that Romans considered themselves divinely guaranteed to succeed in war); David Levene in a paper presented at ‘Approaching the ancient Mediterranean World: Religion, Memory, History. A Day for Simon Price’ (Oxford, 22/09/2008).

²⁶ Eckstein 2006: 224 (‘the prevalence not of triumphalism but of anxiety in mid-Republican religious ceremonial’); Ando 2008: xvii (‘in light of the terrifying difference in power between gods and mortals, mortals had no choice but to consult the gods; and yet, the habit of Roman gods in particular of communicating with enormous indirection placed an exceedingly high standard on the correct performance of all such processes of consultation. What one knew to work on the basis of experience had therefore very precisely to be recreated, until such time as one learned through experience that something about the ritual had to be changed’), 14.

²⁷ Liebeschuetz 1979: 39-54 on moral purity (not generally accepted); Wiseman 1992; Sachot 1991: 367-372 on the Roman value of *religio* as expressing ‘une attitude de respect scrupuleux (...) envers l’institué’ (and, one must surely add, towards the gods).

impact on the decision-making of generals and *poleis*,²⁸ and Wiseman and Eckstein have made the same claim for Rome, though with almost no discussion.²⁹

These alternative views are, to my mind, more likely to be correct than the ‘alignment’ model of Roman state divination (and religion); indeed, I shall argue that the alternatives do not go far enough. To date, however, they have not succeeded in displacing the ‘alignment’ model, even in Anglo-American study, and one reason for this must surely lie in most scholars’ sneaking suspicion that the model’s fundamental premise is actually correct, i.e. that in Roman divination human desires and divinatory outcomes really were, almost always, in agreement. This chapter seeks to undermine that premise by presenting case studies in which divinatory outcomes appear to have conflicted with the will of their recipients. Having established in **Chapter 1** that at least some of our evidence for divinatory incidents in Republican history is reliable, my aim now is to use that evidence to demonstrate that state divination had more significant impact on Roman public life than has often been recognized. This impact will be traced in four major aspects of public life: military manoeuvres, magisterial departures from Rome, elections, and other senatorial business.

²⁸ Bowden 2005; Flower 2008: ch. 6. Bowden’s conclusions in particular harmonize with my own: 4-5 (‘when a community seeks a solution (...) from the gods it cannot test its correctness against human standards of “rationality”. The answer has to be taken on trust. Because of this the responses to what was seen as divine action developed by Greek communities might not necessarily be consistent with the best interests of the community at other times. (...) the need to conciliate the gods, and the recognition of the danger of ignoring them, might lead communities to act in ways that went against their immediate interests’), 151 (‘the gods were a constant presence in Athenian public discourse, and divination was a frequent activity on all military campaigns. Under these circumstances it would be more surprising if concern for the gods did *not* play an important role in Athenian decisions (...) religious motivations were considerably more significant than is at first apparent’).

²⁹ Eckstein 2006: 226 (‘sometimes (...) piety even mandated conduct that appears to moderns as contrary to Rome’s pragmatic advantage’); Wiseman 2009: 112 (‘If our surviving texts had been written instead [of by Caesar and Cicero] by Appius Claudius and Pompey, it would no doubt seem self-evident that Roman senators believed in augury as genuine knowledge of the gods’ will, and Roman commanders regarded portents and the reading of entrails as crucial to their strategic thinking’). Meyer 2002 glances in the same direction, but the argument is superficial.

***Method and
Limitations***

My discussion will employ the terms ‘religious’ and ‘non-religious’. Adherents of the alignment model of Roman religion may be uncomfortable with the distinction these terms imply, but as we will see, it is a fundamental (if often implicit) part of the method scholars have used to argue that divination usually reinforced Roman wishes. I therefore find it necessary to use these terms, but strictly in a value-neutral sense: ‘religious’ will denote the motive of respect for a divinatory outcome for its own sake, and ‘non-religious’ will denote those motives that individuals might have had independent of a divinatory outcome.³⁰

The usual scholarly method of assessing how regularly divination cohered with Roman desires, has been to identify what the participants in a given divinatory situation would probably have desired for ‘non-religious’ reasons (e.g. strategic, political, personal), and to see whether the divinatory result encouraged, or prohibited, those desires (I will refer to this as the ‘motive-assessment method’). When probable ‘non-religious’ desire and divinatory outcome seem to align, this is typically interpreted as evidence that the divinatory outcome was contrived in accordance with human will, and that human obedience to the divinatory outcome was driven by primarily ‘non-religious’ motives.

It should be clear, however, that this method cannot justify such conclusions. For even if we could know what motives an ancient individual entertained (see below), the fact that an individual had ‘non-religious’ motives for obeying a divinatory sign does not prove that he did not also have ‘religious’ motives for doing so. Nor does it necessarily prove that the sign was deliberately

³⁰ In support of some such distinction is Beard, North and Price’s language of ‘convergence’ (rather than identity) between religion and politics (1998 (vol. 1): 27-30), and Woolf’s observation (1997: 74) that even if ‘religion’ was ‘homologous with the political and social’, ‘[h]omology does not mean identity. Greeks and Romans were perfectly able to conceptualise religion as a discrete cognitive domain’).

manufactured to cohere with his will.³¹ In fact, I would argue that it is only in cases of non-alignment between ‘non-religious’ motives and divinatory outcome, that the motive-assessment method can tell us something. For if it can be established that a divinatory outcome did not align with what an individual probably desired for ‘non-religious’ reasons, but was obeyed nevertheless, then it seems reasonable to suppose both that the divinatory outcome was not contrived to cohere with the individual’s will,³² and that the individual obeyed the divinatory outcome for primarily ‘religious’ reasons. Cases of non-alignment, therefore, are more probative than cases of alignment, and they should be the starting point of modern analyses of the workings of Roman state divination.

The obvious pitfall of this method is the difficulty of fathoming individuals’ motives. Individuals may not be aware of their own motives, let alone communicate them accurately to others, so statements about these, whether ancient or modern, will always be tenuous. Ancient sources sometimes state that the recipients of a sign desired/did not desire to obey it, but these analyses may be flawed (though that does not necessarily give us licence to privilege our own speculations over them).³³ In

³¹ We may suspect cases where signs seem to conform closely with what we would expect their recipients to desire (e.g. unfavourable omens reported to senate at the founding of Junonia, signs invalidating the laws of Titius and Drusus in the 90s, or Pompey’s *obnuntiatio* preventing Cato the Younger from being elected praetor in 55 BC). Yet it is well-nigh impossible to prove that such alignment was contrived, or to determine to what extent ‘religious’ motives were involved.

³² This may be true in one of two ways. If the person who obtains the divinatory result is also the person to whose conduct it relates, and whose probable ‘non-religious’ desire is at odds with it, then clearly the result is not contrived in accordance with his desire. (An example would be a magistrate who sacrifices and cannot obtain *litatio* despite wishing to). On the other hand, if one person obtains a divinatory result relating to another person whose probable ‘non-religious’ desire is at odds with it, then the obtainer may (but not necessarily) have contrived the result in accordance with his will. Yet the other person’s obedience to the result would nevertheless show that *he* was not able to contrive it in accordance with his own desire. (An example would be a general who wishes to give battle but is prevented from doing so by a colleague’s announcement of unfavourable signs).

³³ Scholarly discussion of many of the cases I will examine has been unduly dominated by speculation as to the ‘ulterior’ hidden motives that may have been at work, often based on now-outdated theories about Middle Republican ‘parties’ (criticized by Hampl 1953; Meier 1966: 182f; North 1967: 38, 237; Gruen 1968: 5; Epstein 1987: 82, 133 n. 10; Brunt 1988: ch. 9; North 1990c: 278; Rüpke 2005b: 1447) or the power of a presiding magistrate to control the outcome of elections (criticized by Rilinger 1976; Twyman 1984: 289; Develin 1985: 28-9; 132-4; Brunt 1988: 454-5; Yakobson 1999: 163 n. 36).

other cases modern scholars can only infer what individuals would have desired from what is known of their circumstances at the time. In addition to rendering any conclusions drawn by this method open to question, these limitations also mean that the method can only reasonably be applied to well-documented cases. This means, firstly, that my case studies will tend to cluster in the better-documented periods of Republican history (particularly the Middle and final decades of the Republic), and in the more voluminous ancient narratives (particularly Livy, since much even of Dio survives only in compressed, abbreviated form, and Cicero does not offer continuous narrative). Secondly, it means that we can never know the sum total of instances of ‘non-alignment’ in the Republic. Indeed, even if we had enough information to calculate the totals of all cases of apparent alignment and non-alignment of divinatory outcomes with human will during the Republic, the numbers would not generate meaningful statistics, since alignment is not probative (as discussed above).

Nevertheless, this method can at least help us to identify cases where, as best we can guess, divinatory outcomes did not align with the ‘non-religious’ will of individuals. If we can establish that these cases are more numerous than the current scholarly view of state divination would predict, then even this small gain should influence our view of Roman religion.

***Influencing
Military
Manoeuvres***

In 168 BC the consul C. Licinius Crassus was said to have fixed the date of his levy within a *templum* that had not been properly auspicated (Livy 45.12).³⁴ The matter was referred to the augurs (presumably with the senate’s authorization), who

³⁴ *cum legionibus ad conueniendum <diem> edixit, non auspicato templum intrauit.*

pronounced the case one of *vitium*. The consul himself subsequently set out for Gaul, to remain there in winter quarters with the auxiliaries, but his citizen legions remained at Rome.³⁵ The result was that Crassus, unlike his colleague L. Aemilius Paulus the conqueror of Perseus of Macedon, found himself condemned to *obscura fama, quia materiam res gerendi non habuit*.

How could one divinatory error have been allowed to annihilate a consul's chances of glory? Was this deliberate senatorial use of the auspices to delay a campaign?³⁶ Or did Crassus' opponents take advantage of his (genuine) mistake to instigate an obstructive augural investigation?³⁷ The former seems unlikely when we note that although the state's attention was focused on Macedonia at this time (Crassus was charged with levying troops and supplies for Paulus as well as himself, to hasten Paulus' departure),³⁸ this did not prevent the senate from allotting two legions to Crassus in the first place. And since those erstwhile troops do not seem to have been redeployed, a manpower shortage is unlikely to be at issue. Evidence for dominance of the senate by Crassus' putative political opponents is similarly thin: his *imperium* was prorogued for 167 (Livy 45.17.2), and later that year he was appointed one of the ten commissioners for the peace settlement with Macedonia (45.17.2), a mission of vital importance to the senate.³⁹ Crassus himself seems even less likely to have desired the divinatory outcome, since his remaining in his province suggests that he was not avoiding military service, but was looking for an opportunity to campaign. Perhaps what we see in 168, then, is the shaping of Roman foreign policy, and the career of one of Rome's highest magistrates, by an

³⁵ *uitio diem dictam esse augures, cum ad eos relatum esset, decreuerunt. profectus in Galliam (...); legiones Romanae, quod uitio dies exercitui ad conueniendum dicta erat, Romae manserant.*

³⁶ Liebeschuetz 1979: 14.

³⁷ North 1967: 411.

³⁸ Livy 44.19, 44.21. Concern with Macedonia also hastened the performance of the Latin festival: 44.17, 44.19. Cf. North 1967: 404-5.

³⁹ Livy 45.17.7f.

accident, whose effects⁴⁰ no one could have foreseen, and which no one had particular reason to desire.

Human errors in carrying out divinatory rituals seem to have influenced Roman military affairs at other points in Roman history, too. In 216 BC the dictator M. Junius Pera was recalled from camp to Rome to retake his auspices (*auspiciorum repetundorum causa*),⁴¹ instructing his *magister equitum* Ti. Sempronius Gracchus not to engage the enemy in his absence. As a result, Gracchus' attempts to relieve the Carthaginian siege of Casilinum were famously creative, but non-violent and ultimately insufficient to save the city from capture.⁴² The motif of the master of horse tempted to give battle in his dictator's absence occurs elsewhere in Livy,⁴³ and Gracchus' resisting that temptation is in keeping with his Livian characterization as prudent,⁴⁴ but these are not compelling reasons to judge this incident unhistorical. Religious obligations may strike us as a convenient way to justify the loss of Casilinum and to exculpate Pera and Gracchus, but the timing of the defeat, in the midst of Pera's attending to his religious duties, could surely have caused as many theological problems as it solved. In fact, Livy's description of Pera as a commander of energy and initiative (23.14), and of Gracchus' strenuous attempts to relieve Casilinum, suggests that both men would have desired to defend the city if ritual objections had not stood in the way. That Pera's mistake was only discovered after he had left the city, *rebus divinis perfectis*

⁴⁰ Gargola 1995: 28.

⁴¹ Livy 23.19. Perhaps necessitated by an error in his auspication upon entry to office: on this procedure see **Chapter 3**, n. 64; on the difference between 'retaking' and 'renewing' magisterial auspices, Wissowa 1896b: 2587; Linderski 1993: 69 n. 31.

⁴² The courage of the defenders was celebrated: Val. Max. 7.6.2; Sil. 12.426; Pera only rejoined the army after the city had fallen: Livy 23.22.4.

⁴³ Livy 8.30-36 (Lucius Papirius Cursor and Quintus Fabius, 325/4 BC); 22.18.8 (Q. Fabius Maximus and M. Minucius Rufus, 217 BC). John North suggests to me that such dictator/master of horse/auspices stories are more likely plot devices than fact (pers. comm. 11/2006), but this instance at least seems more than a literary strategy.

⁴⁴ Burck 1971: 34; Levene 1993: 42-3, 52.

(Livy 23.14) shows that someone was examining his actions carefully, but does not prove that it was exploited by his opponents. Perhaps, like Crassus, he simply committed an error whose consequences he could not have foreseen.

Auspicial errors similar to Pera's, compounded by prodigies, are also said to have prompted the senate to order the return to Rome of the consuls C. Flaminius and P. Furius Philus (223 BC)⁴⁵ and the dictator Q. Fabius Maximus (215 BC).⁴⁶ Flaminius disobeyed, an act in keeping with ancient tradition's hostile portrayal of him as impious neglecter of divinatory signs and demagogue opposed to the *nobilitas*.⁴⁷ However, Dio reports that his colleague Furius refused to help in the rest of their campaign, even by collecting booty, and that the common soldiers feared disaster at the hands of the enemy (presumably as divine punishment for Flaminius' disobedience).⁴⁸ Yet Flaminius had engaged the enemy,⁴⁹ and, despite the supposed opposition of senate and gods, won a signal victory.⁵⁰ By contrast, in 215 Q. Fabius Maximus, in keeping with his pious characterization in Livy,⁵¹ submitted to the senate's command, although his continued difficulties in haruspicy⁵² prevented him

⁴⁵ Cass. Dio Book 12 (Zonar. 8.20): διὰ τε γοῦν τὰ τέρατα ταῦτα καὶ ὅτι τινὲς παρανόμως ἔλεγον τοὺς ὑπάτους αἰρεθῆναι, μετεπέμψαντο αὐτοὺς. That *paranomós* denotes a flaw in the auspices of their election (cf. Cass. Dio 39.11, 21 on Clodius' *transitio ad plebem*) is confirmed by Livy 21.63.7 (*consulem ante inauspicato factum*); Plut. *Marcell.* 4; Oros. 4.13.12-14; Bergemann 1992: 93.

⁴⁶ Livy 23.36.9-10: *occupatus primo auspiciis repetundis, dein prodigiis quae alia super alia nuntiabantur*.

⁴⁷ North 1967: 769-70; Levene 1993: 39-40; Champion 2004: 201-2. His contemporary Fabius, and ancient tradition, attributed the Roman defeat at Lake Trasimene (217 BC) to his neglect of divination: Cic. *Div.* 1.77 (Coel. fr. 20P); Livy 21.63; 22.1.1-7; 22.3.11f.; 22.9; Val. Max. 1.6.6; Plut. *Fab.* 2.4; 4.4.

⁴⁸ τῶν δὲ μετὰ τοῦ Φλαμινίου μελλόντων καταλειφθήσεσθαι φοβηθέντων μὴ μονωθέντες πάθωσι τι παρὰ τῶν ἐναντίων.

⁴⁹ The Insubres of Gallia Cisalpina.

⁵⁰ Refs in Broughton 1951 (vol. 1): 232.

⁵¹ Levene 1993: 52. Other sources suggest that Fabius' use of religion was flexible: Cic. *Sen.* 2.4.11 claims *augurque cum esset, dicere ausus est optimis auspiciis ea geri, quae pro rei publicae salute gererentur; quae contra rem publicam ferrentur, contra auspicia ferri*. This comment may have been circulated by a hostile tradition rather than reflecting Fabius' own opinion (North 1967: 770); Develin 1978: 9-10 suggests that it does not necessarily imply 'manipulation'. Plutarch's Fabius, unlike Livy's, is not much worried by the portents surrounding Lake Trasimene (2.4; 4.3-4; 5.1), but Plutarch may have exaggerated Fabius' 'rationalism' to pair him with Pericles (Stadter 1975; Levene 1993: 43 n. 13).

⁵² Livy 23.36: *expiantique ea [prodigia] haud facile litari haruspices respondebant*.

from relieving his colleague Ti. Sempronius Gracchus, under siege by Hannibal at Cumae. It was only Hannibal's decision to raise the siege, taken before Fabius' religious obligations were fulfilled (Livy 23.37.9; 23.39.5), that rescued Gracchus and his men.

Was Furius' obedience to divination mythicized, by partisans hoping to dissociate him from Flaminius, or writers who felt that Flaminius' disobedience required a foil to discourage others from following his example? Is the whole story of conflict between Flaminius and the senate an invention, as some scholars argue?⁵³ Not necessarily. That our evidence for Flaminius' 'populist' activities is patchy does not justify dismissing it altogether.⁵⁴ And if Romans were going to falsify the history of 223 we would surely expect them to have excised Flaminius' theologically-problematic victory altogether, not to have preserved memory of it. It thus seems likely that Flaminius' story contains at least a core of truth. As for Fabius, there seems relatively little reason for Romans to have invented a divinatory excuse for his delay, since it had no long-term effects needing justification (Gracchus no doubt suffered temporarily, but no harm was done in the end).

Dio's Flaminius explicitly asserts that his divinatory outcome served 'non-religious' interests: the senate's jealousy of his success.⁵⁵ Some scholars have agreed.⁵⁶ Yet even if the senate had reason to welcome divinatory prohibition of the campaign, it seems unlikely that Furius would have felt the same. Probably he shared his contemporaries' competitive interests⁵⁷ in military success, so that a

⁵³ Scullard 1973: 45; Walsh 1973: 239; Briscoe 1989: 69; Rosenstein 1990: 91. Nor is there good reason to follow Vaahtera 2001: 148-9 in deeming the divinatory outcome unhistorical.

⁵⁴ Cassola 1962: 296; Yavetz 1962; Develin 1979; von Ungern-Sternberg 2005.

⁵⁵ He accuses 'the powerful' of telling 'falsehoods about the divine' (διὰ τὸν πρὸς αὐτὸν φθόνον ἐνέκειτο καὶ τοῦ θεοῦ τοῦς δυνατοῦς καταψεύδεσθαι). Livy 22.3.13 places similar accusations in his mouth in 217 BC.

⁵⁶ Foster 1953 [Loeb vol. 5]: 192 n. 1; Cassola 1962: 294-5, supposing that the senate 'manipulated' the signs.

⁵⁷ Harris 1979.

decision to sacrifice glory and booty after the initial battle still seems likely to have involved ‘religious’ motives. The same may be true of Flaminius’ soldiers as portrayed by Dio. Though they seem eventually to have gone ahead with plundering the enemy,⁵⁸ it is at least possible that their initial anxiety was prompted by fear that the gods might punish them with defeat, and was therefore ‘religious’ (they may also have feared senatorial reaction when they returned home, but the senate could hardly cause them to lose in the field). As for Fabius in 215, he may have thought divinatory prohibitions on action a useful aid in his famous strategy of ‘delaying’ battle with Hannibal, but the siege at Cumae surely presented a situation in which the consequences of delay could have been catastrophic. Even if he did not want to engage Hannibal, Fabius could have desired to take some action to draw the Carthaginians away from their siege; so his refusing to do even this, may be partly attributable to ‘religious’ motives.

Both augury and haruspicy feature in another incident involving Q. Fabius Maximus, as consul in 209 BC. According to Livy 27.16.15-16, Fabius was nearly lured into an ambush at Metapontum by a letter fabricated by Hannibal, but on the verge of moving his army he twice received unfavourable auspices from *pulli*; his *haruspex* then interpreted a sacrificial result as a warning of enemy deceit and ambush.⁵⁹ Fabius accordingly delayed his departure, and discovery of the plot followed.⁶⁰ It is possible that this incident was invented, demonstrating as it does

⁵⁸ We do not know whether the post-battle pillaging was ordered by Flaminius, or undertaken by the soldiers on their own initiative (see Ziolkowski 1993).

⁵⁹ *Fabio auspicanti (...) aves semel atque iterum non addixerunt. Hostia quoque caesa consulenti deos haruspex cavendum a fraude hostili at eb insidiis praedixit* (‘Again and again the birds did not give a favourable sign to Fabius when he was taking the auspices. Also when he was consulting the gods by means of a slain victim, the *haruspex* predicted that it was necessary to be on guard against enemy trickery and ambush’).

⁶⁰ Zonar. 9.8 recounts the plot without religious elements: Fabius simply suspects a trick and recognises Hannibal’s handwriting on the Metapontine letter. Yet Zonaras sometimes omits divinatory details included by Dio, and the two versions are not necessarily incompatible (Haack 2003b: 37). The picture of Fabius spotting Hannibal’s handwriting also seems less plausible than a

the reliability of augury and haruspicy,⁶¹ and displaying Fabius' cautious piety; clearly it is a model of how and why the Roman commander should obey negative expressions of the divine will. Still, the behaviour it depicts corresponds with that in our other examples. In Livy's portrayal the 'Delayer' is, divination aside, eager to act.⁶² Indeed, the fact that he takes the auspices repeatedly, and seemingly attempts to query or clarify their warning using a different divinatory technique, demonstrates the strength of his 'non-religious' desire to proceed with his plan. In Livy's version, then, Fabius' delay can only be attributed to 'religious' motives, and his inability to circumvent undesired divine messages reveals plainly that even consuls could not simply wish inconvenient divinatory outcomes away⁶³ (a modern theory to which we will return in **Chapter 3**).

The same may be said of Ap. Claudius Pulcher's encounter with the restraining power of state divination in 143 BC (Obsequens 21; Cass. Dio 22 fr. 74), when his defeat⁶⁴ by the Salassi prompted consultation of the Sibylline Books, with the decemvirs ruling that a sacrifice must be made within the Gauls' borders; a sentence fragment of Dio informs us that two decemvirs were duly sent to Claudius.⁶⁵ There is no obvious reason to reject this incident's historicity.⁶⁶ As for

letter written by the Metapontines at Hannibal's instigation. Plut. *Fab.* 19.8 echoes Livy: Fabius was delayed by unfavourable auspices (χρησάμενος ὀρνισιν οὐκ αἰσίοις ἀπετράπη), and avoided the trap by divine aid.

⁶¹ This is one of the rare cases where a divinatory outcome is explicitly vindicated by results. On the one hand this might seem a good reason for Romans to have fabricated it, but on the other hand we would expect to see many more such stories if historical tradition routinely invented them (see **Conclusion**, 201-2).

⁶² He is convinced that the letter's offer is true, announces the date of his arrival to the Metapontines, and takes the auspices just before setting out.

⁶³ Note that the first result of Fabius' sacrifice is considered significant; it is not repeated *usque ad litationem*.

⁶⁴ Perhaps considered a *prodigium* in itself (Rosenberger 1998: 92 and n. 21), or deemed significant through conjunction with a prodigy.

⁶⁵ Presumably to carry out the sacrifice (North 1967: 534). Brennan 1996: 318 supposes that the decemvirs were sent 'to make an investigation' before their college offered its ruling, but North's explanation is paralleled by the dispatching of *decemviri* to placate Ceres of Enna after prodigies and Sibylline consultation 133 BC: Cic. 2 *Verr.* 4: 108 (*ex amplissimo collegio decemviri sacerdotes*

its participants' motives, Dio presents Claudius' campaign as an unprovoked attempt to gain military glory, and if contemporary senators felt the same, they may have welcomed the divinatory interruption.⁶⁷ Claudius' rival Scipio Aemilianus presumably had 'non-religious' reason to rejoice in his discomfiture, too.⁶⁸ On the other hand, the campaign may have had sound strategic goals, and some scholars would see it as endorsed by the senate.⁶⁹ In that case the sacrifice may have provided a desirable means of expiating, and thereby legitimating,⁷⁰ the defeat. Yet even so it must have caused delay and inconvenience for the state,⁷¹ as the senate debated what to do, as the *decemviri* consulted the Sibylline Books, and as the two decemvirs took several days to travel to Salassian territory. That Claudius was eventually able to continue with his campaign⁷² should not obscure the fact that the chain of events first hindered him and possibly called his authority into question.⁷³ For these reasons I would follow Rosenberger and Rosenstein in seeing the senate's response to the prodigy as influenced by 'religious' motives,⁷⁴ as also, perhaps, Claudius' submission to it.

populi Romani (...) usque Hennam profecti sunt); Val. Max. 1.1.1; Lactantius *Div. inst.* 2.4.29; Wardle 1998: 83-5.

⁶⁶ Annalistic stereotypes about Claudian arrogance and disdain for the people coloured stories about this Claudius, but co-existed with a tradition favourable to him (Wiseman 1979: ch. 6), and this balanced record could surely have preserved truth as well as fiction.

⁶⁷ As suggested by Münzer 1999: 220-21.

⁶⁸ Münzer 1999: 227; McDougall 1992: 459 n. 32. Unfavourable ancient treatment of Claudius' eventual victory may owe much to their mud-slinging in competition for the censorship in 142 (McDougall 1992; *contra* Brennan 1996: 332 n. 28).

⁶⁹ McDougall 1992: 454-55. McDougall 1992: 458; Brennan 1996: 318-19 show (*contra* Astin 1967: 107; Develin 1972: 437; Astin 1989: 192) that even Claudius' triumph without the authorization of senate and people (Oros. 5.4.7) was not necessarily against the senate's will.

⁷⁰ Astin 1967: 106-107; McDougall 1992: 453-4.

⁷¹ *Contra* Astin: '[T]he mistake could be rectified without difficulty, enabling Claudius to resume his campaign with the morale of his troops restored.'

⁷² Livy *Per.* 53 reports that Claudius eventually subdued the Salassi successfully (*Salassos (...) domuit*); according to Strabo 4.6.7 they were a continuing thorn in Rome's side until their final subjugation under Augustus.

⁷³ North 1967: 536 is probably right that the sacrifice detracted from the glory of Claudius' efforts. However, we lack the evidence to know whether this consultation of the Sibylline Books attracted attention to the defeat 'in a way which must have been quite out of proportion to the seriousness of the situation', as North 1967: 480, 535 claims.

⁷⁴ Rosenstein 1990: 88 and n. 115; Rosenberger 1998: 92 and n. 21.

An oblativous auspice⁷⁵ attributed to the Battle of Ilipa (206 BC), a storm that prevented the already-victorious Romans under P. Cornelius Scipio Africanus from capturing Hasdrubal's camp (Livy 28.15.10-11), demonstrates not only how divination could conflict with Romans' 'non-religious' desires, but also how changeable it could make the gods seem. Though 'non-religious' factors may have played a role in the decision not to renew the assault (the downpour made the Romans return 'with difficulty' [*vix*] to camp, which might well have damped their ardour), Livy seems to credit the soldiers with desire to capture the enemy camp, writing that until the storm they were advancing 'energetically' (*inpigre*), with complete victory near (*cepissetque tanto impetu castra, nisi...*). More interesting is the fact that the prohibiting sign occurred in the midst of Rome's victory, for this suggests that even the most successful (and most divinely-favoured) Roman commanders could receive negative signs from the gods.⁷⁶ This remains true even if the incident was invented to explain why Scipio failed to capture the enemy camp after a successful engagement (though the fact that this failure was followed by further Roman successes [28.16] renders it so minimal that it probably did not need so much explanation). If Levene is right to argue that Book 28 generally downplays

⁷⁵ A rainstorm from a clear sky, so heavy that *quosdam etiam religio ceperit ulterius quicquam eo die conandi*. Presumably considered an oblativous auspice (see below, n. 210), although *quosdam* implies that some might not have deemed it so. The influence on strategy of those who were convinced suggests that they included commanding officers. Cf. the rainstorm that interrupted P. Claudius Pulcher's trial for *perduellio* in 249 BC (Val. Max. 8.1.abs.4), described by Schol. Bob. p. 90St as *vitium*; Paschall 1936: 224; storms that frightened Hannibal from Rome in 211 BC (Livy 26.11.3, Cass. Dio Book 15 [Zonar. 9.6]).

⁷⁶ Polybius (10.2.12, 3.2, 5.5), Livy less categorically, and even the generally-credulous Valerius Maximus (1.2.1) all suspect Scipio of 'manipulating' religion at times to gain influence and inspire troops, so it is interesting that his view of communication with the gods could have encompassed submission to an inconvenient sign like this one. (Whatever we make of his sincerity, and though his 'legend' was doubtless elaborated over time, tales of his claims to divine favour surely have some basis in contemporary reality. Bibliography on this subject is vast: see e.g. Haywood 1933: 10, 14, 25-7, 33f., 45f. 38f.; De Sanctis 1936; Walbank 1967; Piganiol 1967: 278; Scullard 1970: 18-23; Seguin 1974; Levene 1993: 61f; Jaeger 1997: ch. 5). On Livy's Scipio as a foil to Hannibal, see Rossi 2004.

prodigies so as not to detract from Scipio's success,⁷⁷ Livy's decision to include this divinatory outcome becomes the more significant as evidence that Roman writers could depict the gods willing otherwise than their favourites willed.

Two cases of prodigies, those of P. Cornelius Scipio at Victumulae (218 BC: Livy 21.46) and C. Cassius Longinus the tyrannicide at Philippi (42 BC: Obsequens 70; Plut. *Brut.* 39), reveal that even Roman attempts to respond appropriately to divination were not seen as guaranteed to win divine approval. Livy asserts with an ablative absolute that Scipio's prodigies were (successfully?) expiated before he proceeded against Hannibal,⁷⁸ and Cassius obeyed *haruspices*' ruling that his prodigy, a swarm of bees, could only be expiated by changing his camp's perimeter to enclose it.⁷⁹ Yet both prodigies are said to have sapped Roman morale (according to Plutarch, the bees gave Cassius himself *deisidaimonia*), and both commanders went on to lose their next battle, with disastrous consequences.

There seems little reason to doubt the historicity of either story. Though the canon of signs⁸⁰ assigned to the 'Liberators' at Philippi undoubtedly reflects hostile Caesarian propaganda,⁸¹ we would not expect that to include Cassius' sympathetic attempt at expiation, so it may be that this event really happened this way.⁸² That both Scipio and Cassius' prodigies are followed by disaster may tempt us to

⁷⁷ Levene 1993: 66-7.

⁷⁸ *quibus procuratis Scipio (...) profectus.*

⁷⁹ *locus aruspicum iussu interclusus interius ducto vallo*; similarly Plut. *Brut.* 39: Cassius 'closed off' (*exekleisan*) part of his camp (*topon tina*) on advice of *manteis*. Other authors retain fragments of the story, although the details were blurred/exaggerated over time (MacInnes 2000: 64), developing into claims that bee swarms 'kept settling continuously' on (ἐπεκράθηντο συνεχῆς, App. *B Civ.* 4.134.563), or 'surrounded' (*perieschon*, Cass. Dio 40.47.7) the camp. Cf. Brutus' companion Publius Volumnius' story that bees settled on the tyrannicides' standards (Plut. *Brut.* 48; Flor. 2.17.7).

⁸⁰ Magnino 1998: 260 posits a common source for Plutarch and Appian's prodigy-list.

⁸¹ Rawson 1986; Gowing 1992: 175-6; Magnino 1998: 260.

⁸² Accepted by Liebeschuetz 1979: 18 (a case where 'naturally occurring signs' inhibited humans unexpectedly); MacInnes 2000: 64. Obsequens gets the details of another Philippi prodigy wrong (Schlesinger 1959: 317), but his bee story is corroborated by Plutarch.

consider them a narrative device ‘foreshadowing’ or explaining defeat.⁸³ Yet this modern explanation actually only makes sense if Romans considered the prodigies not only ‘predictive’, as North and Vigourt maintain,⁸⁴ but potentially threatening even after expiation. This suggests that Romans may have considered the gods more prone to wrath and more changeable, and considered themselves less adept at assuaging those gods, than many scholars have thought. That some Romans did believe this seems likely (see my **Conclusion**), but it seems improbable that they would want to invent stories propagating that message. Cassius and Scipio’s stories seem to smack more of bitter experience than fantasy.

Once again it seems that those involved had few ‘non-religious’ reasons to submit to the prodigies. Livy’s Scipio is eager for battle,⁸⁵ so there is no reason for him to want his men’s ardour dampened, or to keep himself occupied by expiation rites. The Cassius of our sources, on the other hand, is reluctant to fight, so desire to keep his men occupied may have furnished a ‘non-religious’ reason for him to invent or accept the prodigy. Yet its damaging effect on troop morale suggests that he might have done better without it.⁸⁶ Furthermore, the procedure of walling in part of his camp must have occasioned some trouble, and may even have been of strategic significance. For Appian’s extended description of the fortifications and counter-fortifications of Cassius and Antony (*B Civ.* 4.106-110) reveals that

⁸³ Walsh 1973: 210: Scipio’s prodigies ‘contribute to dramatic narrative and the creation of an atmosphere of gloom’.

⁸⁴ North 2000; Vigourt 2001: 192 (on failures to achieve *litatio*, technically the *haruspices*’ domain, but also sometimes classified as prodigious); cf. **Chapter 1**, 22f..

⁸⁵ He had marched closer to Hannibal’s camp (21.45), and after the expiation he proceeds to battle (21.46).

⁸⁶ Of course he might not have been able to ignore it if he would, since his troops may have been familiar with the customary (negative) interpretation of bee swarms (MacInnes 2000: 57-9), but in that case their sentiment would still be ‘religious’.

extending his fortifications was crucial to Cassius' security,⁸⁷ which raises the possibility that he would not have wished to change a perimeter to which he had devoted great attention.⁸⁸ Both Scipio and Cassius, therefore, may have acted on primarily 'religious' motives even when these contradicted their strategic goals.

Livy himself stresses the primacy of 'religious' motives in our final military example, L. Aemilius Paulus' preventing his colleague C. Terentius Varro from attacking the Carthaginians days before the Battle of Cannae (216 BC: Livy 22.41-2). Varro was reportedly on the verge of pursuing Hannibal into an ambush when Paulus had it announced that the *pulli* had not given him a favourable auspice;⁸⁹ Varro was furious, but called off the attack. The historicity of this incident is questionable, since it seems coloured by the ancient tradition blaming Varro for the defeat⁹⁰ (and absolving Paulus of it),⁹¹ and since it may be influenced by Livy's literary desire to draw a strong contrast between Varro's rash demagoguery and Paulus' caution (as also in 22.38, 39, 41).⁹² On the other hand, Varro's reported submission to divination seems unlikely to stem from an opponent, and Romans themselves noted that tradition ascribed no unfavourable auspices to the Battle of

⁸⁷ Appian's description contains topographical errors (the most egregious being his claim that one wall stretched from Cassius' camp to the sea, actually 10 km away), but this does not disprove his point that fortifications were key to the battle's preliminaries (Bengtson 1977: 140-144).

⁸⁸ Liebeschuetz 1979: 18 n. 4 is thus unlikely to be right that Cassius was looking for an excuse to shorten his perimeter. The expiation was not a mere contracting of the fortification wall, but a less-functional walling-in of the place occupied by the bees: *intercludo* can mean 'cut off' as well as 'hem in', but Plutarch's use of *kleiō*, 'to close, enclose' with *ek* for perfective action confirms the sense of surrounding or enclosing.

⁸⁹ *pulli quoque auspicio non addixissent*. Since Paulus is in the dative (*ei... cunctanti*), it is presumably 'to/for him' that the chickens would not eat, as in App. *Hann.* 18 (οἰωνίζετο ὁ Αἰμίλιος ἐφ' ἑαυτοῦ).

⁹⁰ Livy 23.44, 45, 49, 61 casts more blame on Varro than Polyb. 3.107, where the senate is responsible for the final decision to attack (though Polyb. 3.110.2f, 112.1-5 does record division, albeit without religious elements, between the two commanders). See Walsh 1961: 72; Burck 1971: 34-5; Scullard 1973: 51-2; Gruen 1978: 62, 66, 69-70; Twyman 1984: 285-9, 293-4; Briscoe 1989: 51; Levene 1993: 47. Val. Max. 1.1.16 goes further, blaming Cannae on a previous impiety of Varro's. The fact that Varro held various offices after Cannae suggests that he retained more senatorial confidence than Livy implies: Scullard 1973: 52; Briscoe 1989: 52.

⁹¹ Rosenstein 1990: 85 n. 109 argues that the story was circulated to this end by Paulus' contemporaries.

⁹² Cf. App. *Hann.* 17, 18, 19; Levene 1993: 47.

Cannae itself,⁹³ which we might have expected if this incident had been wildly elaborated.

As for the motives of Varro and Paulus, the latter's unwillingness to attack even before he took the auspices (22.41)⁹⁴ gives him an obvious 'non-religious' reason to desire divinatory prohibition on further action.⁹⁵ What is more interesting is Livy's analysis of Varro's motives, as his recollection of defeats sustained by P. Claudius Pulcher at Drepanum (First Punic War) and by Flaminius at Lake Trasimene (217 BC), 'struck *religio* into his spirit' (*religionem animo incussit*); it was thus that 'the gods themselves, almost, on that day rather delayed than prohibited the Romans' impending doom' (*Di prope ipsi eo die magis distulere quam prohibere imminensem pestem Romanis*). In Livy's view, therefore, Varro's sole reason for stopping his attack was 'religious'. It is also interesting to note that Varro's soldiers are portrayed as reluctant to obey the auspice until it received 'external' corroboration.⁹⁶ In contrast to the modern vision of commanders, reluctant to fight for 'non-religious' reasons, using divinatory outcomes to save face and persuade their troops, this story therefore reveals that divinatory outcomes could be unwelcome to commanders and common soldiers alike, and that decisions to respect divination had sometimes to be made at personal cost.

***Hindering
Magisterial
Departure
from Rome***

State divination also caused public inconvenience by hindering magistrates' departure from Rome to *provinciae*.

⁹³ Cic. *Div.* 2.71. Polyb. 3.112 reports σημείων δὲ καὶ τεράτων πᾶν μὲν ἱερὸν, πᾶσα δ' ἦν οἰκία πλήρης the eve of the battle, but this seems to denote signs at Rome rather than on the battlefield (Walbank 1957 (vol. 1): 443).

⁹⁴ He was 'delaying of his own accord' (*ei sua sponte cunctanti*).

⁹⁵ As Varro alleges in the version of App. *Hann.* 18-19.

⁹⁶ Livy 22.42.11-12: Escaped prisoners bring word of the Carthaginian ambush, thereby restoring the men's confidence in the consuls (*horum opportunus aduentus consules imperii potentes fecit*).

This is particularly evident in Livy, who depicts several incidents of this kind,⁹⁷ for example in 212 BC (consuls and praetors, detained at Rome until 26 April: Livy 25.7.9; 25.12);⁹⁸ 208 BC (consuls, delayed by prodigies and haruspicy:⁹⁹ Livy 27.23); 198 BC (consul T. Quinctius Flaminius delayed in departing for Greece: Livy 32.9, 28-9); 196 BC (consuls and praetors: Livy 33.26.6, 9); and 192 BC (consuls and praetors: Livy 35.21.2f.; 35.40.7-8).

Are these incidents historical? The prodigies of 208 have been doubted. Livy interprets this year's prodigies as causing the death of the consul M. Claudius Marcellus and Roman defeat at Venusia,¹⁰⁰ which raises the possibility that the prodigies were invented, or used as a literary device, to explain and foreshadow disaster.¹⁰¹ Levene goes so far as to claim that the various ritual difficulties¹⁰² Livy assigns to Marcellus in this year serve the primarily literary purpose of delineating a slide towards impiety on his part.¹⁰³ This argument is not convincing, however. For our sources stress Marcellus' lack of *prudentialia*, without charging him with impiety,¹⁰⁴ and his attempt to expiate the prodigies that detained him in Rome in 208 is surely better interpreted as an attempt to respond appropriately to divinatory

⁹⁷ Another example, on 'religious' aspects of which see Eckstein 2006: 226, 279-80, is the magisterial delay caused by prodigies in association with the violation of the sanctuary of Persephone at Locri, 200 BC (Livy 31.12-13); also Livy 32.9 (199 BC).

⁹⁸ Further delay was caused by the Marcian prophecies (*religio deinde nova obiecta est*).

⁹⁹ Victims slain in expiation *non facile litabant*, and *litatio* was delayed for several days: *per dies aliquot hostiae maiores sine litatione caesae, diuque non impetrata pax deum*.

¹⁰⁰ 27.23.4: *in capita consulum (...) prodigiorum eventus vertit*.

¹⁰¹ Levene 1993: 63.

¹⁰² In addition to these prodigies: pontifical objection to his Temple of Honos et Virtus (Livy 27.25.7-9; cf. Val. Max. 1.1.8; Plut. *Marc.* 28.1f.); insufficient caution after receiving (ambiguously) unfavourable *exta* at Venusia (Livy 27.26.13-14; 27.27.1, 11; Val. Max. 1.6.9; Plut. *Marc.* 29; Schilling 1962 = 1979: 188).

¹⁰³ Levene 1993: 64f.

¹⁰⁴ *Contra* Caltabiano 1975: 67. The *pontifices'* objection to his temple was a valid one which may have been motivated by 'religious' concerns (Beard, North and Price 1998 [vol. 1]: 105-6.). Likewise, the contrast drawn by Livy, and presumably by Polybius, between Q. Fabius Maximus leaving the Tarentines their 'angry gods' and Marcellus' despoiling of Syracuse is not, *contra* Levene 1993: 63f., cast in terms of piety and impiety (Ferrary 1988: 573f.); even his death was not necessarily seen as divine punishment of impiety on his own part: Davies 2004: 112.

outcomes.¹⁰⁵ Furthermore, the story that his expiation at Rome was insufficient to avert disaster carries the same implication as Scipio and Cassius' failed expiations on campaign (discussed above): that even correct ritual behaviour could not always win the gods' support. Since that implication was probably theologically uncomfortable, the story seems unlikely to be a mere invention. Levene has also questioned one of the prodigies of 192 BC, arguing that it serves the literary purpose of 'foreshadow[ing]' the war with Antiochus.¹⁰⁶ Yet the war was a Roman success. Why should Livy wish to 'foreshadow' it with an unfavourable divinatory outcome? It is much more reasonable to suppose that Livy simply found this unfavourable sign among the record of events preceding what turned out to be a victory.

If these incidents are historical, they show once more that divinatory outcomes could have a significant impact on Roman conduct even when they conflicted with the probable 'non-religious' desires of magistrates and the senate majority. In 212, in the middle of the Hannibalic War, the senate seems unlikely to have wished all major magistrates to be prevented from proceeding to the field. Yet this did not prevent an expensive and time-consuming response to divination, including games vowed to Apollo, popular donations and supplications by Rome's *matronae* (25.12.11f.). In 198 BC, the senate majority¹⁰⁷ had no apparent interest in thwarting Flaminius: it had just supported him against a tribunician challenge to his candidacy,¹⁰⁸ and he seems at this time to have commanded a broad base of

¹⁰⁵ Plut. *Marc.* 29.1 implies that Marcellus only left Rome when his expiation was complete (and successful?): θυσίων καὶ καθαρμῶν ὧν ὑπηγόρευον οἱ μάντις γενομένων, ἐξῆλθε (Warrior 1996: 72 n. 44).

¹⁰⁶ Levene 1993: 86.

¹⁰⁷ For debate about whether the consuls acted on their own authority in dealing with these prodigies (unlikely): Briscoe 1973: 184 with refs.

¹⁰⁸ Livy 32.7.

senatorial support.¹⁰⁹ Yet he was delayed long enough for this to be noted in Roman sources.¹¹⁰ In 196 the consuls might not have minded delay, since both received Italy as a province for raising troops, and Flaminius had matters well in hand in Greece (33.25). Yet the senate had clear ‘non-religious’ interest in dispatching the praetors to deal with the alarming¹¹¹ outbreak of war in Spain as quickly as possible (*iique primo quoque tempore in prouincias ire iussi*, 33.26.4). Any delay could have been dangerous, but the prodigies were still allowed to slow the praetors’ departure. In 208 BC, Marcellus’ rival for the consulship, T. Manlius Torquatus, may be thought to have had a ‘non-religious’ reason to hope that divination would hinder him, but Marcellus had apparently overcome the temporary hostility of the *magna pars senatus* in 210 BC (Livy 26.22.12, 26-8, 32.1), and his unpopularity with the *plebs* in 209 (27.20.11-27.21).¹¹² By 208, therefore, he may have retained significant senatorial support, making the senate unlikely to take up prodigies to obstruct him. Yet his difficulties in obtaining *litatio* during the expiation caused at least temporary inconvenience, as they required several days of sacrifices (evidently these sacrifices did not proceed readily *usque ad litationem*). The prodigies of 192, finally, also caused delay that may have been of strategic significance. The consuls

¹⁰⁹ Briscoe 1973: 32; Badian 1970: 30-4; Scullard 1973: 99f. (tenuous). The senate also voted, over consular opposition, to prolong Flaminius’ command the following year: Livy 32.28.3f. Even the ten peace commissioners dispatched by the senate seem to have endorsed his policy: Holleaux 1921: 307 n. 2.

¹¹⁰ Ancient traditions differed on the length of this delay: Livy 32.9 (probably following Polybius) claims that Flaminius still departed earlier than usual (also Plut. *Flam.* 3.1-2; accepted by Walbank 1967: 319; Briscoe 1973: 223; Errington 1989: 264), while Livy 32.28 (using the Latin tradition?) states that he was detained at Rome for ‘the greater part of the year’ (*maiores partem anni*) (Luce 1977: 64-5). If Luce 1977: 45 and Levene 1993: 82 are right that Livy treats annalistic material more summarily here to focus on Flaminius, he may be understating the inconvenience the prodigies caused.

¹¹¹ Livy dubs it a *bellum prope novum*, and these praetors struggled with it until 195 (Livy 33.43.8); on its continuing severity, Briscoe 1981a: 35, *contra* Schlag 1968: 32-3.

¹¹² Perhaps reflecting ‘general discontent with senatorial conduct of the war’ (Scullard 1973: 71), but not necessarily indicative of the senate majority’s attitude to Marcellus.

were detained until after the elections for the next year, while earthquakes¹¹³ kept public business at a standstill for thirty-eight to forty-one days.¹¹⁴ ‘Non-religious’ reasons for Romans to have desired such delays are possible, but do not negate the ‘religious’ factor. ‘The most frightening’ of the prodigies (*quod maxime terrebat*), a talking cow, was said to belong to Ahenobarbus himself, but Livy does not suggest that he was looking for an excuse not to fight (and he served valiantly in 190 BC as legate to L. Cornelius Scipio).¹¹⁵ In Livy’s narrative, the prodigies occur between the senate’s forbidding him to leave Rome before news of Antiochus’ movements arrives (35.20.14), and its eventual decision that there was ‘nothing which furnished a sufficiently pressing cause for war’¹¹⁶ (*nihil quod satis maturam causam belli haberet*). Thus we may wonder whether the senate majority saw the prodigies as an opportunity to justify its restraint; but Livy’s senate remains focused on war, undertaking proactive measures (35.23)¹¹⁷ and rushing elections when Antiochus is reported to have crossed the Hellespont (35.24.8). I am therefore inclined to agree with those scholars who consider the senate theoretically ready and willing for war at this time,¹¹⁸ and in that case, it is possible that the prodigies drove the senate’s decision not to engage Antiochus, rather than the other way around. If the words of a cow deterred Rome from a desirable war for an entire consular year, the

¹¹³ Not a doublet for 34.55.1-4 (below, p. 109), nor, necessarily, a ‘variant’ from the list at 35.21-22 (so Briscoe 1981a: 203-4).

¹¹⁴ Livy reports thirty-eight days of *feriae* (*per totidem dies feriae in sollicitudine ac metu fuere*) as well as a three-day *supplicatio*. Unlike the *comitia* (Michels 1967: 40), theoretically the Senate could meet on *feriae* (Nicolai 1963: 205-7; Bonnefond-Coudry 1989: 220f.), but it seems generally to have avoided doing so (on *feriae* and public business, Wissowa 1912: 424, 440-1; Rüpke 1995: 431, 506f.)

¹¹⁵ App. *Syr.* 30f.; Plut. *Mor.* 197D-E (perhaps influenced by tradition hostile to Scipio: Grainger 2002: 324) give him most credit for the Magnesia victory. That Ahenobarbus had no prior experience of command (Gruen 1984 (vol. 1): 209) does not mean that he would not have wanted this opportunity to gain glory and profit.

¹¹⁶ Briscoe 1981a: 32-3.

¹¹⁷ Preventative measures, Briscoe 1981a: 33, 37-8; *contra* Grainger 2002: 170, 172 (‘cosmetic measures for the sake of quieting the rumours’ of Antiochus’ aggression).

¹¹⁸ Harris 1979: 219-23; Briscoe 1981a: 30-3; *contra* Holleaux 1913: 24; Badian 1964: 128-9; Will 1972: 601-3 with refs; Gruen 1984 (vol. 2): 456-80, 538-50, 629-36 with refs; Grainger 2002: 170f.

significance of state divination for Roman public decision-making could hardly be more striking.

***Preventing or
Invalidating
Elections and
Offices***

It is in the power of state divination to prevent elections (and occasionally co-optations), and to invalidate their results retrospectively, that scholars have most often

posited the prevalence of ‘non-religious’ motives for Roman action. My contention is that divinatory outcomes influenced office-holding precisely as they influenced the other spheres examined here: that is, they could produce effects that contradicted the ‘non-religious’ will of senate and magistrates.

To begin with prevented elections, T. Annius Milo’s auspicial ‘sky-watching’ delayed the aedilician elections of 57 BC from November to January of 56 (Cic. *Att.* 4.3.4); while in 54/3 BC prodigies and auspices delayed the elections for 53 until July of that year (Cass. Dio 40.17; 40.45;¹¹⁹ Cic. *Att.* 4.17.4; *Q. Fr.* 3.3.2). In the Middle Republic, similarly, *tempestates* (probably given divinatory significance)¹²⁰ prevented the election of curule magistrates for 201 BC even though the *comitia* were *saepe (...) indicta* (Livy 30.39.5), while in 180 BC a *vitium de*

¹¹⁹ 40.17 for prodigies in conjunction with auspices: τὰς τε ἀρχὰς τὸ μὲν τι φιλονεικία, τὸ δὲ δὴ πλεῖστον ὑπὸ τε τῶν ὀρνίθων καὶ ὑπὸ διοσημιῶν μόλις ποτὲ τῷ ἐβδόμῳ μηνιάπεδειξαν). 40.45 for auspices thwarting the appointment of *interreges*: ἔστι μὲν γὰρ ὅτε καὶ οἱ ὀρνίθες τὰς ἀρχαιρεσίας ἐπέσχον, οὐ βουλόμενοι τοῖς μεσοβασιλεῦσι γενέσθαι. Though Dio commonly uses *oiōni*-root words to refer to augury specifically (see **Chapter 4**, n. 6), he also uses ‘birds’ to denote auspices: cf. 37.35 (*augurium salutis*); 41.61 (outcome of Pharsalus); 44.17 (*pulli*[?] on Ides of March), etc.]. Dio is aware that religious obstruction was not the only factor (40.45, tribunes hindered ‘the rest of the elections’ in agitating for Pompey to be made dictator: μάλιστα δὲ οἱ δῆμαρχοι [...] ἐκώλυον τὰς λοιπὰς ἀρχὰς αἰρεθῆναι [...] ἐπὶ πλεῖστον ἐπιτῇ προφάσει ταύτῃ [sc. the demand for the dictatorship] διέτριψαν). But note that contrast between *men gar* and *malista de* lies in who was hindering what kind of magistracy, not in their relative importance: that birds delay the appointment of *interreges* remains significant.

¹²⁰ These storms could conceivably have prevented public business for practical reasons, but storms could be unfavourable both in augury (above, **n. 75**) and haruspicy (Livy 40.2: *tempestas* interpreted as a prodigy by *haruspices*, 182 BC; Briscoe 2008: 414-15); cf. Livy 30.38, flooding ‘interpreted as of religious significance’ (*in religionem versa*) (we are not told by whom) in 202/1 BC. So it seems reasonable to suppose that their power to prevent the *comitia* was partly divinatory.

caelo reportedly prevented the *pontifices* from co-opting¹²¹ L. Cornelius Dolabella as *rex sacrorum* (Livy 40.42.8f.).

Each of these incidents is probably historical: the storms of 202 fulfill no obvious ‘literary’ function in the Livian narrative, such as foreshadowing,¹²² so there seems little reason for them to have been invented; the events of 57 and 54¹²³ are well-documented. In each case we may suggest ‘non-religious’ motives for submission to the divinatory outcome, but the alignment does not appear complete. In 202 C. Servilius Geminus Nepos, fresh from his consulship in 203, had been named dictator *comitiorum habendorum causa* by his brother, the consul M. Servilius Pulex Geminus. Schur therefore supposed that opponents of the Servilii desired delay, to hinder their domination of the elections,¹²⁴ whereas Scullard argued that delay aligned with the dictator’s wishes, buying him more time in power (the augurs thus collaborated with the Servilii,¹²⁵ perhaps because Pulex was a member of the college.)¹²⁶ Given the trouble that one of the candidates for 201, Cn. Cornelius Lentulus, caused Scipio once elected,¹²⁷ we may wonder whether Scipio and his supporters did not also welcome delay, in their desire to maintain Scipio’s command and ability to decide peace terms with Carthage. None of these arguments

¹²¹ Bleicken 1957: 452-3 assumes that Dolabella had already been elected *rex sacrorum* in the *comitia curiata*, with the *vitium* reflecting retrospectively (‘rückgängig’) on his election, but this is unconvincing. The *rex sacrorum* was probably co-opted by the pontiffs (Linderski 1986a: 2218 n. 274; Ridley 2005: 282), it was inauguration that formally made him holder of the post (Brassloff 1913), and Livy’s account does not presuppose election.

¹²² Though they may temper Levene’s suggestion (1993: 76) that Livy gives the immediately-preceding prodigy list (30.38.11-12) a ‘positive’ interpretation to mark the end of the Second Punic War. Apparently divine support was not constant even in this moment of victory.

¹²³ Dio’s account is not without flaws: his chronology is imprecise (Linderski 1972: 182-3; Lintott 1997: 2507) and his failure to identify bribery explicitly as an issue is puzzling (Lintott 1997: 2511 n. 57), but much of his version is compatible with Cicero: the tribune Q. Mucius Scaevola prevented consular elections up to 29 Sept.: to Atticus (1 Oct. 54: *obnuntiationibus per Scaevolam interpositis singulis diebus*); elections again cancelled each day by *obnuntiationes* (whose, is not stated): to Quintus (21 Oct. 54). *Interreges* appointed, but failed to hold elections (because appointments were vitiated? Or because of tribunician interference?): Cic. *Fam.* 7.11.1 (Jan. 53?).

¹²⁴ Schur 1927: 66.

¹²⁵ Scullard 1973: 80.

¹²⁶ Szemler 1972: 137; Rüpke 2008: 892.

¹²⁷ Livy 30.40, 43, 44 (Scipio was said to blame Lentulus for the survival of Carthage).

are fully compelling, however. Since both Servilii were already consular, they had little to gain from control of these elections (it is unlikely that presiding over elections gave one such control in any case).¹²⁸ It is probably true that the delay prolonged Geminus' dictatorship into the consular year 201,¹²⁹ but if he was appointed late in 202 he would still have been within the proper bounds of his six-month office,¹³⁰ and Livy's claim that the *comitia* were assembled 'often' would seem to contradict the theory that he hoped to avoid holding the elections. As for the augurs, North showed long ago that their allegiances cannot be reconstructed along party lines,¹³¹ so it is difficult to see their ruling as either pro- or anti-Scipionic. Pulex was out of Rome at the time, so not particularly able to bend other augurs to his will, and the fact that the candidates eventually elected, Lentulus and P. Aelius Paetus (Geminus' master of horse), were both augurs themselves¹³² is as likely to be the result of coincidence as of calculation.¹³³ It therefore remains possible that in this case 'religious' motives were as important as political ones.¹³⁴

54 BC is notorious as one of the Republic's most sordidly 'manipulated' political years, marked by a bribery pact between the consuls, Ap. Claudius Pulcher and L. Domitius Ahenobarbus, and the consular candidates C. Memmius and

¹²⁸ See above, n. 33. Geminus had clearly tasted legal and political victory in 203 when his plebeian tribunate and aedileship were vindicated: Vishnia 1996.

¹²⁹ No curule magistrates by 15 March 201: Livy 30.39.4-5. The significance of this delay to Servilius depends on how we reconcile Livy's statements that a dictator held the Cerialia in April of, apparently, 202 (Livy 30.39.8), and that the plebeian aediles abdicated after holding the Epulum Iovis in November 202 (Livy 30.29.8). I prefer Münzer's suggestion that Livy actually means the Cerialia of 201 (Münzer 1920: 145; Schur 1927: 66; Piganiol 1967: 276; flooding in 202 may have delayed election of their successors for 201: Develin 1985: 86-7) to that of Aymard 1944: 253f.; Broughton 1951: 318-19 (the aediles held the Cerialia of 202, abdicated, and the dictator then held the Epulum Iovis; *contra* Kienast 1954: 40).

¹³⁰ Jahn 1970: 148-50; Develin 1985: 86-7; *contra* Mommsen 1887 (vol. 2.1): 160-1; Münzer 1920: 145; Münzer 1921: no. 60 col. 1793; Schur 1927: 66).

¹³¹ North 1967: 613f.; Develin 1978: 12; *contra* Scullard 1973: 80 n. 5.

¹³² Szemler 1972: 140-1; Rüpke 2008: 511, 636.

¹³³ *Contra* Patterson 1942: 338.

¹³⁴ Develin 1985: 86-7.

Domitius Calvinus.¹³⁵ ‘Non-religious’ motives for some individuals to have desired postponement of this year’s elections are therefore not far to seek. Pompey may have lost confidence in all the candidates, and desired religious obstructions that increased pressure on the senate to name him dictator.¹³⁶ Once their pact was exposed, Calvinus, Memmius, and their fellow candidates (also charged with *ambitus*) could also have desired delay, as Cicero claims by 11 October,¹³⁷ though they may have felt differently before they were threatened with prosecution.¹³⁸ However, ‘non-religious’ reasons to desire delay are not as easy to attribute to the senate majority¹³⁹ and the consuls. The senate’s attitude seems to have shifted several times:¹⁴⁰ in late August it decreed a postponement of the elections to September,¹⁴¹ but until Memmius’ revelations broke it may have hoped for elections in this month (the motives behind Scaevola’s *obnuntiationes* at the time are obscure).¹⁴² On 1 October Cicero complained to Atticus that the senate made only a half-hearted attempt to investigate the candidates and then ruled that the elections

¹³⁵ On 15 July the interest rate doubled as a result of the sums involved (*Q. Fr.* 2.15.4, end of July; *Att.* 4.15.7, 27 July); in August, there was senatorial debate on the matter (*Q. Fr.* 2.16.2); in September, Memmius publicly exposed the *coitio* (*Q. Fr.* 3.1.16, Sept.; *Att.* 4.17, 1 Oct.); by 11 Oct. all candidates were charged *de ambitu* (*Q. Fr.* 3.2.3). It cannot be denied that the pact included ‘manipulation’ of religious authority in its most patent form: according to Cicero, three augurs had been suborned to testify to the existence of a non-existent *lex curiata*.

¹³⁶ Seager 1979: 134f.; *contra* Gruen 1969: 317–18; Gruen 1974: 149 n. 120. Rumours of dictatorship circulated as early as June (*Q. Fr.* 2.14.5), intensified October–December (*Q. Fr.* 3.4.1; *Q. Fr.* 3.5.9; *Att.* 4.18.3; *Q. Fr.* 3.6.4; *Q. Fr.* 3.7.3): clearly contemporary with events, *pace* Gruen 1969: 320. Yet Caesar and his partisans may well have wanted the elections to proceed: Seager 1979: 135. Both had originally backed Memmius.

¹³⁷ Cicero *Q. Fr.* 3.2.3.

¹³⁸ Memmius had particular reason to desire postponement, since he expected support from Caesar on his return to Italy: *Att.* 4.16.6 (early July); *Q. Fr.* 3.2.3 (Oct.); *Q. Fr.* 3.6.3 (end of Nov.).

¹³⁹ This may have had some freedom of will in this year, since the ‘triumvirs’ seem to have had less control of events (Gruen 1969; Gruen 1974: 148). The eventual election of Messalla and Calvinus under Pompey presiding not as dictator but as proconsul, was probably not to Pompey and Caesar’s satisfaction (Seager 1979: 139; Gruen 1974: 149).

¹⁴⁰ *Contra* Gruen 1969: 318, referring only to ‘continued and convenient sighting of adverse omens’.

¹⁴¹ Cic. *Q. Fr.* 2.16.2–3.

¹⁴² If Scaevola’s blocking of the elections gave Scaurus more time to win popular favour (Shackleton Bailey 1965: 217), it is possible that only Scaurus stood to benefit from the delay. Cicero’s suspicion at the end of July 54 that the elections would be long drawn out (*Att.* 4.15.7: *ea comitia puto fore ut ducantur*) implies no more than that he considered the candidates essentially evenly matched.

should be held ‘as soon as possible’,¹⁴³ which suggests that the senate majority would not have desired a divinatory prohibition at that time. By 21 October Cicero could claim that the *obnuntiationes* were in accordance with the will of ‘all the *boni*’ (because the bribery scandal had made the consuls objects of *invidia*),¹⁴⁴ but by January 53 the senate had apparently made several attempts to appoint *interreges*, which may suggest that it now wanted the elections to be held. We do not know the date of the prodigies recorded by Dio, but if they fell in early September or October they, too, may have conflicted with the senate’s will.

The consuls themselves seem especially unlikely to have desired divinatory obstruction of the election: presumably they wanted to get it over with before their scheme could come to light, and Cicero confirms that on 11 October they still wanted it to go ahead.¹⁴⁵ Yet it was to them that prohibiting *obnuntiationes* must have been made each day, just as the unfavourable auspices that hindered the *interreges* must have been received and obeyed either by the senate, in appointing them, or by the men themselves. That Pulcher, Ahenobarbus, the senate, and the *interreges* nevertheless submitted to divinatory interference therefore strongly indicates that obedience to perceived divine prohibitions remained an important public value.

The events of 180 and 57 BC also demonstrate that both senate and officials might submit to divinatory outcomes that probably contradicted their ‘non-religious’ desires. In 180 BC, Dolabella himself was evidently unwilling to become

¹⁴³ Cic. Att. 4.17.3: *de ea re ita censuerunt, comitia primo quoque tempore haberi*.

¹⁴⁴ Cic. Q. Fr. 3.3.2: *magna voluntate bonorum omnium; tanta invidia sunt consules propter suspicionem pactorum a candidatis praemiorum* (perhaps a new addition to the scandal, since the pact was already common knowledge: Shackleton Bailey 1980: 214). The senate’s attitude may have shifted in this direction as early as 11 Oct., if Cicero speaks for more than himself at Q. Fr. 3.2.3: *magna res in motu est, propterea quod aut hominum aut legum interitus ostenditur*.

¹⁴⁵ Cic. Q. Fr. 3.2.3.

rex sacrorum,¹⁴⁶ and doubtless welcomed the *vitium* that stopped the voting.¹⁴⁷ Yet the *pontifex maximus*, C. Servilius Geminus Nepos (whose refusal to hold elections in defiance of auspices in 202/1 we have already examined), was equally adamant in wanting to inaugurate Dolabella, as his command that the latter abdicate his post as *duumvir navalis*, and his fine when he refused, show.¹⁴⁸ The people, too, seem to have willed that Dolabella accept the priesthood, since Livy reports that Servilius was winning the vote in the *comitia*,¹⁴⁹ to which Dolabella had appealed, until the *vitium* ‘disturbed’ (*turbaret*) proceedings. Yet the consul or praetor presiding over the assembly apparently decided to stop the voting, and the *pontifices* incurred *religio* ‘in consequence’ (*inde*), and chose a different *rex sacrorum* (40.42.10-11).¹⁵⁰ That a magistrate permitted this sign to overrule the desires of the populace, and that the *pontifices* allowed it to overrule the wishes of their chief, must surely qualify this as a case where a divinatory outcome was probably respected for its own sake.

In 57 BC, Milo as tribune had obvious ‘non-religious’ reasons for wanting to delay the aedilician elections:¹⁵¹ he had indicted his enemy, the candidate P. Clodius Pulcher, *de vi* early in 57, and again in the autumn,¹⁵² but once elected Clodius would be immune from prosecution. Cicero’s claim that on 19 November Milo’s obstruction met with *mirifica hominum laetitia, summa cum gloria*, ‘the public’s

¹⁴⁶ That Dolabella wanted to hold the priesthood and his magistracy simultaneously (North 1967: 315) does not seem to me borne out by Livy’s text.

¹⁴⁷ Walsh 1996a: 164. That he himself could have manufactured it is rightly doubted by Briscoe 2008: 518.

¹⁴⁸ That Servilius was merely perpetuating a family struggle with the Cornelii begun in 202/1 (Bleicken 1957: 453) is far-fetched.

¹⁴⁹ Probably the tribal assembly (Briscoe 2008: 518 with Briscoe 1981a: 369-70).

¹⁵⁰ On relationship between pontiff and augurs, Catalano 1960: 224-230; on the reading of Livy’s text, Briscoe 2008: 518-19.

¹⁵¹ Milo was determined to bring Clodius down, as Cic. *Att.* 4.3.4 exults: *comitia fore non arbitror, reum Publium, nisi ante occisus erit, fore a Milone puto*.

¹⁵² Cic. *Sest.* 89; *Mil.* 40 (Poynton 1902: xv); *Att.* 4.3.2 (Shackleton Bailey 1965: 174); Gruen 1974: 295-7; Lintott 1999b: 110 n. 2; Tatum 1999a: 179.

enormous glee and the greatest possible glory' smacks of exaggeration but may suggest that some voters also desired a delay to the elections. As in 54/3 BC, the attitude of the senate majority appears to have shifted over time. The senate presumably resented Clodius' violent attempts to prevent it from ending Cicero's exile earlier in 57,¹⁵³ and Cicero claims that it disapproved of Clodius' attack on his house (3 Nov.);¹⁵⁴ he also intimates that on 14 November the consul designate Cn. Cornelius Lentulus Marcellinus' motion, that elections be postponed until after Clodius' trial, found majority support in the senate.¹⁵⁵ For all Cicero's dismissal of the *contiones turbulentae, temerariae, and furiosissimae* of Clodius' supporters, however, it seems that Marcellinus' motion remained only that, and that the senate did not formally forbid elections: *haec tamen summa, nisi Milo in campo obnuntiasset, comitia futura*.¹⁵⁶ When the issue was re-opened in the senate in December, Cicero claims that the senate majority was again in favour of bringing Clodius to trial, and that only disruption by the tribune C. Cato and Clodiani thwarted the passage of a motion to empanel the jurors before the elections were held;¹⁵⁷ if Cass. Dio 39.7.4 is correct, a motion to this effect was passed sometime later, to be blocked by Nepos.¹⁵⁸ Nevertheless, the senate eventually allowed the elections to be held, and may even have passed a (vetoed) resolution calling for

¹⁵³ Cic. *Mil.* 38; Plut. *Pomp.* 49; Cic. 33; Tatum 1999a: 180.

¹⁵⁴ Att. 4.3.3: [*Clodius*] *omnium vocibus cum se non ad iudicium, sed ad supplicium praesens trudi videret* (obvious exaggeration). Lenaghan 1969: 100 suggests that the first decree in *Har. resp.* 15 (*decrevit senatus eos, qui id fecissent, lege de vi, quae est in eos, qui universam rem publicam oppugnassent, teneri*) was passed on this date, but the fact that Att. 4.3 makes no mention of this seems damning (as Lenaghan admits); the second decree in this passage (*decrevit idem senatus frequentissimus qui meam domum violasset contra rem publicam esse facturum*) evidently dates to 56 (Lenaghan 1969: 100-2), so the first may also postdate Milo's *obnuntiatio*.

¹⁵⁵ Att. 4.3.3: *egregius Marcellinus, omnes acres*; Clodius' supporters resorted to filibuster.

¹⁵⁶ Tatum 1999a: 313 n. 125, *contra* Gruen 1974: 296.

¹⁵⁷ Cic. *Q. Fr.* 2.1.2-3.

¹⁵⁸ Disussion in Shackleton Bailey 1980: 172.

them in December.¹⁵⁹ Although Milo's *obnuntiationes* may have aligned with the senate's will in November and early-to-mid December, therefore, that may not have been true in late December-January, so it is possible that the senate's submission to Milo's ongoing divinatory obstruction was at least partly 'religious'. Most interesting is the fact that the consul Q. Caecilius Metellus Nepos submitted to these divinatory outcomes despite his evident desire¹⁶⁰ to preside over the elections and protect Clodius (his cousin, and brother-in-law to his brother Q. Caecilius Metellus Celer).¹⁶¹ It is true that Nepos did his best to avoid receiving Milo's formal divinatory announcement (on procedure, see **Chapters 3 and 4**),¹⁶² but it is for precisely that reason that his motive for obeying it once received, can only be read as 'religious'.

In addition to preventing elections, augury and prodigies could also invalidate their results retrospectively. Flaws in the auspices, either oblativ signs or human errors, caused magistrates to be declared *vitio creati* many times in the Republic.¹⁶³ I will concentrate on four cases, in 215, 202, 162 (compounded with a prodigy, interpreted by *haruspices*), and 44 BC; the effect of prodigies on this aspect of public life will be traced in the events of 152 BC.

In 215 BC, a thunder-clap during the auspication of 'investiture/entry into office'¹⁶⁴ of the consul M. Claudius Marcellus (whose submission to prodigies and haruspicy in 208 was examined above), was deemed *vitium* (Livy 23.31.13-14).

¹⁵⁹ If we accept Gruen 1974: 296, so interpreting Cicero's reference in *Sest.* 95 to a *senatus auctoritas* preventing Milo from prosecuting Clodius; *contra* Mitchell 1991: 162.

¹⁶⁰ He had stopped Milo's first indictment by edict (*Cic. Sest.* 89; Tatum 1999a: 179 with refs), filibustered on 14 Nov. (*Att.* 4.3.4), and may have blocked the December resolution (above, **n. 158**).
¹⁶¹ On the *stemma*, Wiseman 1971; Shackleton Bailey 1977b prefers to see them as half-brothers.

¹⁶² Nepos asked Milo to make *obnuntiatio* to him at the Comitium on 20 Nov., but then avoided the Comitium and was spotted hurrying (adopting Shackleton Bailey's emendation of *prope* to *properans*) to the Campus Martius; Milo rushed after him, caught up, and made *obnuntiatio*; Nepos retired discomfited.

¹⁶³ Refs in Mommsen 1887 (vol. 3.1): 364 nn. 6, 7; Liebeschuetz 1979: appendix.

¹⁶⁴ *extemplo magistratum occiperet. Cui ineunti consulatum cum tonuisset*, with Linderski 1986a: 2168-2172 and **Chapter 3**, n. 64.

Because Livy records that the senate was opposed to the election of two plebeian consuls, and circulated the rumour that *id deis cordi non esse* (23.31.13), some scholars suppose that Marcellus' *vitium* aligned with the senate's desires.¹⁶⁵ That Q. Fabius Maximus replaced Marcellus, and showed an interest in influencing the elections for 214,¹⁶⁶ has also been seen as evidence that he desired this divinatory outcome.¹⁶⁷ However, the fact that he shared the consulship with Marcellus in 214 BC (24.9.9) surely suggests that Fabius had no particular desire to keep Marcellus out of office,¹⁶⁸ and we may wonder whether he could have induced the rest of the augural college to support him if he had¹⁶⁹ (Marcellus was himself augur at the time).¹⁷⁰ Livy's claim that there was *fremitus in curia*, as well as among the people, when it seemed that Marcellus had been deliberately removed (23.31.7-8), also implies that Marcellus had some senatorial support at least, while the divinatory outcome clearly contradicted the 'non-religious' will of the *populus* and, presumably, of Marcellus himself.¹⁷¹ The least we may say, therefore, is that the choice to obey divination in this instance was not trivial.

The abdication of the plebeian aediles P. Aelius Tubero and L. Laetorius in November 202¹⁷² is sparsely documented (Livy 30.29.8), but although it represents the only case outside the early books of Livy where a *vitium* invalidated a plebeian

¹⁶⁵ Münzer 1920: 74 ('Das Ganze war ein abgemachtes Spiel (...), so haben die verschiedenen Personen ihre Rollen vorher vereinbart und verteilt, um das Volk darüber hinwegzutäuschen'); Cassola 1962: 316-17; Scullard 1973: 57-9; Linderski 1986a: 2168-72; Briscoe 1989: 70. *Contra* Hampl 1953: 93.

¹⁶⁶ Müller-Seidel 1953: 249-54.

¹⁶⁷ Crake 1963: 125; Scullard 1973: 58.

¹⁶⁸ Develin 1978: 15-16; Linderski 1986a: 2172.

¹⁶⁹ Müller-Seidel 1953: 247; Develin 1978: 16.

¹⁷⁰ Szemler 1972: 70; Rüpke 2005b (vol. 2): 884.

¹⁷¹ Plut. *Marc.* 12.1 claims that Marcellus abdicated on his own initiative when the augurs feared to offend the populace by disqualifying him; *pace* Linderski 1986a: 2172 n. 88, this is compatible with Livy (the augurs could have believed that there was *vitium*, and feared for their popularity, before giving an official ruling).

¹⁷² On the chronology, see above n. 129.

election, there is no obvious reason to judge it unhistorical.¹⁷³ ‘Non-religious’ reasons for contemporaries to desire this abdication are difficult to detect. Bauman’s suggestion that these aediles may have been implicated in the embezzlement scandal of one of the year’s curule aediles (Livy 30.39.7), with the senate desiring to use *vitium* as an excuse to remove them from office, is mere speculation, and fails to explain why the curule aediles were not similarly targeted.¹⁷⁴ It is just as likely that the senate majority and augurs had no personal objection to the two aediles.¹⁷⁵ Indeed, though nothing more is heard of Laetorius, Tubero was elected praetor and received Sicily as a province in the following year. This suggests that whatever political opponents he might have had were not particularly effective in influencing the senate against him. It may also undermine Kienast’s theory that the *vitium* was announced earlier than November but that Tubero and Laetorius stayed in office as long as they dared,¹⁷⁶ since Tubero’s assignment does not suggest that he was considered insubordinate or unreliable.¹⁷⁷ Thus it is possible that the *vitium* in this election was only discovered late in 202, and that Laetorius and Tubero abdicated out of ‘religious’ motives despite their natural desire to continue in office.

Writers both ancient¹⁷⁸ and modern have celebrated the events of 163/2 BC (Cicero *Nat. D.* 2.10-11; *Div.* 1.33, 2.74; *Q. Fr.* 2.2.1), when Ti. Sempronius

¹⁷³ Mommsen 1887 (vol. 3): 365 n. 2. It is generally supposed, on the basis of Dion. Hal. *Ant. Rom.* 9.49.5, that plebeian electoral assemblies were held *inauspicato* (Taylor 1966: 7), but note objections of Badian 1996: 199-202. Even if true, this does not necessarily mean that such assemblies were considered immune to *obnuntiatio* of ‘oblativ’ auspices. The technique of *servare de caelo* could perhaps have vitiated elections had it existed in 202, but this is uncertain (see **Chapter 4**, 164-5). Kienast 1954: 41 and Develin 1985: 323 may well be correct to see this as a case without precedent.

¹⁷⁴ Bauman 1983: 165-6.

¹⁷⁵ Kienast 1954: 40: ‘Unwahrscheinlich ist (...) daß sich die Erklärung eines Wahlfehlers (...) gegen die beiden Ädilen persönlich gerichtet hätte’.

¹⁷⁶ Kienast 1954: 41.

¹⁷⁷ He was also one of the ten commissioners for Asia in 189 BC (Livy 37.55.7).

¹⁷⁸ Versions in Plut. *Marc.* 5.1-3; Val. Max. 1.1.3 (not necessarily derived from Cicero: Wardle 1998: 89); Gran. Licin. 28; *Fasti capitolini* pp. 66-7 Degrassi; Ampel. 19.11 and *Viris Illustr.* 44 (garbled). North 1967: 415 took *quod scriptum apud te est de Ti. Graccho* at *Div.* 1.33 to mean that the event was also included in the records of the augural college: that is likely, but *apud te* probably

Gracchus committed an auspicial error in presiding over the elections for 162,¹⁷⁹ remembered and reported it to the augural college some months into 162,¹⁸⁰ and thereby instigated the abdication of that year's consuls.¹⁸¹ Haruspicy too played a role here, as the prodigious death of the *primus rogator* at the election prompted a formal consultation of the *haruspices*,¹⁸² who declared that Gracchus¹⁸³ was not a *iustus rogator*;¹⁸⁴ Gracchus rejected their *responsum* and his view must have prevailed in the senate, since no further action was taken until his own admission in 162.

Like Cicero,¹⁸⁵ most scholars accept the historicity of this event,¹⁸⁶ for which Cicero purports to cite the eyewitness testimony of his contemporary Balbus' father.¹⁸⁷ Moreover, North convincingly demonstrates that there are few 'non-religious' reasons for Gracchus to have interfered with the election so long after the

refers to Cicero's own writings (Falconer 1923: 260 n. 1; Schaublin 1991: 307; Timpanaro 1998: 258 n. 122).

¹⁷⁹ On the nature of this *vitium*, Linderski 1986a: 2164, refuting the distinction drawn by Wissowa 1912: 531 n. 2 between *vitio tabernaculum captum esse* (which Wissowa took to mean an error in the process of impetration) and *vitio creatum videri/vitio diem dictam esse* (which Wissowa thought denoted not a flaw in the process of auspication but neglect of auspices altogether).

¹⁸⁰ Cic. *Div.* 1.33 (*ipse augur Ti. Gracchus auspiciorum auctoritatem confessione errati sui comprobavit*); *Nat. D.* 2.11 (*post autem e provincia litteras ad collegium misit, se, cum legeret libros, recordatum esse vitio sibi tabernaculum captum fuisse*); *Q. Fr.* 2.2.1 (*sed habet profecto quiddam Sardinia appositum ad recordationem praeteritae memoriae. nam ut ille Gracchus augur, postea quam in istam provinciam venit, recordatus est quid sibi in campo Martio comitia consulum habenti contra auspicia accidisset*).

¹⁸¹ Full procedure, Cic. *Nat. D.* 2.11; abbreviated version, *Div.* 2.74.

¹⁸² Pace Potter 1994: 152; 1999: 129 the consultation occurred after the election; note that Gracchus was prompted to refer the matter to the senate by religious unease amongst the people (*in religionem populo venisse*, Cic. *Nat. D.* 2.10).

¹⁸³ Mayor 1883: 85.

¹⁸⁴ Cic. *Div.* 2.74-75: *non iustum rogatorem fuisse dixerunt*; *Div.* 1.33: *negaverunt iustum comitiorum rogatorem fuisse*; *Nat. D.* 2.10: *responderunt non fuisse iustum comitiorum rogatorem*; 11: Gracchus was angry at being called *non iustus*. On meaning of *iustus*, Pease 1958: 574; Linderski 1986a: 2165 n. 54, 2166 n. 61.

¹⁸⁵ Who cites it rather casually (*Q. Fr.* 2.2, 56 BC) but not necessarily sarcastically, as Mastino 2005: 97 supposes.

¹⁸⁶ Broughton 1951: 441-2; Astin 1964: 434-6; Magdelain 1977: 26; Linderski 1986a: 2159 n. 37, 2160-2; Linderski 1986b: 332; Potter 1994: 153f.; Gargola 1995: 23; Potter 1999: 130. North 1967: 416 notes that since others may have witnessed Gracchus' auspications before the elections, he was unlikely to get away with an outright lie about whether he had performed them.

¹⁸⁷ The dialogue's dramatic date (between 77 and 75 BC [Pease 1955: 25]) renders this possible; no need to assume that Cicero actually heard the story from his own father (Mayor 1883: 86) or intended the 'citation' simply as a literary device (Hendrickson 1906: 185).

event.¹⁸⁸ Pace Wardle,¹⁸⁹ there is no evidence for ‘personal animosity’ between Gracchus and the incoming consuls.¹⁹⁰ We learn from Valerius Maximus that the consuls of 162 received Gaul and Corsica as provinces,¹⁹¹ and this has led some scholars to suspect that by delaying the arrival of a consul in Corsica Gracchus would gain a freer hand in his proconsular province of Sardinia.¹⁹² Yet North’s suggestion that Corsica and Sardinia may have been assigned separately in 162 is convincing,¹⁹³ and this means that there could well have been work for Gracchus to do on Sardinia even if Corculum were on Corsica. North further observes that it must have been personally embarrassing for Gracchus to admit that the *haruspices* had been right when he had previously rejected their advice, so he does not seem likely to have done so in the absence of ‘religious’ concerns.¹⁹⁴ As for the senate’s attitude, senatorial willingness to interrupt Gracchus’ tenure (he was in Rome, evidently recalled, in the later months of 162)¹⁹⁵ would seem to undermine any theory of the senate using the *vitium* to buy him more time in command, and the

¹⁸⁸ North 1967: 418-19; Potter 1999: 130.

¹⁸⁹ Wardle 1998: 23. Astin 1967: 36-7 is only conjecture.

¹⁹⁰ North 1967: 417. The ancient tradition for enmity between Gracchus and the Scipiones is perhaps retrojected from the clashes of their descendants, the tribunes Gracchi and Scipio Nasica Serapio/Scipio Aemilianus (Fraccaro 1911: 257-65; Carcopino 1928: ch. 2; Scullard 1973: 296; *contra* Geer 1938; Earl 1963: 49f.). Note also that both Gracchus and Corculum were sons-in-law of Scipio Aemilianus, though this does not preclude rivalry between them. Münzer 1920: 104 suggested that this incident formed the ‘Anfänge’ of later struggles between the families.

¹⁹¹ Val. Max. 1.1.3.

¹⁹² E.g. Earl 1963: 65; Astin 1964: 435.

¹⁹³ North 1967: 417 (*contra* Dubuisson 1979; Meloni 1990: 39, 97; Zucca 1996: 123-4). In the 170s the senate appears to adopt the strategy of moving promagistrates to Sardinia and assigning new magistrates to Corsica. In 174 the senate prorogued the command of the former praetor Cornelius Sulla on Sardinia whilst the new praetor M. Atilius, to whom Sardinia had been allotted, was actually sent to Corsica (Livy 41.21.1-2). In 173 Atilius as propraetor moved to Sardinia whilst the praetor C. Cicereius conducted operations not in his allotted sphere of Sardinia but on Corsica (Livy 42.1.3-4; 42.7.1-2); Broughton 1951: 402; 408; Meloni 1990: 79. In 163/2, similarly, Thalna as consul campaigns on Corsica, not Sardinia; in the next official year we find Gracchus, who has stepped in for Thalna, as proconsul on Sardinia whilst the new consul, Corculum, is dispatched to Corsica. Meloni 1990: 80 suggested that Gracchus was ‘probabilmente chiamatovi [sc. to Sardinia] da difficoltà militari’: unknowable.

¹⁹⁴ North 1967: 418-19. Earl’s argument (1963: 65) that Gracchus was not prone to piety, because he went along with his consular colleague C. Claudius Pulcher’s ritual omissions in 177 (Livy 41.10-11) misses the point that Pulcher was eventually compelled to perform the rites; this experience could well have taught Gracchus the importance of respect for divination.

¹⁹⁵ North 1967: 417 with refs. Livy *Per.* 46, for the years 167-160 BC, mentions *res adversus Corsos* but further detail is lacking; these *res* may as easily be the activities of Iuventius as of Gracchus.

recall of consuls from their provinces some months into their tenure must have represented significant, and probably undesirable, inconvenience for the state.

Mark Antony's much-discussed *obnuntiatio*¹⁹⁶ against the election of P. Cornelius Dolabella as suffect consul to replace Caesar in 44 BC (Cic. *Phil.* 2.80f.; 3.9; 5.9) provides an illuminating Late Republican parallel. The degree to which this divinatory outcome was respected is debatable. Plut. *Ant.* 11 reports that Caesar respected the announced sign, and 'yielded and abandoned' (ἔλξε καὶ προήκατο) Dolabella; Cic. *Phil.* 2.88 suggests that Caesar intended to raise the issue of Dolabella's election auspices on his fatal Ides of March,¹⁹⁷ showing that the dictator took the *vitium* seriously, even if he hoped to find legal means of overcoming it.¹⁹⁸ It is true that Dolabella began to act as consul immediately after Caesar's assassination,¹⁹⁹ and that Antony and the senate were induced to regard him as such, but Cicero implies that the decision was a stop-gap measure, necessary to maintain order²⁰⁰ but not strictly constitutional.²⁰¹ Thus we may surmise that if the situation had been less perilous the augural college might well have pronounced Dolabella *vitio creatus*, like his Middle Republican predecessors examined above.

Antony himself had obvious 'non-religious' reasons to desire vitiation of Dolabella's election: the two had clashed spectacularly during Caesar's absence

¹⁹⁶ In this case, an announcement of oblativ signs, since Antony acted in his capacity as augur, not consul (Cic. *Phil.* 2.80f.; see **Chapter 4**).

¹⁹⁷ *Sed ad auspicia redeamus, de quibus Idibus Martiis fuit in senatu Caesar acturus. Quaero: Tum tu quid egisses? Audiebam equidem te paratum venisse, quod me de ementitis auspiciis, quibus tamen parere necesse erat, putares esse dicturum. Sustulit illum diem fortuna rei publicae; num etiam tuum de auspiciis iudicium interitus Caesaris sustulit?* with Denniston 1926: 149.

¹⁹⁸ We do not know whether he continued the election on the day (so Halm 1905: 19).

¹⁹⁹ App. *B Civ.* 2.122; Cass. Dio 44.22.

²⁰⁰ *Phil.* 2.83: *Nolo plura, ne acta Dolabellae videar convellere, quae necesse est aliquando ad nostrum collegium deferantur.*

²⁰¹ Thus his mockery of Antony for regarding Dolabella as *salvis auspiciis creatus* when it suited his own ends: *Phil.* 2.83-4: *Sed adrogantiam hominis insolentiamque cognoscite. Quamdiu tu voles, vitiosus consul Dolabella; rursus, cum voles, salvis auspiciis creatus; Phil* 3.9; 5.9.

from Rome in 47, painfully exposing Antony's inability to manage the city,²⁰² and with Caesar on the verge of departing for the east, Antony may have hoped that in the absence of a suffect colleague Caesar would leave him in sole charge of Rome.²⁰³ Yet Caesar himself seems strongly to have desired Dolabella's election, proceeding despite previous objections from Antony in the senate (Cic. *Phil.* 2.80 [Jan. 44]; Plut. *Ant.* 11). A portion of the *populus* may also have wanted to see Dolabella in office if he retained some of the popularity he had cultivated in 47, while even *optimates* of Cicero's persuasion could conceivably have viewed him as a counterweight to Antony, and perhaps more willing to incline towards their interests.²⁰⁴ Whether or not Antony's reported sign was false, as Cicero repeatedly asserts in the interests of his Philippic campaign,²⁰⁵ and whatever Antony's motives for announcing it, therefore, the fact that others accepted this divinatory outcome as calling the validity of Dolabella's election into question, seems to provide one more example of Roman submission to divinatory outcomes that probably conflicted with their 'non-religious' interest.

The degree to which such divinatory incidents could have an impact on Roman public life is demonstrated by the abdication of several magistrates for 152 BC, brought about by *haruspices*' interpretation of a prodigy as an indication that 'there would be deaths of magistrates and priests' (Obsequens 18).²⁰⁶ Obsequens'

²⁰² Plut. *Ant.* 8-10; Cass. Dio 42.29-33; Welch 1995.

²⁰³ Balsdon 1939: 62.

²⁰⁴ Immediately after Caesar's assassination he sided with the tyrannicides, claiming publicly to have been part of the conspiracy (App. *B Civ.* 2.119, 122; Cass. Dio 44.22); his sympathies fluctuated thereafter, but occasionally gave hope to anti-Caesarians (e.g. Cicero's ecstatic *Fam.* 9.14 [May 44]).

²⁰⁵ Esp. *Phil.* 2.83: *Quid videras, quid senseras, quid audieras? (...). Ergo hercule magna, ut spero, tua potius quam rei publicae calamitate ementitus es auspicia, obstrinxisti religione populum Romanum, augur auguri, consul consuli obnuntiasti; 2.88: ementitis auspiciis; 3.9: conlega (...)* quem ipse ementitis auspiciis vitiosum fecerat.

²⁰⁶ *Turbini vi in campo columna ante aedem Iovis decussa cum signo aurato; cumque aruspices respondissent magistratum et sacerdotum interitum fore, omnes magistratus se protinus abdicaverunt.* Of Republican temples whose locations are known the only candidate for a Jupiter temple in *Campo* is the temple of Jupiter Fulgur (Platner-Ashby 1929: 294; Ziolkowski 1992: 79;

claim that ‘all’ (*omnes*) the magistrates resigned²⁰⁷ is problematic, since the consul M. Claudius Marcellus was apparently still in office to have his command in Hispania Citerior prorogued for 151.²⁰⁸ However, North rightly argues that the normally-careful Livy is unlikely to have reported an entirely fictional mass resignation,²⁰⁹ so it is not necessary to dismiss the story altogether. It is possible that, as North argues, the prodigy and the resignations actually date to the end of 153,²¹⁰ and that the *Fasti* mistake the *suffecti* who then came into office for the *ordinarii* of 152. Alternatively, the prodigy might date to 152,²¹¹ with the decision to resign being left to the magistrates themselves, and Marcellus one who chose to continue in office.²¹² In either case, the magistrates do not seem particularly likely to have wanted to abdicate in the absence of the *haruspices*’ warning: fear of death could have motivated them in response to it, as Rosenberger argues, but we may wonder whether some at least would have debated continuing in office if the senate had not, presumably, urged their abdication.²¹³ Even if Marcellus did not choose to submit to the prodigy,²¹⁴ however, other magistrates must have. As for the senate

Manacorda 1996). If *respondissent* is used technically, the *haruspices* may have been officially consulted by the senate. Bloch 1963: 137-8 and North 1967: 576 note the ‘predictive’ character of their response, apparently a second-century BC innovation.

²⁰⁷ Accepted by Bloch 1963: 137; Bloch 1984: 44; Liebeschuetz 1979: 17 n. 4; rejected entirely by Broughton 1951: 453-4. Rosenberger 1998: 68 suggests that the prodigy might have been interpreted/invented to explain the deaths of the consul Flaccus and (praetor or praetor-designate) Licinianus, but this fails to explain why tradition would report that their fellow magistrates resigned.

²⁰⁸ Polyb. 35.2-4; App. *Hisp.* 49-50; Livy *Per.* 48.

²⁰⁹ North 1967: 576.

²¹⁰ North 1967: 576.

²¹¹ Presumably late in 152, since the praetor M. Atilius was active in Hispania Ulterior into the winter of his year of office (App. *Hisp.* 58; Thouvenot 1940: 121; Simon 1962: 34-5); the *praetor urbanus* of Polyb. 35.2.5, whose introduction of envoys to the senate is perhaps also datable to the end of 152 (Walbank 1979 [vol. 3]: 644-5) could have been either the regular magistrate before the prodigy occurred, or a *suffectus*. North 1967: 576 considers it possible that only the consuls remained in office.

²¹² Perhaps in this domain haruspicy was considered less binding than augury (cf. Gracchus’ and senate’s rejection of haruspical *responsum*, 163; cf. North 1967: 576).

²¹³ On voluntary abdication, Bauman 1963: 132-3.

²¹⁴ His violation of the custom of office-holding (above) might indicate a flexible attitude to public conventions, though if he did refuse, he retained a reputation for piety (Asc. *Pis.* 12C: dedications in his grandfather’s temple of Honos et Virtus; Cic. *Pis.* 44 praises his *pietas*, citing his death at sea as undeserved *fortuna*).

majority's attitude, opposition to Marcellus' blatant violation of the customary ten-year interval between consulships,²¹⁵ or his lenient treatment of the Spaniards later in 152,²¹⁶ may have given some senators 'non-religious' reason to wish him removed, but we lack sufficient evidence to assess how much senatorial support he had.²¹⁷ More importantly, at this time Rome was embroiled in the vicious and difficult 'Fiery' Celtiberian war, which suggests that advocating the resignation of 'all' magistrates simply to thwart Marcellus would have been an extraordinarily heavy-handed and risky strategy. Furthermore, the often-demoralizing effect of prodigies (above, **80f.**) seems unlikely to have been desirable at this time: indeed, there were recruitment problems in 151,²¹⁸ and we may wonder whether these were entirely unrelated to public perception that the entire magisterial apparatus had lost divine favour in 152. The mass resignations alone probably created significant inconvenience for the state, which implies that this divinatory outcome conflicted with Rome's 'non-religious' interests.²¹⁹

***Preventing Other
Public Business***

We have seen how state divination could influence commanders in the field, the timing of magistrates' departure for their provinces, and the timing and validity of

²¹⁵ Calvert 1961: 23; Astin 1964: 438-9; Astin 1967: 39 and n. 2.

²¹⁶ Polyb. 35.3-4; App. *Hisp.* 49; Schulten 1933: 55-6; Simon 1962: 35-41; Astin 1967: 41-2; Walbank 1979 (vol. 3): 642-5.

²¹⁷ We do not know whether Marcellus obtained formal dispensation from the iteration rule (so De Sanctis 1923 (vol. 4.1): 471; Simon 1962: 31; Scullard 1973: 234; Astin 1967: 38-39 is agnostic). The senate may have seen Marcellus as an experienced general, whose election it encouraged to finish the war (Schulten 1933: 51-2; Simon 1962: 31). Sending Lucullus to Hispania Citerior in 151 may reflect senatorial desire for more aggressive policy (De Sanctis 1923 [vol. 4.1]: 475; cf. Schulten 1933: 57), but Marcellus probably could not have obtained his triumph that year without senatorial acceptance of his actions (Astin 1967: 42).

²¹⁸ Polyb. 35.4; Livy *Per.* 48; App. *Hisp.* 49; Oros. 4.21.1; Simon 1962: 42f.

²¹⁹ One 'religious' motive for respecting this sign was probably the belief that magistrates who defied signs drew divine wrath (in the form of defeat and dissension) on army and city (Oakley 2005 [vol. 4]: 409-10; Konrad 2007: 116; e.g. Cic. *Phil.* 2.83: *ergo hercule magna, ut spero, tua potius quam rei publicae calamitate e mentibus es auspicia*; **Chapter 3**, n. 25).

elections. Let us conclude by examining how divinatory outcomes could interfere with other senatorial business.

In 176 BC the consuls Cn. Cornelius Scipio Hispallus and Q. Petilius struggled to obtain *litatio* in their first sacrifices upon entering office (Livy 41.14-15). As a result the senate's discussion about distribution of provinces was repeatedly interrupted, Petilius was perhaps prevented from attending the meeting altogether,²²⁰ and Cornelius was summoned from it in mid-debate by a warning from his *victimarius*.²²¹ That both consuls died later in their year of office, amidst reports of several ritual mistakes,²²² raises the possibility that their initial haruspical difficulties were elaborated or invented after the fact, particularly since Obsequens 9 seems to see them as causally linked with the deaths.²²³ On the other hand, the ritual failures that reportedly occurred at the time of their deaths would seem sufficient to explain them, without the invention of earlier problems. If the consuls' initial divinatory outcomes are historical, there seems little 'non-religious' reason for either consuls or senate to have desired them. For the delays caused for the senate session must have been inconvenient,²²⁴ and probably damaging to public morale as

²²⁰ He made three or four sacrifices (depending whether Livy's unfavourable *tribus bubus* are in addition to, or include, the initial victim) *dum de iis rebus in senatu agitur*, apparently during one senate session. But he was then ordered to keep sacrificing *usque ad litationem*: how long this took is unclear.

²²¹ His victim's liver melted away during cooking, i.e. after the initial inspection of the *exta*, which was presumably favourable (Thulin 1906a (vol. 2): 7). Varro's definition of *dies endotercisi/intercisi*, that on them it was *nefas* to act in morning and evening, but *medio tempore inter hostiam caesam et exta porrecta fas* (Ling. Lat. 6.31, Kent's reading) suggests that Romans considered it acceptable to act while sacrifices were still in progress, and thus that Cornelius' beginning to preside over the senate was not inappropriate.

²²² Hispallus died shortly after improper performance of *feriae Latinae* (Livy 41.16). Petilius fell in battle against Ligurians, in circumstances obscured by corruption in Livy's text, though it is clear that both auspicial error and an omen were thought to be involved (Livy 41.18.8, 10, 14; Val. Max. 1.5.9; Linderski 1986a: 2173-6; Davies 2004: 110-11; Konrad 2007: 116). Petilius was not the only one blamed for this defeat, however: the senate also punished his troops for dereliction of duty (Val. Max. 2.7.15; Frontin. *Str.* 4.1.46).

²²³ He reports the consuls' deaths immediately after their failed initial sacrifices, suggesting that the two were causally connected. Livy's lacunate text also emphasizes the significance of the deaths (Levene 1993: 106).

²²⁴ If these divinatory outcomes contributed to the ruling of Livy's 'experts in religion and public law' that even the suffect to Hispallus could not properly hold new elections (perhaps because the

well, as Livy suggests when he writes that the senators were ‘terrified’ (*territi*).²²⁵

Nevertheless both senate and consuls submitted to them.²²⁶

State divination also affected Late Republican senate sessions: Cic. *Fam.*

10.12.3 reports that on 7 April 43 BC inadequate auspication²²⁷ by the urban praetor M. Caecilius Cornutus delayed senatorial discussion of a dispatch from L. Munatius Plancus (presumably *Fam.* 10.8, to senate and people).²²⁸ This delay was not insignificant: it bought one more day²²⁹ for Antony’s partisans to bargain for peace. Furthermore, it not only involved the *pullarii*, who apparently took the initiative,²³⁰ but also necessitated the convening of the augural college.²³¹ Antony’s partisans and the Caesarians in the senate (Cicero singles out P. Servilius Isauricus and the tribune P. Titius),²³² and possibly the augural college,²³³ had obvious ‘non-religious’

gods were thought to be incensed against all Petilius’ actions?), then they must also have caused delay for elections (*Periti religionum iurisque publici, quando duo ordinarii consules eius anni, alter morbo, alter ferro perisset, suffectum consulem negabant recte comitia habere posse*).

²²⁵ As Davies 2004: 138 notes, even the ‘dissatisfaction of just one god would seem to be dangerous’.

²²⁶ That the senate eventually ordered the consuls to keep sacrificing *usque ad litationem* should not obscure the inconvenience the signs caused initially. Furthermore, although this case is often cited as an example of sacrifice *usque ad litationem*, in fact it demonstrates that ‘per litationem non semper esse praescriptam’ (Tromp 1921: 63), since Petilius reports to the senate after receiving an unfavourable sign from his first victim (Livy 41.14.7), and again after three unfavourable sacrifices; even the senate’s subsequent command to continue sacrificing *usque ad litationem* cannot gain him *litatio* from Salus (41.15.3-4). Clearly Petilius does not assume that he has the right to sacrifice *usque ad litationem*. This supports Potter’s conjecture (1999: 156) that Romans usually postponed sacrifice if the first few victims did not yield *litatio* (Szymanski 1908: 76-7; Parker 2000: 306; Parker 2004: 144 propose a similar limit for Greek sacrificial divination before battle).

²²⁷ ‘A religious scruple arose for Cornutus, in the reminder of the *pullarii* that he had not given sufficient care to the auspices’ (*oblata religio Cornuto est pullariorum admonitu non satis diligenter eum auspiciis operam dedisse*). Presumably these were auspices he took before presiding over the senate: Linderski 1986a: 2213. Note that *oblata religio* is ambiguous: the Oxford Latin Dictionary takes it to mean that *religio* was presented or forced to Cornutus’ attention, but it can also mean that the *religio* was encountered, perceived, or occurred (Lewis and Short).

²²⁸ Shackleton Bailey 1980: 228.

²²⁹ Shackleton Bailey 1980: 228 appears to date the two senate debates inconsistently, to either 8 and 9, or 9 and 10, April. I follow Linderski in dating Cornutus’ error to 7 April, with debate on 8 and 9 April.

²³⁰ Note that the augurs supported this.

²³¹ *idque a nostro collegio comprobatur est itaque res dilata est in posterum*; Linderski 1986a: 2213-14.

²³² They prolonged debate by other means in the following days: Cic. *Fam.* 10.12.3 (veto by Titius, 8 April); Cic. *Ad Brut.* 2.2.3 (speechifying by Servilius and his supporters, *perditi cives* but nevertheless *insignes aliquot*, 9 April).

²³³ For college membership, Rüpke 2008: 131. Several pro-senatorial members were inactive by April 43; of known members in Rome, P. Vatinius was a former Caesarian and P. Servilius Isauricus

reasons for wishing to delay discussion of Plancus' letter, since his new commitment to the senate presumably also marked the rejection of his ties to Antony.²³⁴ Yet Cornutus himself and Cicero (himself an augur) clearly wanted to continue the debate, and Cicero's statements that a *frequens senatus* had convened on 7 April in great eagerness to hear Plancus' letter,²³⁵ that his own proposal about Plancus had so much support that Servilius had to resort to tribunician obstruction, and that he himself eventually triumphed over the opposition,²³⁶ suggest that the senatorial majority shared their desire.²³⁷ Even if it was an Antonian or Caesarian who brought the divinatory outcome to the senate's attention,²³⁸ therefore, the senate's respect for it probably qualifies as 'religious'.²³⁹ It is noteworthy that even the disappointed Cicero does not allege that the divinatory outcome was falsified or manipulated. Finally, Cornutus' submission to the warning of humble *pullarii* provides further evidence that a magistrate could not simply will away undesired divinatory results (a point to which we will return in **Chapter 3**).

led opposition to Cicero's proposals on 8 and 9 April. Of possible members, L. Valerius Messalla Rufus, if still involved in public life, had fought for Caesar in the civil war; Q. Mucius Scaevola's sentiments are unknown; L. Marcius Philippus had supported Caesar's interests as tribune in 49 (Caesar *B Civ.* 1.6.4) and Cicero considered him one of Antony's *amici* in December 44, but he is also said to have opposed Antony's invasion of Cisalpine Gaul (Cic. *Phil.* 3.25).

²³⁴ Antony corresponded with him in early 43 and claimed in March that Plancus was party to his plans (Cic. *Phil.* 13.44); his real sympathies are difficult to ascertain but the tone of *Fam.* 10.6 suggests that on 20 Mar. Cicero thought Plancus could be won over to the war party (Watkins 1997: 77); he probably transferred his full support to the senate after Antony's defeat at Mutina (Walser 1957: 26; Shackleton Bailey 1977 (vol. 2): 512). *Fam.* 10.8 is surely a gesture of submission to senatorial authority; there is no need to conclude with Watkins 1997: 75 that Plancus' reference to handing over his army or province reflects his approval of the prospect of a trade with Antony.

²³⁵ *senatus (...) frequensque convenit propter famam atque expectationem tuarum litterarum.*

²³⁶ *Fam.* 10.12.4.

²³⁷ Cicero's assertion to Plancus that senate and *cuncta civitas*, indeed *populus Romanus universus et omnium generum ordinumque*, shared a *consensus ad liberandam rem publicam* is obvious exaggeration, but may reflect majority opinion. Though senators were generally ambivalent and divided in 43 (Mitchell 1991: 308-9), that does not preclude a majority wish on a practical matter like discussing what Plancus had written.

²³⁸ Linderski 1986a: 2213 supposes that a tribune or other senator raised the objection in the senate, but this is not certain.

²³⁹ *Contra* Beard 1990: 32 n. 39 ('no clash of will was involved').

The power of divination to thwart senatorial initiatives is also visible in the failed²⁴⁰ attempt at an *augurium salutis* in 63 BC (Cic. *Div.* 1.105; Cass. Dio 37.24-25). The historicity of this *augurium*, documented by Cicero to whom its failure was personally announced²⁴¹ by Ap. Claudius Pulcher,²⁴² must be accepted.²⁴³ We have almost no evidence for what the *augurium salutis* meant to a Roman audience,²⁴⁴ but since it seems to have sought to consolidate or promise ‘safety’ for the state, it is possible that the *augurium* of 63 was occasioned by, or seen as endorsing, Pompey’s victories in the East,²⁴⁵ and we may therefore wonder whether Pompey’s political opponents had ‘non-religious’ reason to want it thwarted. Alternatively, the *augurium* might have been thought to reflect the divine attitude towards the consuls Cicero and Antonius, in which case *populares*, whose tribunician measures Cicero

²⁴⁰ Cicero describes the divinatory outcome as ‘doubtful’, *addubitatum*, perhaps a technical term for a flaw in auspication (Vaahtera 2001: 135-6), Dio similarly as not turning out ‘clear/pure’ (οὐ (...) καθαρόν). Alternatively the *augurium* may have been rendered *addubitatum* by coincidence with one or more of the prodigies of 63 (tentatively, Catalano 1960: 343). Yet we might have expected Cicero to tell us so.

²⁴¹ Either on his own initiative or as the formal ruling of the augural college (Liegle 1942: 296-7; Winkler 1995: 37; Wardle 2006: 359).

²⁴² *Tibi* [i.e. Cicero] *Ap. Claudius augur consuli nuntiavit addubitato Salutis augurio bellum domesticum triste ac turbulentum fore*. This cannot tell us whether Cicero was personally involved in the ritual, or whether he was informed afterwards simply in his capacity of leading magistrate. Augurs may have conducted the ceremony on their own (Valeton 1891b: 418; Blumenthal 1914: 251; Wissowa 1896a: 2328; Pease 1920: 288 n. 3; Catalano 1960: 336, 340; Magdelain 1977: 18-21; Rüpke 1990: 142; *contra* Momigliano 1968; Pinsent 1975: 27; Linderski 1986a: 2178, 2256).

²⁴³ Liegle 1942; Catalano 1960: 342 n. 17; Liebeschuetz 1979: 18; Linderski 1986a: 2179-80; Lintott 1997: 2510. It is regrettable that the incident receives no mention in many modern accounts of 63, e.g. Stockton 1971; Gruen 1974; Mitchell 1979; Rawson 1983. That Cicero does not mention it in *Rab. Perd.* and *Cat.* does not prove that it was fabricated *post eventum*, for Cicero might not have wanted to disturb further his already troubled hearers with it (Liegle 1942: 295-6; Latte 1960: 140), and if Rabirius’ trial occurred before summer 63 (Phillips 1974: 87 and n. 1, 99), Cicero’s speech would predate the *augurium* anyway. Vaahtera 2001: 135 and Wardle 2006: 359 cannot be right that Cicero generally avoided mention of the incident because it ‘might reflect poorly on him’; he is our main evidence for it! He may also have recorded it in *De Consulatu Suo* (Latte 1960: 140 n. 3; Lintott 1997: 2510).

²⁴⁴ Cipriano 1983: 110-13 reasonably suggests that the *augurium salutis* might seek to guarantee the ‘capacità dei cives’ and ‘rispondenza dei magistrati ai loro compiti’. On the meaning of *salus*, le Glay 1982; Winkler 1995; public cult: Clark 2007: 166. Although this is our only certain Republican example of the ceremony (Liegle 1942 makes a plausible but not conclusive case for another in 160 BC [accepted by Catalano 1960: 339 n. 9; Beard, North and Price 1998 (vol. 1): 110-111]), discussion to date has focused on conjecturing the meaning of the successful, ‘original’ ritual (generally understood as ‘Mehrung’ of state and people), rather than discussing what failure to obtain public *salus* meant. The most recent discussion, Kearsley 2009, is riddled with errors.

²⁴⁵ Costa 1910: 125; Lintott 1997: 2510 n. 45; Wardle 2006: 360; Kearsley 2009: 151.

had quashed, may have wanted it to fail. Yet we have no evidence with which to assign these motives to Appius.²⁴⁶ Finally, the fact that ‘Quintus’ in *Div.* sees the *augurium* as predicting the revolt of Manlius and Catiline²⁴⁷ raises the possibility that Cicero hoped to use it as proof of his contention, evidently disbelieved by most of his fellow senators until late in 63, that the state was in danger.²⁴⁸ Yet we do not know whether Appius shared Cicero’s view of the matter, and if a failure in the *augurium* were thought to reflect divine disapproval of Cicero the consul, it seems a risky tactic for him to adopt, especially when the attainment and proclamation of (a state of) public *salus* could have reinforced his programme of *concordia* and *otium*.²⁴⁹ Furthermore, it is possible that a successful *augurium* was perceived as legitimating not just the consuls but the whole senate’s rule of the state, with failure being thought to signify categorical rejection of Rome’s request for divine protection. On those grounds there would seem to be scant ‘non-religious’ reason for the augurs, or the rest of the senate, to desire invalidation of the *augurium*, particularly in a year that had already seen numerous challenges to the Sullan

²⁴⁶ He was ‘opportunistic’, his alliances and allegiances difficult to discern and shifting (Gruen 1974: 59, 97). On his relationship with Cicero, Gruen 1974: 353-4; Hall 2009: 58-62, 139-153. In *Div.* ‘Quintus’ accepts his sincerity, and the sceptical mockery he is said to incur is probably not connected with this incident (Pease 1920: 288-9 n. 7). Latte 1960: 140 sums up best: ‘man sieht auch nicht, welche politischen Zwecke Appius mit ihr verfolgt haben könnte’ (also Liegle 1942: 296-7).

²⁴⁷ *bellum domesticum triste ac turbulentum*. Some scholars see Appius as idiosyncratically ‘add[ing] a prophetic aspect alien to Roman practice’ here (Wardle 2006: 330; also Regell 1878: 6; Vaahtera 2001: 136), but for all we know an unsuccessful *augurium salutis* could ‘conventionally’ have signified civil war. Cf. Catalano 1960: 344-345: ‘se non si vuole irrigidire l’anima romana in formule giuridiche, si deve ammettere che, in alcuni casi, il rifiuto da parte del Dio di ricevere la preghiera potesse spontaneamente essere interpretato come manifestazione di collera’; Linderski 1982 [1983]: 31 (considering Appius’s ‘predictive’ view of augury one strand of augural thinking rather than a mere idiosyncrasy; note Cic. *Brut.* 267); Cipriano 1983: 110.

²⁴⁸ Since Cass. Dio 37.24 states that the ceremony could not be conducted while a Roman army was in the field (presumably a traditional rule) or at times of civil strife (to do so was considered impious), we may suggest that the *augurium* was taken in June/July 63, after the death of Mithridates and the capture of Jerusalem (Joseph *BJ* 149; *AJ* 14.66 with Marcus and Wikgren 1963: 34-5), but before Cicero drew attention to the dire state of the Republic by renouncing his province (May/June/July: Allen 1952). For these reasons the ‘customary’ seasons proposed by Wissowa 1912: 526 (winter) and Blumenthal 1914: 250 (spring) cannot stand for 63, and autumn (Pinsent 1975: 27; Rüpke 1990: 143) is possible but less likely. Dio’s chronology is imprecise, as he seems to suggest that the *augurium* presaged the tribunician legislation of the first half of 63, but he may be drawing an interpretative rather than a chronological connection (cf. Lintott 1997: 2510).

²⁴⁹ Already advertised in *Leg. agr.* and *Rab. Perd.* (Mitchell 1979: 198).

dispensation and senatorial authority.²⁵⁰ On balance, therefore, it seems likely that Appius, Cicero, and the senatorial majority did not have strong ‘non-religious’ reasons to desire this unfavourable divinatory outcome. That it was nevertheless proclaimed and recorded suggests once more the importance of ‘religious’ factors in senatorial thinking.²⁵¹

Two final examples involving prodigies test the limits of that thinking. Firstly, earthquakes in 193 BC, so frequent that the populace was worn out by their expiation, the senate prevented from meeting, and the consuls occupied (exclusively?) with ritual procedures (Livy 34.55.1-2).²⁵² Secondly, the prodigies and Sibylline oracle which delayed restoration of Ptolemy Auletes in 56 BC (Cass. Dio 39.15-16; Cic. *Fam.* 1.1; 1.2; 1.4; 1.5b; 1.7; *Q. Fr.* 2.2; 3.5; *Rab. Post.* 2.4). Cicero provides eyewitness testimony for the latter,²⁵³ and there is no compelling reason to dismiss the historicity of the 193 incident. Nissen saw it as forming a doublet with the earthquakes attributed to 192 BC (discussed above), but the assumption is unnecessary.²⁵⁴ In Livy’s narrative the prodigies and their expiation precede an unexpected²⁵⁵ and dangerous uprising in Liguria and a recruitment crisis so severe that the senate declared a state of *tumultum*, so it is possible that the prodigies were elaborated or invented to explain these difficulties. However, the

²⁵⁰ Of vast bibliography, convenient summary in Stockton 1971: chs. 5-6; Mitchell 1979: ch. 4. The Rullan land bill, the trial of Rabirius for *perduellio*, and of course the Catilinarian rebellion were all interpreted by Cicero as challenges to the Sullan senate’s position; modern scholars, while painfully aware of Cicero’s capacity for exaggeration, distortion, and misrepresentation, have generally agreed.

²⁵¹ Liebeschuetz 1979: 18: in this case divination ‘introduced an unpredictable element into Roman public life’ that ‘[s]urely nobody foresaw’.

²⁵² *terrae motus ita crebri nuntiabantur ut non rei tantum ipsius sed feriarum quoque ob id indictarum homines taederet; nam neque senatus haberi neque res publica administrari poterat sacrificando expiandoque occupatis consulibus.*

²⁵³ Parke 1988: 207 accepts this as the ‘first well-documented consultation’ of Sibylline Books after their destruction in Capitol fire of 83 BC, viewing the oracular text as (208) ‘heavily doctored’ but perhaps based on an original concerning the Ptolemies; similarly Scheid 1998: 16 n. 27; Tatum 1999a: 200.

²⁵⁴ Nissen 1863: 174; *contra* Luterbacher 1904: 65; Briscoe 1981a: 135; Levene 1993: 86 n. 25.

²⁵⁵ Livy 34.56: *nihil eo anno belli expectantibus consulibus...*

senate is recorded as attempting to expiate the prodigies before problems arose, and Roman historians who were inventing a story of expiation are perhaps more likely to have depicted it as successful.²⁵⁶

If these divinatory outcomes are historical, to what extent did they align with their recipients' 'non-religious' interests? Alignment seems highly unlikely in 193, since senators would probably have preferred to be able to meet to assign provinces and make arrangements for this year, while according to Livy the populace (*homines*) was emotionally worn out by the effort the expiations required (*taederet*).²⁵⁷ The picture in 56 is more variegated. Since the Sibylline oracle forbade Rome to assist the king of Egypt with a *plêthos/multitudo*, which the senate took to mean an army,²⁵⁸ scholars' suspicions have tended to fasten on those who may have wished to prevent military activity in Egypt at this time. According to Dio 39.15, the tribune C. Cato brought the oracle before the people because he feared the senate would suppress it, so he evidently wanted it to be obeyed. Perhaps he wished to thwart²⁵⁹ Pompey and P. Lentulus Spinther (both candidates for effecting Ptolemy's restoration, and presumably hoping to gain wealth and glory from the

²⁵⁶ Levene 1993: 83 also notes the 'relative unimportance of religion' in Book 34, making it less likely that Livy included this incident for literary purposes.

²⁵⁷ Briscoe 1981a: 135 suspects 'a degree of exaggeration' here, but the earthquakes' inhibitory effect was clearly significant.

²⁵⁸ Cass. Dio 39.15 (ἀν ὁ τῆς Αἰγύπτου βασιλεὺς βοηθείας τινὸς δεόμενος ἔλθῃ, τὴν μὲν φιλίαν οἱ μὴ ἀπαρνῆσασθαι, μὴ μέντοι καὶ πλήθει τινὶ ἐπικουρήσῃτε· εἰ δὲ μή, καὶ πόνους καὶ κινδύνους ἔξετε ['If the king of Egypt come requesting any aid, do not refuse him friendship, but do not help him with a multitude; otherwise you will have both toils and dangers']); Cic. *Q. Fr.* 2.2, 17 Jan. 56 BC (*factum est senatus consultum cum multitudo eum reduci periculosum rei publicae videri*); *Fam.* 1.7.4, late June or July 56 (Ptolemy should be *sine multitudo reducat, quem ad modum homines religiosi Sibyllae placere dixerunt*); *Fam.* 1.1.3, 13 Jan. 56 (*exercitum religio tollat*). Cicero does not mention Dio's 'toils and dangers' but *Rab. Post.* 2.4 contributes an additional fragment of the oracle, a mention of 'wicked schemes'. This may be an approximation of the oracular words, but according to Dio (39.16) the oracle was translated and 'proclaimed' (*anekêruchthê*) in Latin, so it is possible that Cicero quotes directly.

²⁵⁹ In the early months of 56 he hurled invective at Pompey in the senate and brought a bill to deprive Lentulus of his command in Cilicia: *Fam.* 1.5a (Shackleton Bailey 1977 (vol. 1): 300]); *Q. Fr.* 2.3. He had been a volatile critic of Pompey and threatened to prosecute Gabinius for *ambitus* in 59 (Cic. *Q. Fr.* 2.1.15); though he supported the triumvirs after Luca (Gruen 1974: 314-15; Broughton 1952: 209; 1986: 169-70; Brunt 1988: 484).

expedition). Cicero reveals that Bibulus, the consuls, and the consulars (excluding Lentulus' supporters Cicero, Hortensius, and Lucullus) opposed Lentulus' hopes of obtaining senatorial permission to act,²⁶⁰ so they too may have desired the Sibylline prohibition. Perhaps they wished to deprive all their rivals of this chance,²⁶¹ as Cicero implies when he claims (*Fam.* 1.4.2) that the oracle was intended to prevent 'anyone' from going to Alexandria.²⁶² Crassus' undoubted interest in the Egyptian command,²⁶³ and proposal that it be given to a board of three men with *imperium*,²⁶⁴ has led some scholars to suspect that he too hoped to use the oracle to his own advantage, by preventing Pompey from having the commission to himself.²⁶⁵ However, Crassus himself might well have wanted to use an army in Egypt if given the chance, so he may have had less reason to desire the Sibyl's prohibition than is sometimes thought. Finally, P. Clodius Pulcher, *quindecimvir* in this year,²⁶⁶ was demonstrably hostile to Pompey and collaborating with Crassus, and may thus have had political reasons to desire this divinatory outcome.²⁶⁷

On the other hand, we are faced with an apparent absence of strong 'non-religious' reasons for the senate majority, the *populus*, and Lentulus himself to have

²⁶⁰ *Fam.* 1.1; 1.2.

²⁶¹ Seager 1979: 116. According to Lentulus the consul Marcellinus was *iratus* at him, so Marcellinus may also have been motivated by personal animosity (Shatzman 1971: 369), although according to Cicero his sticking point was the *religio* (*Fam.* 1.1: *quod instituit referre de religione et saepe iam rettulit, ab eo deduci non potest*), so 'religious' motives remain possible.

²⁶² *a tuis invidis atque obtrectatoribus nomen inductum fictae religionis <idque susceptum ab aliis> non tam ut te impediret quam ut ne quis propter exercitus cupiditatem Alexandream vellet ire* (Jan. 56); cf. Parke 1988: 207.

²⁶³ Plut. *Crass.* 13 credits him with interest in annexing Egypt in 65 BC, and he has been suspected as one of those alluded to at Cic. 2 *Leg. agr.* 44 (see also Schol. Bob. p. 92St), though he is not, unlike Pompey and Caesar, mentioned in the deal to restore Ptolemy in 59 BC. In 56 BC Clodius' gangs cried out for Crassus, not Pompey, to be sent to Alexandria (*Q. Fr.* 2.3, 12-15 Feb. 56), presumably at Crassus' instigation (abuse of Pompey, but without mention of Crassus, in Cass. Dio 39.19; Plut. *Pomp.* 48). In February Pompey informed Cicero of his belief that Crassus was plotting against his life and supporting both Clodius and C. Cato against him (*Q. Fr.* 2.3).

²⁶⁴ Cic. *Fam.* 1.1.

²⁶⁵ Prompted by envy of Pompey; Shatzman 1971: 367; Seager 1979: 116-17. Crassus may have hoped to restore Ptolemy himself as governor of Syria in 54 BC; Fantham 1975: 431. Taylor 1949: 85-6, 215 n. 48 suggests that Crassus, with C. Cato as his agent, was responsible for the oracle and its circulation, but there is no way to know this.

²⁶⁶ Rüpke 2008: no. 1265.

²⁶⁷ Above, n. 263; Tatum 1999a: 200.

obeyed the oracle. *Pace* Brunt and Tatum,²⁶⁸ at some points in 56 the senate majority seems to have been willing to see Lentulus restore Ptolemy: Cicero states this in his letters of 17(?) January,²⁶⁹ Dio repeats it,²⁷⁰ and it is implied by Cicero and Dio's presentation of C. Cato as a threat to the senate's wishes.²⁷¹ Nevertheless, all senatorial proposals in response to the oracle submitted to its ban on using an army.²⁷² As for the people, in January Cicero claimed that the *populus Romanus* thought the oracle fabricated to prevent action in Egypt, and in February Clodius' gangs agitated for Crassus to be sent to Alexandria,²⁷³ but both Cicero and Dio report that by 54 BC, when Gabinius returned after finally restoring Ptolemy, some believed that the gods were angry at him and punishing them (with a Tiber flood) for his impiety.²⁷⁴ The people's attitude to Gabinius was presumably also influenced

²⁶⁸ Brunt 1988: 484-5; Tatum 1999a: 201.

²⁶⁹ Though in *Fam.* 1.2 (15 Jan., to Lentulus) Cicero reports that few senators wanted the king to be restored at all (*regis causa si qui sunt qui velint, qui pauci sunt*), many appear to have changed their minds over the course of the debate: *Fam.* 1.4 (to Lentulus: *in senatu pulcherrime staremus (...)* *causam enim frequenti senatu non magna varietate magnaue invidia eorum qui a te causam regiam alio traferabant obtinebamus*). We might expect Cicero to give such an optimistic report to Lentulus, but he makes it to Quintus also: *Q. Fr.* 2.2. His later statement that many were hostile to Lentulus (*ceteri sunt partim obscurius iniqui, partim non dissimulanter irati*: *Fam.* 1.5b, shortly after 9 Feb.; *Fam.* 1.7), refers to the consulars, and does not necessarily reflect the view of the senate as a whole.

²⁷⁰ Liebeschuetz 1979: 18; Williams 1985: 37. Bergemann's suggestion (1992: 104) that Ptolemy's bribed senators 'den Senat besorgte so daß es (...) zur Veröffentlichung [of the Sibylline Books] kam' in favour of Pompey, makes little sense: the oracle's main effect was to preclude the kind of military activity Pompey presumably wanted, and to raise doubts about the validity of the entire operation.

²⁷¹ Cato vetoed (with his colleague Caninius) a senatorial motion on the subject on 14 Jan. 56 (*Fam.* 1.2), and is perhaps included in Cicero's fears about *latrocinio tribunorum* and the *popularis ratio* (*Fam.* 1.2; 1.4; *Q. Fr.* 2.2).

²⁷² Cass. Dio 39.16 (some proposed that Spinther act *aneu stratou*, others that Pompey be sent with two lictors); Cic. *Fam.* 1.1 (13 Jan. 56: Cicero, Hortensius and Lucullus have had to revise their original proposal that Lentulus be sent with an army: *sententia cedit religioni de exercitu; teneri enim res aliter non potest*); *Fam.* 1.2.1 (15 Jan 56: *quatenus de religione dicebat cui quidem rei iam obsisti non poterat (...)* *adsensum est*); *Q. Fr.* 2.2 (17 Jan 56); *Fam.* 1.5b (shortly after 9 Feb. 56: *nihil enim tibi detraxit senatus nisi id quod per eandem religionem dari alteri non potest*). Eventually the senate voted that no one should restore the king (*Fam.* 1.7.4), but this resolution was vetoed (*ibid.*; *Pis.* 48; Nisbet 1961: 112; Seager 1979: 120 n. 34) and Cicero claims that it reflected personal bias rather than the 'firm policy of the senate' (*magis iratorum hominum studium quam constantis senatus consilium*).

²⁷³ Above, n. 263.

²⁷⁴ *Q. Fr.* 3.5 (end of Oct./beginning of Nov. 54 BC); Cass. Dio 39.61.3 (οἱ οὖν Ῥωμαῖοι ἐπὶ τ' ἐκείνοις τοῖς παθήμασι λυπούμενοι, καὶ ἕτερα χαλεπώτερα ὥς καὶ διὰ τὴν τοῦ Πτολεμαίου κάθοδον ὀργὴν σφισι τοῦ δαιμονίου πεπιοιμένου προσδεχόμενοι, ἡπείγοντο καὶ ἀπόντα τὸν Γαβίνιον, ὥς καὶ ἡπτόν τι, ἂν φθάσωσιν αὐτὸν ἀπολέσαντες, κακωθησόμενοι, θανατῶσαι), erroneously dating the floods before rather than after Gabinius' return to Rome on 19 Sept. 54 (cf. *Q. Fr.* 3.1) (Lintott 1997:

by the popular (and optimate) reaction to Pompey and the renewal of the ‘first triumvirate’, and his criminal trials undoubtedly fit the pattern of aristocratic competition in the Late Republic,²⁷⁵ but the people’s acceptance of a divinatory prohibition that originally conflicted with its wishes is surely at least partly attributable to ‘religious’ motives.²⁷⁶ Finally, we should consider Lentulus’ own motives, which modern scholars tend to overlook in their focus on Cicero’s assertion that the oracle was a fake, obeyed by the senate for political reasons.²⁷⁷ Lentulus’ repeated enquiries to Cicero about the Egyptian mission clearly indicate that he wanted to undertake it. Yet Cicero’s attempts to reassure him that he could act without defying the oracle, suggest that fear of ignoring, or being seen to ignore, the gods’ message contributed to his reluctance to act (most explicitly in *Fam.* 1.7.5: *offensionem esse periculosam propter interpositam [senatus] auctoritatem religionemque video*).²⁷⁸ The fact that Lentulus did nothing about Egypt during the year of his proconsulship, despite his evident desire to act, thus indicates that Cicero’s own lax attitude to the Sibylline response was not universally shared by his contemporaries, including the man who stood to lose most by obeying the gods’ command.

2511). That the flood prompted popular anger against Gabinius is accepted by Taylor 1949: 86; Liebeschuetz 1979: 18; Bergemann 1992: 105. It is a weakness of some scholarly discussions of Gabinius’ trials (Meyer 1919: 203; Gruen 1974: 328-9) that they do not consider this ‘religious’ aspect.

²⁷⁵ Though see Alexander 1993.

²⁷⁶ *Pis.* 48 may imply that the people had at some point forbidden Ptolemy’s restoration (Nisbet 1961: 112). Gabinius’ actions could be conceptualized in a religious light even before the Tiber floods, as *Cic. Q. Fr.* 3.1.24 (Sept. 54 BC) reveals, toying with the idea of having Apollo prophesy Gabinius’ sorry return to Rome in his *De Temporibus Suis*.

²⁷⁷ *Fam.* 1.1.1: *senatus religionis calumniam non religione sed malevolentia et illius regiae largitionis invidia comprobatur*, accepted by Taylor 1949: 86; Shatzman 1971: 366; Rosenberger 1998: 77. Bloch 1963: 141 sees the case as one of ‘l’intervention des quindécemvirs dans les luttes politiques’. Cicero later thundered against Gabinius’ violation of the oracle (*Pis.* 48) though his initial response to that was matter-of-fact (*Att.* 4.10 [22 April 55 BC]).

²⁷⁸ Similarly *Pis.* 50 (in tendentious contrast to the impious Gabinius): *quam provincia, P. Lentulus, amicissimus huic ordini, cum et auctoritate senatus et sorte haberet, interposita religione sine ulla dubitatione deposuisset* (it will immediately be evident that *sine ulla dubitatione* is an exaggeration). *Contra* Tatum 1999a: 204 (Lentulus was simply ‘wary of his opposition in Rome and informed of the consequences should he fail’).

In both 193 and 56 BC, therefore, we see once more the power of divinatory outcomes to influence Roman public activity; these incidents also demonstrate that that power remained strong despite Romans' 'non-religious' desire to evade it. In 193 the *decemviri* eventually recommended that only one earthquake report be made and expiated per day (Livy 34.55.4), and it is reasonable to see this as an attempt at procuring freedom of action in the face of religious impediments.²⁷⁹ Yet this ruling also implies that the divine will was still to be supreme (the first earthquake per day will still be expiated)²⁸⁰ and the *ad hoc* nature of the solution would seem to imply that other earthquakes were expiated without such flexibility. Indeed, earthquakes still delayed public business for thirty-eight days in the following year (as we saw above). And if 193 shows the limits of senatorial tolerance of divinatory inconveniences, 56 shows that even in the Late Republic, and even in a situation where multiplicity of 'non-religious' motives for submission to divination can be discerned, divinatory outcomes continued to restrain senatorial activity. Dio was oversimplifying, but perhaps not as far wrong as modern sceptics might suppose, when he wrote that the verses were 'happened upon' in the Sibylline Books and left those in power 'amazed' (*thaumasantes*) rather than cohering with their wishes.²⁸¹ For this case presents us with more than a mere 'Mißbrauch' of divination during the breakdown of senatorial 'grundsätzliche Konsens'.²⁸² It presents us, once more, with some Romans who obeyed the gods' perceived will even when it conflicted with their own. A Roman might well have agreed with

²⁷⁹ Jocelyn 1966: 102; Liebeschuetz 1979: 24.

²⁸⁰ Jocelyn 1966: 102. That the senate took the gods' wrath seriously in this incident is also indicated by its demand not only that all families participate in a three-day *supplicatio*, but that every member of every family participate (Livy 34.55.4); cf. Morgan 1990: 32-3.

²⁸¹ Dio is aware that the senate was split in its response to the oracle (with 'some' [*tôn men*] supporting Pompey and 'some' [*tôn de*] Lentulus), and states that the senate opposed Pompey's obtaining the commission for fear that he would thereby increase his power (δείσαντες οἱ βουλευταὶ μὴ μείζων ἔθ' ὁ Πομπήιος καὶ ἀπ' ἐκείνου γένηται), but he still accepts the truth of the oracle, citing as the *prophasis* of these 'human' motivations Pompey's grain commission.

²⁸² Rosenberger 1998: 77.

Dio's analysis: 'while men were doing these things for the sake of money, the divine (...) delayed the return of Ptolemy for some time'.²⁸³

Conclusions This chapter has sought to demonstrate that we can discern, using the 'motive-assessment' method, a significant number of cases where divinatory outcomes do not appear to have aligned with their recipients' probable 'non-religious' will. If that conclusion is correct, the 'alignment' model of Roman divination and religion stands in need of modification.

Sceptics may wonder whether these results are influenced by patterns in our source material. Yet the data supplied by Cicero, Livy, and Cassius Dio in fact suggests a high degree of consistency and continuity over time in Roman responses to state divination. There are fluctuations in the number of divinatory events our authors record, but many of these appear to be the result of historiographic factors, rather than evidence for actual change over time. Although the Second Punic War has often been thought to usher in a flurry of unusual religious activity at Rome,²⁸⁴ this effect is probably exaggerated by the sudden increase in our available evidence, while diminishing numbers of divinatory events thereafter may be caused by changing source material.²⁸⁵ For example, Livy's narrative includes fewer divinatory details after 201, probably because he drew more heavily on Polybius, who was less interested in and more sceptical about Roman divination than was the

²⁸³ οἱ μὲν οὖν ἄνθρωποι τοιαῦτα ὑπὸ τῶν χρημάτων ἐποίουν, τὸ δὲ δὴ θεῖον (...) τὴν κάθοδον τοῦ Πτολεμαίου χρόνον πινὰ ἐπέσχε.

²⁸⁴ Warde Fowler 1911: ch. 14; Piganiol 1967; Rawson 1974: 199; Develin 1978: 16-17; MacBain 1982: 32; Beard, North, and Price 1998 (vol. 1): 102, 109. Cf. North 1976: 10-12 (*contra* Toynbee 1965 [vol. 2]: 378f., higher frequency of religious innovations in third century BC than post-200 BC does not necessarily indicate crisis in 'state' religion).

²⁸⁵ Orlin 1997: 85-6.

annalistic tradition.²⁸⁶ The drop in the number of recorded prodigies in Obsequens (Livy) after 90 BC has also been plausibly attributed to changes in source material, as Livy reached the end of Valerius Antias' ritually-detailed record.²⁸⁷ Cicero and Cassius Dio may yield a smaller number of divinatory incidents than extant Livy does, but this is probably because most of Dio's Middle Republican books survive only in abbreviated form, and Cicero is not aiming to give continuous narrative; in fact, in years well-documented by Cicero we find a similar quantity of divinatory incidents to that which we find in the denser portions of Livy.

What is surely more revealing than shifts in the number of recorded divinatory incidents, then, is the fact that the Livian narrative after 201, and the Late Republican record of Dio and Cicero, attest the same kinds of responses to divination as are documented for the Second Punic War. What this suggests is that Roman attitudes to divination did not change as much during the Republic as some scholars suppose. That some divinatory procedures changed over time is undeniable. We have seen this in the senate's prohibition on reporting multiple earthquakes in 193 BC, and will also observe it in the increasing 'individualization' of some signs at the end of Republic, discussed in **Chapter 3**; other familiar examples include the innovations in expiation technique introduced in 207 BC,²⁸⁸ and Cicero's oft-remarked claim that haruspicy was coming to be used more frequently than augury by commanders in the field.²⁸⁹ However, other postulated changes, like the theory that prediction became important in Roman divination only

²⁸⁶ See **Chapter 1**. Perhaps Livy's own interest waned, too: consider 38.43.13, where the Aetolian ambassador Archidamas accuses Flaminius of excessive auspication, sacrifice, and vows, striking behaviour which appears nowhere in the narrative.

²⁸⁷ Drews 1988: 295; Rich 1997: 2005.

²⁸⁸ Boyce 1937.

²⁸⁹ Cic. *Div.* 1.28; often accepted, e.g. Wissowa 1912: 533; North 1990b: 55; but on the likelihood that promagistrates did have some kind of *auspicia*, see Rosenstein 1990: app. 2; Hurlet 2001: 160f.

after the Second Punic War with the increasing influx of Hellenism,²⁹⁰ Drews' claim that the senate took prodigies less seriously in the first century BC,²⁹¹ or Scheid's suggestion that in their drive for efficient imperialism Republican Romans became less willing to allow state divination to inhibit their activities,²⁹² are not sustained by the evidence we have examined. On the contrary, our case studies suggest that a surprising amount of obedience to divination continued unabated during the Republic:²⁹³ even, as Cassius showed at Philippi, in its dying throes.

As discussed at the start of this chapter, we cannot obtain meaningful statistics for the number of times divinatory outcomes did not align with recipients' 'non-religious' interests, since some cases of apparent alignment, and cases where we lack sufficient evidence to assess participants' motives, might also fall into this category. We have seen, however, that unfavourable divinatory outcomes could be attributed even to men at the height of success and victory, and this may suggest that such outcomes occurred frequently, raising the possibility that most magistrates had at least a chance of being thwarted by divination.

The implications of this conclusion for the study of Roman religion more broadly will be discussed in my **Conclusion**. For now, let us focus on its implications for our understanding of Roman divination.

Firstly, our case studies suggest that state divination created 'delay' even when properly observed and rigorously obeyed. This supports the theory that one function of state divination was not inevitably to block, but sometimes simply to

²⁹⁰ Bloch 1964: 91; Bloch 1984: 105.

²⁹¹ Drews 1988: 297-9.

²⁹² At the Maison Française, Oxford (06/03/2007).

²⁹³ Similarly Gargola 1995: 6 on the continuing importance of Republican ritual. Note also that respect for divination could operate much as ideological recognition of the sacrosanctity of tribunes and authority of magistrates operated (Nippel 1995): for much of the Republic this recognition remained strong even though it was not compelled by physical circumstances or coercion (cf. North 1989: 609).

postpone, public action (although we have also seen several cases in which divinatory outcomes did prevent action altogether, or created quite lengthy delays). This also militates against the assumption that if a divinatory outcome did not ultimately prevent action, it was not ‘successful’ or respected by its recipients (as has sometimes been argued for ‘sky-watching’: see **Chapter 4**). At the same time, our evidence undermines the usual modern explanation of the purpose of such delays: that they served to establish or enforce elite consensus. For we have seen that many divinatory obstructions may actually have been undesired by the senate majority. Our case studies also suggest that even short delays could have a significant impact on Roman public life, and may have influenced election results in both the second and the first centuries BC.²⁹⁴

Secondly, our case studies reveal that even the senate, notwithstanding its role as ‘mediator’ of Roman state religion,²⁹⁵ could find its ‘non-religious’ desires hindered by divinatory outcomes. *Pace* Liebeschuetz and Beard, it is not true that divination ‘never (...) interfered with a meeting of the senate’.²⁹⁶ It did so in 193, 192, 176, and 54 among our case studies, and at least conceivably on other occasions as well. More generally, we have seen that divinatory outcomes could influence the senate to take decisions that may have been at odds with the ‘non-religious’ desires and interests of the senate majority.

Thirdly, our conclusion must undermine theories of state divination as generally enabling and conducive, geared towards producing favourable results. It is particularly interesting to note that in our case studies actual divinatory signs,

²⁹⁴ That the one-day delays created by auspicial *vitia* did not always influence election results in the second century BC (North 1967: 388-9) makes sense, but the abortive attempt to co-opt Dolabella in 180 shows that in some circumstances an auspice could have an effect beyond its ‘stretta efficacia giuridica’ (Catalano 1960: 345 n. 28a). The delays of 54/3 BC may have made a crucial difference to the electoral chances of Memmius and Calvinus.

²⁹⁵ Beard 1990.

²⁹⁶ Beard 1990: 32-3; Liebeschuetz 1979: 15.

perceived expressions of the divine will, inhibit human activity at least as much as ritual errors do. This is not what we would expect if the divinatory system were designed to yield favourable results, for in that case prohibitive outcomes could presumably only be produced by human misunderstanding or misuse of the system. What our evidence therefore shows is that state divination could not have functioned simply as the articulation of theological givens or a means of persuading the gods to support human plans. On the contrary, we see divinatory outcomes creating significant obstacles for magistrates, in some cases even depriving them of coveted opportunities for military campaigns.²⁹⁷ Specifically, our case studies imply that the practical workings of Roman methods of divination were not as routinely favourable as some scholars suggest. Regarding haruspicy, Livy's repeated emphasis on *litatio* and difficulties entailed in achieving it demonstrates that many divinatory sacrifices could not have proceeded *usque ad litationem*, and militates against Scheid's thesis that the aim of divinatory sacrifice was to offer the gods enough sacrifices to persuade them to change their minds.²⁹⁸ In the case of prodigies, unfavourable divinatory outcomes not only had adverse effects on troop and public morale, but also seem to have been considered more difficult to expiate than moderns have typically supposed; indeed, disasters might follow even the application of appropriate ritual remedies.²⁹⁹ The fact that prodigy expiation was a state habit³⁰⁰ does not, therefore, mean that either senate or magistrates necessarily desired to engage in it, nor that it necessarily functioned as effective relief from panic and anxiety. In the realm of augury, finally, our numerous examples of

²⁹⁷ Note in particular the prodigy that denied Ahenobarbus the command against Antiochus in 192, and the auspicial error that left Crassus without Roman legions in 168.

²⁹⁸ Scheid 1987-9: 131; Veyne 2005: 436 and n. 60.

²⁹⁹ In the imperial period the view of prodigies as predicting unavoidable calamity becomes even more prominent: **Chapter 1**, 29-30.

³⁰⁰ Magistrates could be *procurare, ut adsolet, prodigia quae nuntiabantur iussi* (Livy 33.26); Rosenstein 1990: 76-7.

auspices that conflicted with magistrates' probable desires, must cast doubt on the modern view that Romans considered it acceptable for magistrates to disregard auspicial results at will. Even if this view is sometimes contradicted by Roman divinatory practice, however, prominent scholars have claimed to see affirmation of it in Roman divinatory theory. So it is to the issue of Roman theory that we must now turn.

Chapter 3:
State Divination in Theory:
Report versus Reality in Augury

Scholars have long held that the ‘rules’ of augury provided little opportunity for perceived expressions of divine will to contradict human will. According to the current consensus, augury included two fundamental principles that permitted Romans both to fabricate divinatory outcomes that aligned with their desires, and to evade divinatory outcomes that did not align with those desires. We may summarize these principles as follows:

Principle 1: The report that an individual had received a divinatory sign, or even the report that an individual was looking for one, was considered equal to the actual occurrence of a sign.¹

Principle 2: The validity of a divinatory sign depended on whether it was accepted or rejected by the individual to whom it was offered. If accepted, the sign was considered effective or ‘activated’; if rejected, it was not thought to demand further human action.²

¹ E.g. Bayet 1957: 54; Jocelyn 1966: 101 (Roman ‘confusion (...) between the act of announcing the divine will and that of directing and determining it’); Linderski 1986a: 2214 (because a ritual flaw made an action *vitiosa*, ‘we may say that a ritual flaw had the same effect as an adverse omen. (...) There is, however, a substantial difference between a ritual flaw and an unpropitious sign. To put it in plain words, the former had to be a real flaw, and the latter could be a fake. (...) if the augur reported an ominous sign that did not occur, he was thought to have created it (or perhaps elicited it from Jupiter) by the formula he had pronounced’); ‘*ementita auspicia* were valid auspices’), 2206-7 (on impetrative auspices: ‘Once the auspiciant had selected his assistant, and entrusted him with the material observation of signs, the assistant’s *nuntiatio* was binding on the celebrant. The assistant’s report was valid even if it was faked, even if he reported signs that had never appeared’); Rüpke 2005a: 224-5 (in augury Romans did not attempt to establish the truth of signs before they dealt with them); Rüpke 2005b: 1447 (Late Republican auspiciation ‘waren bereits als weitgehend frei von empirischen Elementen’, 1448 (‘reale und fingierte Zeichen sind (...) praktisch gleichwertig’); Rüpke 2006a: 229 (‘utterances counted, not verifiable observations’); Belayche 2007a: 145 (augurs used techniques ‘qui était facilement manipulables, ou rendues fictives puisque la déclaration de l’observation suffisait à faire office de consultation’). The same argument is often made with regard to sky-watching: see **Chapter 4**.

² Scholars differ in how far they would extend this principle. Some hold that it applied to every kind of auspice: Mommsen 1887 (vol. 1): 106-7; Bloch 1963: 80-1; Jocelyn 1966: 102; Liebeschuetz 1979: 24 (‘It was for instance a principle of Roman divination that a sign only became significant when it had been recognised and accepted’ and it was ‘a fundamental principle’ of augury that [quoting Pliny] the individual could render a sign invalid by declaring that he had not seen it); Scheid 1987-9: 126-7 (‘si par hasard [divinatory outcomes] ne sont pas conformes à ce qu’elles devraient être, les magistrats et les prêtres ont tendance à les considérer, malgré tout, comme positives’), 130 (‘La valeur relative de la perception matérielle des signes est révélée également par le pouvoir discrétionnaire de l’auspiciant: lui seule décidait si le signe existait et quelle valeur il avait. L’élément fondamental d’une prise d’auspices n’était donc pas le signe observé ou envoyé par les dieux, mais la décision du consultant d’accepter ce signe et d’en tenir compte dans un sens positif ou négatif.’); Rüpke 2005b: 1448 (‘hängt die Gültigkeit von Zeichen allein von der Wahrnehmung oder Akzeptanz

Augural theory, on this reconstruction, both presupposed and facilitated the alignment of human and divine will.³

As we saw in **Chapter 2**, however, there is evidence that some Romans received, and obeyed, both impetrative⁴ and oblativ⁵ auspices that do not appear to have aligned with their recipients' probable 'non-religious' will. In practice, therefore, these individuals seem to have lacked the freedom with which moderns have credited them, to simply reinterpret, or ignore, divinatory outcomes. This chapter seeks to demonstrate that they may also have lacked that freedom in theory, because the 'rules' of augury were not necessarily as flexible as scholars have thought. In **Chapter 1**, I argued that state divination could not have functioned without a set of basic, and agreed, 'rules' (even if some Romans did not always follow them). At the same time, I noted the diversity of ancient sources that purport to cite such 'rules', the difficulty of attempting to synthesize a coherent body of 'rules' from them, and the perils of divorcing purported 'rule-statements' from their contexts. These points will be fundamental to this chapter. I will argue, firstly, that the ancient evidence for the two 'principles' of augury as they are commonly reconstructed, is less conclusive and more open to interpretation than is usually supposed. Examining each of the ancient statements typically cited as proof of the

der Magistrate ab'). Scheid's more recent work appears to limit human discretion to oblativ⁵ auspices (2003: 113, 117; similarly Valetton 1890: 434). Others hold that augurs were usually duty-bound to accept oblativ⁵ auspices they had themselves received (Warde Fowler 1911: 302); while magistrates were bound to accept oblativ⁵ auspices which they themselves received, or which were reported to them by augurs (Wissowa 1912: 532), but did not have to obey oblativ⁵ auspices announced by others if augurs deemed them invalid (Linderski 1986a: 2196, 2212; Vaahtera 2001: 120). The status of the person announcing an oblativ⁵ sign may well have influenced how seriously magistrates took it: Mommsen 1887 (vol. 1): 107.

³ More starkly Liebeschuetz 1979: 24: 'At first sight [Roman divination] appears to be a technique for receiving indications of the state of mind of the gods. But its working often implied that the divine state of mind revealed by the diviners had no objective existence at all'.

⁴ E.g. Varro and Paulus, 216 BC; Fabius Maximus, 209 BC.

⁵ E.g. Marcellus, 215 BC; Scipio Africanus' men, 206 BC; *pontifices*, 180 BC; Antony and Dolabella 44 BC; perhaps also the storms of 201 BC (if they were seen as auspices rather than prodigies).

current reconstruction,⁶ I will seek to show that these statements' weight and import is in fact unequal. Moreover, those statements that most support the currently-accepted 'principles' cannot be retrojected with certainty into the Middle and Late Republican periods. To date, scholars who have acknowledged that some ancient evidence contradicts the current reconstruction have tended to dismiss that evidence either by arguing that Roman opinions differed according to social status (with the non-elite supposedly attributing meaning to all oblativ signs, but the 'more enlightened elite' taking it upon itself to decide which signs were relevant),⁷ or occasionally by arguing that Roman divinatory thinking was simply inconsistent.⁸ My own view is that the 'rules' of divinatory interpretation changed over time, becoming more flexible in the transition from Republic to Empire, and that the diversity in our sources' rule-statements reflects this (as well as their authors' own, diverse, preoccupations).

Secondly, I will identify evidence for a Roman view that, in theory, the reality of a sign mattered at least as much as its report, and it was unacceptable to ignore signs of which one was aware. I will suggest that the currently-accepted 'principles' of augury should be modified as follows:

Modified Principle 1: A real divinatory sign was preferable to a reported one. It may have been unacceptable to report a sign that had not actually occurred, or to report as favourable a sign that was actually unfavourable. It was acceptable to act upon the report of a sign provided that one did not know it to be untrue.

⁶ Cited in a single note in Wissowa 1912: 531 n. 5 (all but Statements 4 and 8); Pease 1923: 476-7 n. 3 (all but Statement 5); Bayet 1957: 52 n. 24 (Statements 1, 5, 6, 7).

⁷ Scheid 2003a: 116-17: for the elite, 'the whole skill of a pious man lay in recognising the dividing line between a calm resolve based on trust in the benevolence of the god and an obstinate refusal to recognise "real" signs'.

⁸ Liebeschuetz 1979: 27: Roman 'belief in omens' characterized by 'vagueness and lack of definition (...). There was (...) considerable ambiguity as to whether the sign became effective when it had happened, or only when it had been formally reported, while the act of reporting could actually reverse the apparent meaning of a sign. This brings in a further ambiguity- do signs forecast or do they actually *cause* events?'

Modified Principle 2: The validity of an oblativ sign depended on the individual's awareness of that sign.

Even if these 'rules' were not always followed in practice, they are, in my view, more coherent with the evidence we have for the theoretical relationship between report and reality in augury. If this reconstruction is correct, we will have further undermined the 'alignment' model of Roman state divination and religion, outlined in **Chapter 2**. And we will thereby have taken one more step towards reshaping our understanding of Roman divination and religion.

**Statement 1:
Cato the Elder**

Festus quotes Cato⁹ as saying in his speech *De Sacr. comm.*¹⁰ (ORF 8.12, fr. 73), an attack on L. Veturius delivered during his censorship (184 BC): *Domi cum auspicamus, honorem me dium immortalium velim habuisse. Servi, ancillae, si quis eorum sub centone crepuit, quod ego non sensi, nullum mihi vitium facit. Si cui*¹¹ *ibidem servo aut ancillae dormienti evenit, quod comitia prohibere solet, ne is*¹² *quidem mihi vitium facit.* We may translate this as:

When I am taking the auspices at home,¹³ I should wish that I have honoured the immortal gods.¹⁴ If one of the slaves or maidservants farted under their clothing [or 'blanket'],¹⁵ [and]

⁹ Probably not an augur himself (Kienast 1954: 41; Szemler 1972: 144; Astin 1978: 18 n. 3; Powell 1988: 135, 179; Rüpke 2008: 854 n. 2; *contra* Broughton 1951 (vol. 1): 457, 460; 1986 (vol. 3): 170; Bauman 1983: 161-5).

¹⁰ Either *de Sacrilegio commisso* (Festus 268L s.v. '*prohibere comitia*'), or *de Sacrificio commisso* (Gell. *Noct. Att.* 6.22.3; preferred by Müller 1880: 234; Lindsay 1913: 268; Kienast 1954: 160; Malcovati 1955: 34). We lack the evidence to know whether the rite in question was public (della Corte 1969: 56-7) or private (Astin 1978: 82; Scheid 1981: 125-6; Palmer 1996: 94); discussion, Nock 1972 = 1941: 531 n. 21.

¹¹ MS reading, accepted by Lindsay 1913; Malcovati 1955.

¹² Dacier 1681: 392; Müller 1880: 237 emend to *id*, but *is* is possible if we take the subject of *facit* in both clauses to be literally the *servus/ancilla*; the sense of the remark would still be impersonal, as translated above (Klotz 1844: 391; Sblendorio Cugusi 1982: 80).

¹³ It is not clear whether this auspication is private (Valeton 1890: 413; Catalano 1960: 431 n. 147) or public. Janzer 1937: 34 may be right that Cato envisions a magistrate taking the auspices after midnight while his household is still asleep. Valeton's theory (1889: 429; 1890: 413) that Cato refers to signs announced to him by another person, is not supported by the text.

¹⁴ Translating *honorem habere dium* in the sense of 'honouring the gods': Sblendorio Cugusi 1982: 234 ('<<aver devozione>> (e simili) per la divinità'); *TLL* col. 2919.

I did not perceive it, this causes no *vitium* for me. If in the same matter¹⁶ [that thing] happens to any sleeping slave or maidservant which is accustomed to prevent the assembly,¹⁷ not even this causes *vitium* for me.

Since we would expect any sound occurring during auspication to be considered a violation of *silentium*, some scholars cite this passage as evidence for the modern Principle 2 that what counted as *vitium* could be modified at the individual's discretion.¹⁸ However, even if we take Cato's statements at face value (though in fact we do not know whether they reflect an interpretation of augural rules that was particular to him,¹⁹ or to Veturius,²⁰ or commonly held in augural law),²¹ it is clear that his comment on the farting slave does not actually support the modern Principle 2. For Cato's emphasis is on the fact that such defects do not count as *vitia* precisely because one is not aware of them (*quod ego non sensi*),²² not because one could choose to ignore them. Nowhere does he say what an individual would be required

¹⁵ Most scholars assume that *cento* denotes a slave's garment made of patchwork, though the word can also mean blanket (so Dacier 1681: 392; Janzer 1937: 34).

¹⁶ I take *ibidem* to refer to the 'same matter' of taking auspices, *auspicare*; other possibilities are 'on that very spot' (Janzer 1937: 34, translating with 'ebendort' and arguing that Cato refers in both sentences to things done by his slaves when they are asleep elsewhere in the home and thus 'nicht in seiner unmittelbaren Nähe'), or 'at the same time'.

¹⁷ Presumably a fit of epilepsy, the *morbus comitialis*, since that is the context in which Festus quotes this passage (though why the slave's degree of wakefulness should matter is unclear). On divinatory significance of epilepsy, Mommsen 1887 (vol 1): 86-7; Kübler 1925: 74; Seidl 1935: 278; Catalano 1960: 137 n. 68; Temkin 1971: 8 and ch. 1; Serenus Sammonicus *Lib. Med.* 1006-7, 1009; Caelius Aurelianus *Morb. chron.* 1.4.60; Isidorus *Etym.* 4.7.7; and especially Cass. Dio 46.33 (listing an epileptic's collapse during an assembly as one of the *terata* of 43 BC).

¹⁸ Valeton 1889: 429; Valeton 1890: 413 ('invito magistratu auspiciu non poterat vitari'); Wissowa 1912: 531 and n. 5 (though 396 n. 5 rightly understands it as meaning only that 'nur diejenige Störung in Betracht kommt, die der Handelnde bemerkt'); Pease 1923: 476-7 n. 3; Janzer 1937: 34; Timpanaro 1998: 375.

¹⁹ So Janzer 1937: 34, arguing that Cato uses this augural principle to support his own interpretation of what counted as an unfavourable sign.

²⁰ Since this fragment comes to us from a hostile speech quoted out of context, it is possible that Cato here quotes or parodies Veturius' (idiosyncratic?) opinion on the definition of *vitium*. But we have no other examples of Cato's opponent speaking in first person in surviving fragments of his speeches (*Pro Rhodiensibus* [ORF 8.42 fr. 166] gives the purported opinion of an opponent in indirect speech).

²¹ Farting also appears to have religious significance in Mart. 12.77 (though the tone is sarcastic); it is socially inappropriate in Cic. *Fam.* 9.22.4; Suet. *Claud.* 32.

²² Norden 1939: 54 translates: 'insoweit es mir nicht zum Bewusstsein gekommen ist (ich es nicht gemerkt habe)'. Cf. the use of *sentio* in the notoriously difficult augural formula for delimiting a terrestrial *templum* in Varro *Ling. Lat.* 7.8 (on which, Norden; Peruzzi 1976; Linderski 1986a: 2267f.), which also appears to grant significance to human awareness and perception.

to do if he did perceive this disruption of ritual *silentium*.²³ Thus his remarks suggest that the validity of an oblativ sign depended, not on an individual's rejection of the sign, but on his awareness of that sign (my Modified Principle 2).²⁴ Perhaps it was felt that Jupiter was willing to pardon inadvertent²⁵ neglect of signs of which an individual was not aware, but this does not necessarily imply that a deliberate decision to ignore a sign was considered acceptable or appropriate.

Statement 2: 'Marcus' here asserts that the *augur optimus* M. Claudius
Cicero Div. 2.77 Marcellus (cos. 222, 214, 210, 208 BC), whose submission to auspices, prodigies, and haruspicy we examined in **Chapter 2**, travelled in a closed litter so as not to be hindered by *auspicia ex acuminibus* whenever he wished to take public action (*Nam ex acuminibus quidem, quod totum auspicium militare est, iam M. Marcellus ille quinquies consul totum omisit (...) ille dicebat, si quando rem agere vellet, ne impediretur auspiciis, lectica operta facere iter se solere*).²⁶

²³ Timpanaro 1998: 375 (oblativ auspices 'non avevano valore per chi non li vedeva o, come gli *omina*, li <<scongiurava>>') is half-right: the passage indicates that unnoticed *vitia* were not considered valid, but it does not suggest that an individual could wish away *vitia* that he did observe.

²⁴ Rightly, Dacier 1681: 392; Mommsen 1887 (vol. 1): 86 n. 3, 87 ('nach römischer Anschauung die Warnung für den Handelnden nur binden wird durch die sinnliche Wahrnehmung'); Jocelyn 1966: 101.

²⁵ The distinction between the deliberate and the inadvertent infraction appears to have been fundamental (Scheid 2003b: 206): cf. Varro *Ling.* 6.30 on a praetor who passes judgement on a *dies nefas*: *si imprudens fecit, piaculari hostia facta piatur; si prudens dixit, Quintus Mucius* [presumably one of the Late Republican Scaevolae, most likely 'the Pontifex' (cos. 95 BC) given the content of this remark: Bremer 1896: 57] *aiebat eum expiari ut impium non posse* (on the passage, see Michels 1967: 48-54); similarly Macrobius *Sat.* 1.16.10; the same principle is probably at work in Cic. *Leg.* 1.40 and 2.22 (Dyck 2004: *ad loc.*). Even if deliberate magisterial infractions were thought to make the state itself guilty only inadvertently, as is usually argued (Tromp 1921: 82f.; Scheid 1981: 128, 137-8, Linderski 1984: 175-6), it therefore seems reasonable to suppose that individual magistrates may have desired to avoid being deemed guilty of deliberate religious neglect.

²⁶ 'As to auspication *ex acuminibus*, which is an entirely military auspice, it was already completely ignored by Marcus Marcellus, he who was five times consul (...) he used to say that, if at any time he wished to undertake something, he was accustomed to make the journey in a closed litter so as not to be hindered by the auspices'. *ne impediretur auspiciis* would most naturally mean that Marcellus avoided all auspices, but the *auspiciu ex acuminibus* (a sign given by the points of weapons, perhaps St. Elmo's fire: Martin 1866: 172) was a specific type, presumably oblativ (Pease 1923: 475 n. 2), and perhaps outdated even in Marcellus' time (Mommsen 1887 (vol. 1): 87-8 n. 6; Catalano 1960: 70; Cic. *Nat. D.* 2.9 states that it was no longer taken in his day; cf. Arn. *Adv. nat.* 2.67). Thus Marcellus' attitude to this type of *auspiciu* does not necessarily preclude his respecting

‘Marcus’ continues: *Huic simile est, quod nos augures praecipimus, ne iuges auspicium*²⁷ *obveniat, ut iumenta iubeant diiungere. Quid est aliud, nolle moneri a Iove, nisi efficere ut aut ne fieri possit auspicium aut, si fiat, videri?*²⁸ Many scholars hold that this passage demonstrates the primacy of human discretion in determining the validity of oblativ signs.²⁹ In Schäublin’s words: ‘Iag es im Belieben der Menschen, ob sie zur Kenntnis nehmen und auf sich beziehen wollten oder nicht.’³⁰ This formulation is only partly correct. Cicero’s statement does suggest that some augurs considered it acceptable to manipulate situations in order to avoid receiving/perceiving divinatory signs,³¹ so to that extent we might say that human discretion was involved in deciding when to notice signs. Yet Cicero’s comments do not prove that it was theoretically acceptable to choose to ignore a sign of which one was aware. For Marcellus in this case neither refuses to accept a divinatory outcome nor, *pace* Linderski, denies that he has received one; rather, as Mommsen rightly noted, he ensures that neither step is necessary because he has

other types of auspices (since ‘Marcus’ is arguing against the divinatory significance of auspices, it would not have suited his purpose to admit this).

²⁷ The *iuges auspicium* seems to have denoted either: seeing draft animals yoked together (Servius Danielis *Aen.* 3.537, corrupt [Pease 1923: 477 n. 1]), or seeing yoked draft animals defecate (Festus [Paulus] 92L). A reference to yoked animals in the sixth century BC Lapis Niger inscription may relate to this auspice (as argued by Dumézil in a series of articles, summarized Dumézil 1970: 84-8, cautiously accepted by North 1976: 4), but various other reconstructions are possible, e.g. Palmer 1969; Coarelli 1983 (vol. 1): 178-88; Wachter 1987: 66-9; Vine 1993: 31-64; Morandi 2001: 6-14; Favini 2004.

²⁸ ‘[Marcellus’ behaviour] is similar to what we augurs command in order that the *iuges auspicium* not occur: that yoked cattle be unyoked. What else does not wishing to be warned by Jupiter accomplish except either to ensure that an auspice cannot occur or that, if it occurs, it cannot be seen?’ (trans. Falconer, modified).

²⁹ Pease 1923: 476-7 n. 3; Bloch 1964: 96; Linderski 1986a: 2202 n. 198 (‘[t]he augur (or the person in charge of the action) could neutralize the effect of a *dirum omen* by refusing to accept it or, more exactly, by denying that he had observed it’); Schäublin 1991: 369. Timpanaro 1998: 375 wants it both ways, arguing that Marcellus’ behaviour reveals both his own ‘incredulità’ about auspices, and that oblativ auspices were not valid if an individual did not see or accept them. These interpretations cannot be sustained simultaneously from the passage at hand: if Marcellus was following an augural principle, there is no need to see his behaviour as a sign of scepticism. Jocelyn 1966: 101 differs, appearing to suggest that Marcellus’ behaviour was not in keeping with augural law and somehow discreditable (Marcellus ‘was fooling no one but himself’); his practice may have been idiosyncratic, but his reputation as *optumus augur* suggests that his behaviour was not perceived as utterly inappropriate.

³⁰ Schäublin 1991: 369.

³¹ Mommsen 1887 (vol. 1): 87.

quite honestly not received any divinatory outcome at all.³² In fact, as Develin and Levick observe, Marcellus' measures to avoid perceiving signs would seem to imply that once humans had noticed signs, they were expected to act on them regardless of whether they wished to do so.³³ In the sense that avoiding perception of a sign absolved the individual of responsibility to act upon it, we may say that a 'report' (conveying knowledge of the sign) could have mattered more than the objective reality of the sign's occurring, but what is really at issue is our Modified Principle 2. For the decisive factor is human knowledge or ignorance of the sign, rather than the significance of human discretion or of reporting *per se*.

Statement 3:

Cicero Div. 2.71-74

This celebrated passage describes two types of augury: the *tripudium* ritual,³⁴ and *servare de caelo* ('watching the sky' for lightning flashes: see **Chapter 4**):

'Q. Fabi, te mihi in auspicio esse volo.' Respondet: 'Audiui.' Hic apud maiores adhibebatur peritus, nunc quilubet. Peritum autem esse necesse est eum qui, silentium quid sit, intellegat; id enim silentium dicimus in auspiciis, quod omni vitio caret. Hoc intellegere perfecti auguris est. Illi autem qui in auspiciis adhibetur, cum ita imperavit is, qui auspicatur: 'Dicito, si silentium esse videbitur', nec suspicit nec circumspicit; statim respondet silentium esse videri. Tum ille: 'Dicito, si pascentur.' 'Pascuntur.' Quae aves? Aut ubi? Attulit, inquit, in cavea pullos is, qui ex eo ipso nominatur pullarius. Haec sunt igitur aves internuntiae Iovis! Quae pascantur necne, quid refert? Nihil ad auspicia; sed quia, cum pascuntur, necesse est aliquid ex ore cadere et terram pavire (terripavium primo, post tripudium dictum est; hoc quidem iam tripudium dicitur) -- cum igitur offa cecidit ex ore pulli, tum auspicanti tripudium solistimum nuntiatur.

Ergo hoc auspiciis divini quicquam habere potest, quod tam sit coactum et expressum? Quo antiquissimos augures non esse usos argumento est, quod decretum collegii vetus habemus omnem avem tripudium facere posse. Tum igitur esset auspiciis, si modo esset ei liberum se ostendisse; tum avis illa videri posset interpretes et satellites Iovis; nunc vero inclusa in cavea et fame enecta si in offam pultis invadit, et si aliquid ex eius ore cecidit, hoc tu auspiciis aut hoc modo Romulum auspicari solitum putas? Iam de caelo servare non

³² Mommsen 1887 (vol. 1): 87: 'nach römischer Anschauung die Warnung für den Handelnden nur bindend wird durch die sinnliche Wahrnehmung, also nicht bloss zufälliges Übersehen oder Überhören sie unschädlich macht'.

³³ Develin 1978: 9; Levick 1987: 236 (his behaviour 'suggests vulnerability, not to the influence of any hostile rival, since Marcellus was his own augur, but to the very discipline he practised and to the authority of the society in which it played so important a part. If he noticed an omen he would have felt bound to observe it, however inconvenient it was').

³⁴ See Marbach 1948; Pighi 1949-50; Linderski 1985: 226-7 (though I would not agree that the ritual routinely yielded a favourable outcome).

ipsos censes solitos qui auspicabantur? Nunc imperant pullario; ille renuntiat.³⁵ Fulmen sinistrum auspicium optimum habemus ad omnis res praeterquam ad comitia.

This passage is often cited as evidence for the modern Principle 1 that the report of a sign was as valid in Roman eyes as a real sign. It formed the keystone of Scheid's argument that Roman divination was not concerned with evoking perceived responses from the gods, because the auspican merely 'échangeait avec un assistant une série de questions et de réponses rituelles qui ne laissaient apparemment aucune place au doute et à l'enquête'.³⁶ For Liebeschuetz, too, this passage reflected a Roman 'form of thought' which emphasized the formal announcement rather than the sign itself or even the search for a sign.³⁷

However, the remarks of 'Marcus' do not necessarily support these sweeping judgements. It is important to be clear about what he does and does not say here. Regarding the *tripudium* ritual, we may summarize his criticisms as follows:

1) In his own day (*nunc*), in contrast to the ancestral past (*apud maiores nostros*), the auspican's assistant is no longer a ritual expert (*peritus*), and thus lacks the expertise to determine whether ritual *silentium* has been achieved. In the past the auspican himself used to take the auspices; now the *pullarius* does so.³⁸

³⁵ I adopt the emendation of Müller 1915: 223; Falconer 1923; Pease 1923: 470; Freyburger and Scheid 1992: 140, punctuating after *renuntiat*; on the alternative, below p. 132f.

³⁶ Scheid 1987-9: 129. Similarly Freyburger and Scheid 1992: 9 ('rites divinatoires typiquement romains, qui instituèrent l'approbation divine par une sorte de prière solennelle, plutôt qu'ils n'établissaient un dialogue direct avec les dieux'), 216-217 n. 125 ('Marcus (...) soutient (...) que ce rite n'établit pas une communication immédiate avec les dieux. Il veut montrer que la prise d'auspices romaine est une sorte de prière confiante plutôt qu'une recherche anxieuse de la volonté des dieux'); Scheid 2003a: 116 (in the *tripudium* 'the answer was in effect always positive; that is, it always indicated what the magistrate wanted. In fact, the whole scenario constituted the necessary framework for a ritual announcement that the auspices were favorable, rather than a procedure of divinatory inquiry. The magistrate really used the rite to announce his own firm conviction that his decision met with the approval of the gods').

³⁷ Liebeschuetz 1979: 25.

³⁸ Whether one holds that the *peritus* was originally an augur will depend on whether one considers augurs capable of being *in auspicio*: contra Valetton 1890: 414-17; Wissowa 1896a: 2336-7; Wissowa 1912: 529 n. 7, it seems possible that augurs did 'assist' in some, though not all, auspications (Rubino 1839: 54-5, 60-2; Catalano 1960: 225 n. 52; Linderski 1986a: 2190f.). They may also have used *pulli*, if Varro *Rust.* 3.3.5 (*non enim solum augures Romani ad auspicia primum*

2) The auspican's assistant immediately (*statim*) announces *silentium*, without bothering to look around him to be sure (*nec suspicit nec circumspicit*).

3) In the past the ritual could use wild birds, but now (*nunc*) it uses mere chickens (*pulli*), in a cage (*in cavea*): these are unworthy messengers of Jupiter. Because they are captive³⁹ and kept hungry, their appetite is entirely natural and can hold no divinatory significance.⁴⁰

What these criticisms seem to suggest is that auspicans and their assistants contrive the taking of auspices so that negative divinatory indications (*vitia*) will not be perceived (this is managed by employing assistants who lack the training to notice some *vitia* and who do not look around in an attempt to notice others), and so that favourable divinatory indications (the *tripudium* [*solistimum*]) will be perceived (this is managed by ensuring that the chickens will eat). Yet it is equally important to note what this text does not say. Despite modern assumptions to the contrary,⁴¹ Cicero's statements do not prove that the auspican's assistant ignores unfavourable signs when he receives them (on the contrary, the ritual is contrived to prevent him from receiving them at all); that the auspican's assistant announces favourable signs when unfavourable ones have been received (rather, he is prevented from receiving unfavourable signs altogether); or that the auspican's assistant does not actually examine or care about the behaviour of the chickens (if that were the case, he would not need to ensure they eat, but could simply say that they were eating

pararunt pullos, sed etiam patres familiae rure) is to be believed (Catalano 1960: 70; *contra* Bouché-Leclercq 1882 (vol. 4): 204; Valetton 1889: 446-7).

³⁹ I follow Bouché-Leclercq 1882 (vol. 4): 204; Falconer 1923; Timpanaro 1998 in taking *si modo esset ei liberum* with *se ostendisse*, and the whole phrase to mean that auspicy might involve true communication with the divine if the birds were free (*contra* Madvig 1887: 497-8; Howard 1890: 133; Pease 1923; Schaublin 1991; Freyburger and Scheid 1992, who hold that the auspice consisted in the very appearance of the birds, viewing *si modo esset ei liberum* as a parenthetical description of the way the birds should appear).

⁴⁰ This may suggest, but does not prove, that the *auspicium ex tripudiis* was originally oblativ (so Valetton 1890: 211-14; Wissowa 1912: 532; Rüpke 2005b: 1444).

⁴¹ E.g. Pease 1923: 467 n. 6: 'carelessness as to fact (...) in the making of observations led to actual falsification on the part of the *pullarii*'. Yet Cicero's words do not necessarily indicate carelessness in observing what the chickens are actually doing, and nowhere imply that the *pullarius* invents the sign. Pease cites in support the story of Papirius Cursor and his *pullarius*, but this is a special case, discussed in **Appendix 1**. Bouché-Leclercq 1882 (vol. 4): 204 stayed closer to the text, seeing 'Marcus' as criticizing only the chickens' confinement and starving.

regardless of what they were actually doing). The ‘manipulations’ described by Cicero do seem designed to prevent the reception/perception of any signs except the god’s explicit answer to the question at hand, but this does not necessarily mean that the ceremony was intended to be a ‘prayer’ and not a dialogue. Nor does Cicero’s testimony support Rüpke’s assertion that the *tripudium* was ‘une procédure qui n’a plus rien d’empirique’ because ‘le fait que les poulets qu’on a amenés picorent avec appétit est annoncé comme un signe positif par un assistant, à la demande du magistrat’.⁴² On the contrary, the fact that the chickens needed to be seen to eat reveals that ‘empirical’ observation remained fundamental to the ritual.

Furthermore, the context of this passage renders any attempt to draw firm conclusions from it problematic. We suggested in **Chapter 1** that the portrayal of divination in Cicero’s philosophical dialogues may have been less subject to constraints on falsification and misrepresentation than the references in his speeches, and we saw above that ‘Marcus’ gives a one-sided version of Marcellus’ attitude to augury. Thus, although scholars sometimes assume that Cicero’s description of the *tripudium* ritual is completely accurate (seeing it as, in Linderski’s words, a ‘formula of stipulation (...) preserved for us by Cicero’),⁴³ we have no way of knowing whether this is so, or whether Cicero’s depiction is actually a selective caricature or distortion of the real ritual.⁴⁴ Nor should we necessarily assume that ‘Marcus’ here attacks practices characteristic of traditional

⁴² Rüpke 2005a: 222. Could the auspiciant himself perceive a *vitium*, but ignore it on the basis of the assistant’s report, thus privileging report over reality? We do not know, but in any case it appears that for Cicero the auspiciant himself no longer fulfills the role of ‘observer’ in the ritual (Valeton 1890: 411-12). Thus when he acts on a report we may consider him to be acting upon his (ritually-prescribed) awareness of the sign, as conveyed by report, not necessarily upon the report as a sign in itself.

⁴³ Linderski 1986a: 2191. Little change from Wissowa 1896b: 2587 (‘übliche Formel’).

⁴⁴ The difficult text of Scholia Veronensia *Aen.* 10.241, describing a commander instructing his comrades to watch for the *tripudium solistimum*, uses similar terminology, but is not an exact parallel. Note that here too stress is laid on actually ‘seeing’ the sign (*s[i]cuti [tripud]i[u]m sinisterum solistimum quisquis vestrum vider[it...]*) (as restored by Bouché-Leclercq 1882 (vol. 4): 205 n. 2).

Roman divination using extraneous philosophical criteria,⁴⁵ for it is just as possible that he is criticizing, from a ‘traditionalist’ viewpoint, changes that had been made to the ritual over time and that had, he felt, distorted its original purpose.⁴⁶ Is it not suggestive that ‘Quintus’, who argues in *Div.* in the ‘traditional’ Roman mode, placing faith in *exempla* not philosophical theory, is equally critical of the *tripudium* ritual in its contemporary form?⁴⁷

Scholars have sometimes held that the comments of ‘Marcus’ in the final lines of this passage, on the procedure of ‘watching the sky’ (*de caelo servare*),⁴⁸ also indicate that this type of auspication was not open to the reception of undesired signs and that auspicial assistants always reported signs that aligned with the will of the auspican. Indeed, it was on the basis of this passage, with Dion. Hal. *Ant. Rom.* 2.6 (Statement 4 below) and Varro *Ling.* 6.86 (discussed **Chapter 4**, 177), that Mommsen drew the still-pervasive conclusion that magistrates who impetrated lightning by sky-watching were always thought to see it,⁴⁹ and thus that augury routinely produced divinatory outcomes that aligned with their recipients’ will. However, Mommsen’s interpretation of the relevant passages is open to debate. In the passage at hand, there is a *quod* after *optimum* in the manuscripts, which gives the reading: *Iam de caelo servare non ipsos censes sollitos, qui auspicabantur? Nunc imperant pullario; ille renuntiat fulmen sinistrum auspicium optimum quod*

⁴⁵ See **Chapter 1**, 31.

⁴⁶ Cf. Bouché-Leclercq 1882 (vol. 4): 204, inferring from Cicero’s words that ‘[l]es augures sentaient si bien que ce n’était pas là imiter Romulus qu’ils paraissent avoir plutôt toléré qu’encouragé cette méthode’.

⁴⁷ ‘Quintus’ complains that magisterial auspices are *coacta* (Cicero *Div.* 1.27), not because they are fabricated, but because it is inevitable (*necesse est*) that *pulli* in eating drop some crumbs from their beaks. He too assumes that the birds are actually eating, so that the manipulation lies in how the result is obtained, not in re-interpreting or ignoring the result.

⁴⁸ Since I accept punctuation between *renuntiat* and *fulmen*, I follow Bouché-Leclercq 1882 (vol. 4): 274-5; Wissowa 1912: 533; Linderski 1986a: 2191 in taking Cicero’s statement as evidence that the *pullarius* was involved both in auspication *ex tripudiis* and in ‘sky-watching’.

⁴⁹ Mommsen 1887 (vol. 1): 81-2.

*habemus ad omnis res praeterquam ad comitia.*⁵⁰ On this reading, Mommsen argued, the passage showed that the *pullarius* would always announce *fulmen* when commanded to do so.⁵¹ However, the *quod* may be a corruption inserted by anticipation,⁵² and several modern editors have excised it⁵³ and divided the text into two sentences, thus: *Nunc imperant pullario: ille renuntiat. Fulmen sinistrum auspicium optimum habemus ad omnis res praeterquam ad comitia.* If this reading is adopted, Cicero's words need not be read as evidence that the *pullarius* always announced lightning when asked. Furthermore, we need not follow Mommsen, Bouché-Leclercq, and Pease in taking *nunc imperant pullario* to imply that the *pullarius* always replied perfunctorily with the desired sign.⁵⁴ The point of the remark, it seems to me, is the contrast between earlier times, when *qui auspicabantur* took the auspices themselves, and Cicero's own time, when *qui auspicabantur* delegate the taking of auspices to humble *pullarii* and depend, not on their own expertise, but on the reply (*renuntiatio*) of the *pullarius (ille)* (this contrast is indicated by the opposition of *iam* and *nunc*).⁵⁵ Thus we are probably to understand an indirect command dependent on *impero*, that is, *nunc imperant pullario ut renuntiet*, as at Varro *Ling.* 6.9, *consul augur[i] imperare solet, ut inlicium vocet, non accenso aut praeconi.* In this construction the auspiciant would be commanding the *pullarius* to give a reply, but not prejudicing the content of that

⁵⁰ Mommsen 1887 (vol. 1): 81 n. 2. The *quod* is retained by Ax 1938; Giomini 1975; Schäublin 1991; Timpanaro 1998.

⁵¹ Similarly Bouché-Leclercq 1882 (vol. 4): 208: 'ils commandent au pullaire et celui-ci leur annonce l'auspice demandé'; Wissowa 1912: 533: 'so war das nur möglich auf dem Wege der Fiktion (...) nahmen die Magistrate sogar nicht einmal zum Scheine mehr eine Himmelsbeobachtung vor, sondern ließen dies durch den *pullarius* tun, der dann das angeblich von ihm konstatierte Blitzzeichen meldete. So war die alte Sakralwissenschaft der Auguraldisziplin zu einer ihres Inhaltes beraubten leeren Form erstarrt'.

⁵² Clark 1918: 361.

⁵³ Müller 1915: 223; Falconer 1923; Pease 1923: 470; Freyburger and Scheid 1992: 140.

⁵⁴ Bouché-Leclercq 1882 (vol. 4): 208; Pease 1923: 467 n. 6, 470 n. 2.

⁵⁵ Cicero does present this modification as 'manipulative', but the fact that the ritual was not simply abandoned suggests that it was still not an entirely empty formality (a 'blosse Formsache' as Wissowa 1896b: 2587 argued).

reply: it could be favourable (in this case, that no *fulmen* had appeared) or unfavourable (in this case, that *fulmen* had been seen). The connection between Cicero's claims about the *tripudium* and *servare de caelo*, then, seems to be two-fold: in both rituals, ausplicants have ceded the task of watching for signs to *pullarii* rather than doing it themselves, and in both rituals, the sign that is impetrated, when it occurs, aligns with human wishes (either because it is bound to occur [crumbs must fall from the beaks of hungry chickens, producing the *tripudium sollistimum*] or because when it does occur it is susceptible of only one interpretation [lightning is always a bad sign for the holding of *comitia*]). On this reading, Cicero's objections to both rituals are founded on the presumption, not that they produce false signs, but that they produce real signs which align with individuals' 'non-religious' desires. And this alignment is possible not because humans are free to interpret divinatory outcomes however they wish, but because the interpretations prescribed by augural law tend to support their wishes. For Cicero, therefore, 'manipulation' lies in what augury defines as a sign, and sometimes in individual attempts to avoid perceiving unfavourable signs, but not in *ad hoc* individual attempts to 'massage' divinatory outcomes once these have been received.

Thus, while Cicero does provide evidence for 'manipulation' in augury, he does not necessarily reveal an augural principle whereby it was considered acceptable to invent, or to ignore, the actual result of auspication. Contrary to what the modern Principles would suggest, Cicero in fact indicates that, whatever loopholes were exploited in practice, Romans preferred to derive a favourable auspice not from a mere report that the chickens were eating, but from the chickens' actual behaviour. They sought to make the chickens really eat, which implies that the procedure involved some element of actual observation of these birds, and thus

that a real sign was preferable to a reported one. Similarly, the auspicial assistant who refuses to look around to ascertain *silentium* perhaps does not ‘ignore’ *vitia* so much as he, like Marcellus in his closed litter (Statement 2 above), avoids awareness of them altogether. In Roman theory, it might thus have been a lack of awareness, not a personal decision to ignore a sign, which was thought to free one from the obligation to take oblativ signs into account.

One advantage of reading Cicero’s remarks in this way is that the theory behind them can more easily be reconciled with our evidence in **Chapter 2** (Cornutus and the *pullarii*, 43 BC) that in practice *pullarii* were not always subservient to ausplicants, either in interpreting signs the way the ausplicant wished, or in deciding which signs should ‘count’ as indications of the divine will.⁵⁶

**Statement 4:
Dionysius of
Halicarnassus**

Ant. Rom. 2.6 states that Romulus instituted the custom of impetrating lightning as a sign of divine sanction for state officials, insisting that no one ‘should accept the office of

king or any other magistracy until the divine had sanctioned’ him. Dionysius continues:

διέμεινέ τε μέχρι πολλοῦ φυλαττόμενον ὑπὸ Ῥωμαίων τὸ περὶ τοὺς οἰωνισμοὺς νόμιμον, οὐ μόνον βασιλευομένης τῆς πόλεως, ἀλλὰ καὶ μετὰ κατάλυσιν τῶν μονάρχων ἐν ὑπάτων καὶ στρατηγῶν καὶ τῶν ἄλλων τῶν κατὰ νόμους ἀρχόντων αἵρέσει. πέπαυται δ’ ἐν τοῖς καθ’ ἡμᾶς χρόνοις, πλὴν οἷον εἰκὼν τις αὐτοῦ λείπεται τῆς ὁσίας αὐτῆς ἕνεκα γινομένη. ἐπαυλίζονται μὲν γὰρ οἱ τὰς ἀρχὰς μέλλοντες λαμβάνειν καὶ περὶ τὸν ὄρθρον ἀνιστάμενοι ποιοῦνται τινας εὐχὰς ὑπαίθριοι, τῶν δὲ παρόντων τινὲς ὀρνιθοσκοπῶν μισθὸν ἐκ τοῦ δημοσίου φερόμενοι ἀστραπὴν αὐτοῖς μηνύειν ἐκ τῶν ἀριστερῶν φασιν τὴν οὐ γενομένην.⁵⁷ οἱ δὲ τὸν ἐκ τῆς φωνῆς οἰωνὸν λαβόντες ἀπέρχονται τὰς ἀρχὰς παραληψόμενοι οἱ μὲν αὐτὸ τοῦθ’ ἱκανὸν ὑπολαμβάνοντες εἶναι τὸ μηδὲν γενέσθαι τῶν ἐναντιουμένων τε καὶ κωλύοντων οἰωνῶν, οἱ δὲ καὶ παρὰ τὸ βούλημα τοῦ θεοῦ κωλύοντος, ἔστι γὰρ ὅτε βιαζόμενοι καὶ τὰς ἀρχὰς ἀρπάζοντες μᾶλλον ἢ λαμβάνοντες. δι’ οὗς πολλὰ μὲν ἐν γῇ στρατιᾷ Ῥωμαίων ἀπώλοντο πανώλεθροι, πολλοὶ δ’ ἐν θαλάττῃ στόλοι διεφθάρησαν αὐτανδροί, ἄλλαι τε μεγάλοι καὶ δειναὶ περιπέτειαί τῇ πόλει συνέπεσον αἱ μὲν ἐν ὀφθαλμοῖς

⁵⁶ Valeton 1890: 412; Linderksi 1986a: 2206 n. 224 rightly argue that magistrates seem to have been expected to obey signs announced by their *pullarii*, but Linderksi also holds that assistants like *pullarii* could create signs in accordance with the ausplicant’s will. This assumption is unnecessary: see **Appendix 1** and Kany-Turpin 1999: 264, rightly noting that Bayet 1937a; 1937b; 1949 overstates the importance of ‘présages déterminants’ in Roman divination.

⁵⁷ Reading of B (Urbina 105).

πολέμοις, αἱ δὲ κατὰ τὰς ἐμφυλίου διχοστασίας, ἐμφανεστάτη δὲ καὶ μεγίστη καὶ κατὰ τὴν ἐμὴν ἡλικίαν, ὅτε Λικίνιος Κράσσοις ἀνὴρ οὐδενὸς δεύτερος τῶν καθ' ἑαυτὸν ἡγεμόνων στρατιὰν ἤγεν ἐπὶ τὸ Πάρθων ἔθνος, ἐναντιούμενου τοῦ δαιμονίου πολλὰ χαίρειν φράσας τοῖς ἀποτρέπουσι τὴν ἔξοδον οἰωνοῖς μυρίοις ὅσοις γενομένοις. ἀλλ' ὑπὲρ μὲν τῆς εἰς τὸ δαιμόνιον ὀλιγωρίας, ἣ χρωῖνται τινες ἐν τοῖς καθ' ἡμᾶς χρόνοις, πολὺ ἔργον ἂν εἶη λέγειν.

Which we may translate as:

And this custom relating to the auspices long continued to be observed by the Romans, not only while the city was ruled by kings, but also, after the overthrow of the monarchy, in the elections of consuls and praetors and other magistracies in accordance with the laws; but it has left off in our days, except as a certain semblance of it remains for form's sake. For those who are about to assume the magistracies pass the night outside, and rising at break of day, offer certain prayers under the open sky; whereupon some of the augural experts present, who are paid by the state,⁵⁸ declare that a flash of lightning coming from the left has given them a sign,⁵⁹ although one has not actually occurred.⁶⁰ And they [sc. the magistrates], receiving the omen which [comes] from this utterance,⁶¹ depart in order to take over their magistracies, some assuming this alone to be sufficient, that none of the opposing or prohibiting omens have occurred, but others [acting] even against the will of the god, for there are times when they use force and seize [the magistracies] rather than receiving them.⁶²

Because of such men many armies of the Romans have been utterly destroyed on land, many fleets have been lost with all their people at sea, and other great and dreadful reverses have befallen the city, some in foreign wars and others in civil dissensions. But the most remarkable and the greatest instance happened in my time when Licinius Crassus, a man inferior to no commander of his age, led his army against the Parthian race, contrary to the will of the divine, having declared that he took great delight in the innumerable signs that occurred opposing his expedition. But to tell about the contempt for the divine that prevails among some people in my time would be a long story.⁶³

⁵⁸ If Dionysius is correct that these *ornithoskopoi* were paid, then they are probably *pullarii* (Rubino 1839: 67 n. 1; Bouché-Leclercq 1882 (vol. 4): 274 n. 7; Mommsen 1887 (vol. 1): 81 n. 2; Valetton 1890: 409; Wissowa 1896b: 2587; Wissowa 1912: 533 n. 3; Linderski 1986a: 2191 n. 164); Kiessling and Prou 1886: 74 are neutral, translating with *auspicibus*. Cary 1937: 331; Vaahtera 2001: 70 hold that they are augurs, arguing that Dionysius may have mistakenly thought these were paid, or intended his reference to a “state payroll” to indicate that they were official (Mora 1995: 252). Yet Dionysius made some effort to inform himself on augural matters (see e.g. Vaahtera 2001: 99 with refs, 127-8; Linderski 2007b: 5), and if he wanted to indicate the diviners’ official status he could presumably have done so more easily by calling them *hoi tēs poleōs [oiōnomanteis]* as in *Ant. Rom.* 3.70. Pace Catalano 1960: 399 n. 14; Vaahtera 2001: 70, the *ornithoskopoi* who take the auspices at Numa’s election at *Ant. Rom.* 2.60 are not necessarily augurs either, since they do not appear to be inaugurating the king as in Livy 1.18.6-10.

⁵⁹ I follow Kiessling 1860; Jacoby 1885: 162; Kiessling and Prou 1886 in accepting the manuscript reading *mēnuein*. Cobet 1877: 41, followed by Cary 1937, emends to *sēmainein*, but this is unnecessary, since Dionysius elsewhere calls divinatory signs *mēnumata* (*Ant. Rom.* 1.59; 2.64).

⁶⁰ Since the *ou* follows *tēn* rather than preceding *phasin*, it negates the lightning flash rather than the verb of speaking.

⁶¹ *Contra* Cary 1937: 331, ἐκ τῆς φωνῆς qualifies *ton oiōnon*.

⁶² So Cary 1937, though alternatively Dionysius may mean that the magistrates ‘force’ and ‘seize’ the auspices, coercing them like the *auspicium coactum et expressum* of Cicero *Div.* 1.27; 2.73 (Regell 1888b: 545).

⁶³ Trans. Cary 1937, modified.

This passage is usually thought to describe the magisterial auspication of ‘investiture/entry into office’,⁶⁴ with the augural assistants’ supposed practice of announcing signs that have not actually occurred, constituting a key proof for the modern Principle 1 that in augury the report of a sign was just as valid as the occurrence of a real sign.⁶⁵ However, I believe that there are reasons to doubt whether this passage’s implications are as far-reaching as is usually supposed.

Firstly, it should be noted that on the standard modern interpretation Dionysius is stating outright that auspices were routinely faked by the Roman state, a claim we find nowhere else in our surviving sources. That this claim was true of the Middle Republic, at least, may seem less likely when we recall those cases in **Chapter 2** in which magistrates were recalled to Rome to ‘retake the auspices’ (were these perhaps their auspices of ‘investiture’?), and especially in the light of Marcellus’ abdication in 215 BC, when an oblativ sign during his ‘investiture’ auspication was deemed to have rendered him *vitio creatus*. For even if these divinatory outcomes aligned with the will of the magistrates or their political opponents (and as we have seen, this was not necessarily the case), these incidents still suggest that it was possible to claim that initial magisterial auspications had

⁶⁴ Valeton 1890: 219-21; Mommsen 1887 (vol. 1): 81; Coli 1951 [1973]: 400; Magdelain 1964b = 1990: 310-11; Magdelain 1968: 36-40, 43; Linderski 1986a: 2191 n. 164. These auspices are poorly attested and their purpose debated: for a range of views, Rubino 1839: 68-9; Mommsen 1887 (vol. 1): 609; Coli 1951 [1973]: 407-8; Kunkel 1959: 15; Catalano 1960: 43 and n. 31; Magdelain 1964b; Magdelain 1968: 37f.; Catalano 1974: 134-5 n. 22; Linderski 1986a: 2169 and n. 74. Alternatively, Vaahtera 2001: 120-122 proposes that Dionysius has in mind auspication preceding the *comitia curiata* intended to pass the magistrate’s *lex de imperio* (cf. Valeton 1891b: 447), but see objections of Catalano 1960: 4f. The suggestion of Coli 1951 [1973]: 400, that Dionysius has conflated the auspication permitting a magistrate to preside over electoral *comitia* with the auspication of entry into office is not compelling, since Dionysius clearly envisions the auspication as taking place after the election. Regell 1888b: 548; Kunkel 1959: 14; Coli 1951 [1973]: 406; Catalano 1960: 583-4 n. 67 point out that Dionysius seems to assimilate royal inauguration to magisterial auspication, but we do not have enough other evidence properly to evaluate his understanding of the significance of these ‘investiture’ auspices (cf. Catalano 1960: 399 n. 14: Dionysius generally understands the effect and significance of inauguration).

⁶⁵ Mommsen 1887 (vol. 1): 81 n. 2; Scheid 1987-9: 129-30; Vaahtera 2001: 120.

been unsuccessful, which implies that such auspication did not, or was not expected to, generate a favourable outcome every time.

Secondly, we should note that Dionysius attributes this unconcern with real observation not to the whole Republican period but to his own time specifically.⁶⁶ It seems somewhat perverse to take his description of the ritual so much at face value as to consider it representative of a core principle of augury, but simultaneously to dismiss his own view of it as a debased usage evolved during the political chaos of the Late Republic. For as we saw in **Chapter 1**, the fact that ancient authors have a tendency to attribute to their own time a ‘decline’ in religious standards, does not prove that their perceptions are inevitably inaccurate.⁶⁷ The movement of Dionysius’ thought from those who simply act in the absence of unfavourable signs, to those who act in contravention of such signs and thereby display ‘contempt for the divine’, suggests that Dionysius disapproved of both behaviours, perhaps considering the former a step on the slippery slope towards the latter. As with Cicero’s comments in *Div.* examined above, it is possible that such criticism was not ‘traditional’ or that it reflects Greek thinking rather than Roman, but since both Cicero and Dionysius use Roman as well as Greek sources and ideas, we should not dismiss the possibility that some Romans may have shared Dionysius’ view of

⁶⁶ As he himself tells us, Dionysius arrived in Rome in 30 or 29 BC, and published Book One of the *Antiquitates* in 7 BC; the other books may have followed fairly quickly (Gabba 1961: 113-14; Sacks 1983: 66).

⁶⁷ The idea that current Roman behaviour represents a lapse from the superior conduct of the ancestors is indeed persistent in *Ant. Rom.* (Halbfas 1910: 62), but *pace* Bowersock 1965a: 131, it is not exclusively attributed to ‘new social elements’. The elite is often blamed too: e.g. *Ant. Rom.* 2.34 (excessive triumphs); 2.74 (greed and illegality); 4.24.4 (freeing of unworthy slaves); 5.60.2 (commanders want tyrannical power); 5.77.4 (leaders are cruel); 8.37.3 (ignoring divine signs); and especially 10.17.6. On such comments as reflecting Dionysius’ genuine interest in morality, not just a ‘stilistischen Kunstgriff’ (so Palm 1959: 12-13), see Fox 1996: ch. 3.

outright sign-invention as a discreditable mark of ‘decline’ rather than an accepted part of the augury system.⁶⁸

Finally, we may wonder how Dionysius could possibly have come to know of this supposed auspicial fabrication. It seems unlikely that he was sufficiently privileged to be an eyewitness at a magisterial auspication. Several of the ritual details he gives cohere with other evidence, leading many scholars to believe that his source was well-informed and perhaps antiquarian,⁶⁹ but this does not rule out the possibility that his claim about falsification stems from his own, even erroneous, observations or deductions.⁷⁰ Alternatively, his comments may reflect contemporary debate about the appropriateness of sign-falsification; or they may stem from a source critical of Augustus’ own control of auspices, perhaps a pamphlet, or even a bitter old-timer eager to attribute ‘decline’ to a political system that had changed so markedly in his lifetime.⁷¹

For all these reasons, it may be unwise to put too much confidence in Dionysius’ statement as it is usually interpreted. Moreover, it is possible to suggest an alternative interpretation of this passage that removes some of the difficulties.⁷²

⁶⁸ Regell 1888b: 545 identifies close similarities between Cicero on augury in *Div.* and Dionysius’ comments here. Dionysius certainly had a Greek readership in mind (Martin 1971: 178; Gabba 1981: 19-20, 80; Gabba 1991: 192), but he also hoped that Romans would read his work: *Ant. Rom.* 1.6.4; Bowersock 1965a: 130; Fox 1996: 53-4.

⁶⁹ Regell 1888b: 545-6; Magdelain 1968: 37; Capdeville 1993: 165 (though his confidence is excessive); Vaahtera 2001: 114f.

⁷⁰ Cf. Catalano 1974: 135 n. 22.

⁷¹ Though I would not go so far as to conclude, with Regell 1888b: 545-6, that ‘der ganze Passus (...) nichts ist als eine dahezu wortgetreue Übertragung aus einem lateinischen Original’, I think he was right to see in this passage the contemporary Roman importance of allegations that one’s opponents had disrespected or abused the augury system. Was Dionysius’ informant perhaps one of the λογιστῶν ἀνδρῶν with whom Dionysius was εἰς ὁμίαν and whom he consulted when writing his history (*Ant. Rom.* 1.7.3)? On changes in divination introduced by Augustus, see below, 157f. Dionysius’ work reflects several aspects of the Augustan ‘program’, but he was not its propagandist (Gabba 1991: 212-13; cf. Gabba 1959: 365-8; Bowersock 1965a: 131; Martin 1971 [though cf. Edlund 1980: 28]; Martin 1993: 100). This position presumably left him free to use sources of all persuasions.

⁷² I am indebted to Mr Nicholas Purcell, Dr Jonathan Prag, Dr Jane Anderson, Professor Christopher Pelling, and the participants of the Corpus Christi Classical Seminar (‘The Representation of Religion in Roman Culture’, Michaelmas Term 2010) for helpful discussion of this point.

Since neither the currently-accepted interpretation nor the alternative I propose can be definitively proven correct with the scant evidence we have, the alternative is worth considering as an option.

The first point to note is that the reading of these key phrases in all manuscripts but B⁷³ is not, as modern editors print, τῶν δὲ παρόντων τινὲς ὀρνιθοσκόπων μισθὸν ἐκ τοῦ δημοσίου φερόμενοι ἀστραπήν αὐτοῖς μηνύειν ἐκ τῶν ἀριστερῶν φασιν τὴν οὐ γενομένην, but τῶν δὲ παρόντων τίνας ὀρνιθοσκόπων μισθὸν ἐκ τοῦ δημοσίου φερομένους ἀστραπήν αὐτοῖς μηνύειν φασιν ἐκ τῶν ἀριστερῶν τὴν οὐ γενομένην. This raises the possibility that the words [ἀστραπήν] τὴν οὐ γενομένην are not to be taken as standing alone, and thus as Dionysius' own interjection as narrator, but rather as part of what the auspicial assistants say: that 'lightning which did not happen from the left' has 'given a sign to them'.⁷⁴ Though this sounds strange to our ears, it may make sense in augural terms. For in *Ant. Rom.* 2.5, just before the passage at hand, Dionysius states that 'the Romans consider lightning from the left (*ek tôn aristêrôn*) to the right (*epi ta dexia*), to be favourable, 'aisios'. Thus it may be possible that in 2.6 Dionysius is using *ek tôn aristerôn* idiomatically, to mean 'favourable' (to Romans).⁷⁵ If we then take

⁷³ A (Chisianus 58, tenth century AD) and B (Urbinas 105, tenth/eleventh century AD) are considered the best manuscripts of *Ant. Rom.*, though even they are riddled with errors (Cobet 1877: 10; Jacoby 1885: v). It is always possible that B's reading is correct, but the consensus of the other manuscripts with A may be suggestive.

⁷⁴ Especially since it is difficult to see why Dionysius should include a detail about the direction of the lightning in a parenthetical statement meant simply to contradict the claim that the lightning had occurred at all.

⁷⁵ Just as Greek authors sometimes used *dexios* or *ek tôn dexiôn* to mean 'favourable' (to Greeks): Mora 1995: 251. It is true that Greek authors were not always careful in distinguishing the Greek interpretation and terminology from the Roman (Valeton 1889: 289 n. 2, 299; Vaahtera 2001: 95; cf. Plut. *Mor.* 282D-F). Despite complicated scholarly attempts to explain the difference (for a range of views, Bouché-Leclercq 1882 (vol. 4): 188 n. 5; Valeton 1889: 321f.; Valeton 1890: 298f., 303 n. 2; Poittier 1903; Wissowa 1912: 525; Frothingham 1917; Torelli 1969a: 47; Linderski 1986a: 2282-5; Linderski 1986b: 338-40; Beck 1994: 111), there is no obvious reason to assume that Cic. *Div.* 2.82 does not mean literally what it says: in Roman divination some kinds of signs were deemed favourable if they occurred on the left, others if they occurred on the right, but all favourable signs were idiomatically called 'sinister'.

ἀστραπὴν (...) τὴν οὐ γενομένην as an attributive construction (‘lightning not having occurred’),⁷⁶ perhaps even a parallel for the Latin *ab urbe condita* construction (‘the not-occurring of the lightning’),⁷⁷ then Dionysius’ meaning may be: ‘they say that the not-occurring of the lightning has given a favourable indication to them’.⁷⁸

One possible advantage of this interpretation over the traditional one, in my view, is that it can explain rather nicely why Dionysius’ first group of magistrates have to consider it ‘sufficient’ that no prohibiting signs have occurred. For if, in the usual modern view, the report of a sign was as good as the real thing, then surely the assistants’ pronouncements ought to have been thought to furnish the magistrate with an unambiguously favourable sign, not a mere absence of signs.⁷⁹ On the interpretation I propose, however, Dionysius would be saying that the absence of signs (whether of favourable lightning, or of unfavourable indications) is now considered a favourable sign in itself.⁸⁰ This is the interpretation that would be

⁷⁶ Participles of *gignomai* are used attributively elsewhere, e.g. Herodotus 9.69.1 (Ἐν δὲ τούτῳ τῷ γινομένῳ φόνῳ; Stahl 1907: 698); Thucydides 1.32.5 (τὴν [...] γενομένην ναυμαχίαν); Thucydides 1.101.2 (ὑπὸ τοῦ γενομένου σεισμοῦ; Jones 1939: 76).

⁷⁷ Such constructions are rare but sometimes found in Greek: their most thorough student, Jones 1939, argues that participles in the attributive position should not be considered an AUC construction if an attributive meaning is possible, but even he accepts three examples from the classical period: Herodotus 7.169.2 (τὴν ἐκ Σπάρτης ἀρπασθεῖσαν ὑπ’ ἀνδρὸς βαρβάρου γυναῖκα [Stahl 1907: 698]); Thucydides 3.66.3 (τρεῖς ἀδικίας ἐν ὀλίγῳ πράξαντες, τὴν τε λυθεῖσαν ὁμολογίαν καὶ [...] τὴν περὶ αὐτῶν ἡμῖν μὴ κτενεῖν ψευσθεῖσαν ὑπόσχεσιν [Lamberton 1905: 32; Marchant 1909: 180]; Xenophon *Hell.* 6.3.11 (ἡ καταληφθεῖσα ἐν Θήβαις Καδμεία [Stahl 1907: 698]). His study does not evaluate later Greek usage. Other possible examples in Thucydides 4.63 (Classen-Steup 1900 [vol. 4]: 290); Thucydides 3.53 (Lamberton 1905: 32; Stahl 1907: 698; Marchant 1909: 169).

⁷⁸ It should be noted that however we choose to read this passage, Dionysius’ assistants say only that lightning ‘has given a sign’, not that they have ‘seen’ lightning (*contra* Kiessling and Prou 1886).

⁷⁹ Pace Paschall 1936: 223, Dionysius seems to identify only two categories of magistrate here: those who consider the absence of unfavourable signs a divine sanction, and those who contravene unfavourable signs (Gelenius 1555: 138; Kiessling and Prou 1886: 74; Cary 1937: 331; Vaahtera 2001: 120). An alternative way of explaining the sufficiency of an absence of prohibitive signs might be to imagine that magistrates had to remain on their guard against oblativ signs that could ‘cancel out’ even a successful auspication (Bayet 1960: 38; Linderski 1986a: 2296), but this may be less applicable to the ‘auspices of investiture’ if they were thought to impart long-term divine sanction to the individual or his entry into office (above, n. 64).

⁸⁰ Valetton 1890: 252 (though he assumes that this principle was only employed in auspication *ex avibus*, and accuses Dionysius of error in attributing it to auspication *ex caelo*).

given as a spoken pronouncement by the assistant, and could thus be described as ‘the omen which [comes] from the utterance’.⁸¹ And this would be the assumption the magistrates considered ‘sufficient’ to justify their exercise of magisterial functions. Some scholars have suggested that Romans distinguished between signs that actually encouraged action (the ‘left-hand auspice’, *auspiciū sinistrum*), and those that merely permitted action by not actively prohibiting it.⁸² Though the evidence is not conclusive,⁸³ it may be that this passage of Dionysius reflects a similar distinction, or perhaps a similar doctrinal change, from the idea that it was simply not permissible to act in the absence of signs, to the idea that only signs that were downright unfavourable should prohibit action. For this reason, we might suggest, Dionysius could well write that the original custom has ‘left off’ (*pepautai*) and that current practice is only its *eikôn*. He could say this, not, as scholars usually assume, because Romans continued to look for the same signs and fabricated them when they did not appear, but because Romans had essentially stopped looking for the old sign.

⁸¹ The notion of an omen coming from an utterance may support the modern Principle 1 that a report was considered as good as a real sign, but alternatively Dionysius may mean that the magistrate does not watch for signs himself, but accepts the utterance of the assistant as proof that a sign has actually occurred (like the magistrate in Cicero’s Statement 3 above). The report would not then constitute a sign in itself, but would be thought to impart to the magistrate awareness of a sign received. This seems to be the principle Papirius Cursor acts on (see **Appendix 1**).

⁸² Supposedly denoted by the attainment of *silentium* (Mommsen 1887 (vol. 1): 86; Regell 1888b: 545; Valetton 1890: 252-3; Paschall 1936: 223), on the basis of Festus 476L: *Sinistrum in auspicando significare ait Ateius Capito laetum et prosperum auspicium; a[u]t silentium, [d]ubi dumtaxat vacat vitio. Igitur silentio surgere cum dicitur significat non interpellari, quo minus rem gerat. At sinistrum, hortari quoque auspicia ad agendum, quod animo quis proposuerit*).

⁸³ Capito’s definition is difficult to reconcile with Livy 10.40.2, Cic. Div. 1.72, Festus 474L s.v. ‘*silentio surgere*’ (mutilated) and Sen. Vit. Beat. 26.7, for whom *silentium* seems to be a precondition or preliminary part of the ritual process, rather than a divinatory result in itself. This is especially clear in Livy, where the consul *silentio surgit* but it is the behaviour of the *pulli*, who *non pascereantur*, an unfavourable sign, that constitutes the auspice; probably also Tab. Iguv. VIa.5-7 (Vaahtera 2001: 108 n. 61; on the translation, Weiss 2010: 215-16). Moreover, since augury recognized categories of *auspicia sinistra*, *auspicia dira*, and *auspicia incerta*, one might suggest that we should find mention of *auspicia silentia* if *silentium* was a divinatory result, rather than the noun *silentium*, which seems to denote a state or condition. One possibility is that Capito’s definition of *silentium* itself reflects the same change in augural ‘principles’ that Dionysius describes, i.e. that *silentium* was not originally considered sufficient to furnish a sign, but was later seen as a sign by at least some augural practitioners.

On this reading, Dionysius would not be asserting that auspicial assistants invariably invented favourable signs *ex nihilo* or in the face of unfavourable signs received. Rather, this passage could demonstrate that in Dionysius' day, augural theory permitted this magisterial auspication to be deemed favourable even if lightning had not occurred, as long as no prohibitive signs had occurred either. Thus what Dionysius describes could be seen not as 'manipulation' of a timeless practice that was always made to align with human will, but a change in the ritual which presumably increased its efficiency but did not theoretically remove Jupiter's opportunity to show disfavour if he so chose. We might compare the incident of 193 BC, examined in **Chapter 2**, when the senate limited the number of times per day that unfavourable signs could be reported, but preserved its obligation to respond to these signs when they were reported. In both cases it would seem that once an unfavourable sign was made known, it had to be obeyed; ways of limiting the effect of this 'rule' on public activity could be devised, but not by individual ausplicants at whim, and not to the point of ignoring outright messages from the gods. Rather, one could take precautions so as to obey the letter of the 'rule' by preventing a sign from becoming known (as in 193 BC or Statements 2 and 3 above), or by expanding the definition of what was favourable (in this case, by transforming the lack of lightning in auspication upon entering office from a neutral or negative sign into a positive one). To this extent we may still be inclined to think that expressions of divine will were subordinated to human will, but the salient point is that outright falsification of signs, or outright disobedience of them, was not necessarily acceptable in theory. A system of 'rules' in which matters were not left utterly to the individual's discretion could still have been maintained.

For, in contrast to the modern Principle 2 that an individual could decide whether to accept and heed divine signs, Dionysius strongly condemns those magistrates who take office in defiance of expressions of divine unwillingness.⁸⁴ His assumption is clearly that when an individual receives negative signs, that individual is bound to respect them and cannot render them harmless simply by choosing to ignore them. That Dionysius uses Crassus as an example of what not to do with signs is particularly intriguing, since scholars generally assume that the auspices he failed to heed were oblativae, not impetrative.⁸⁵ If that is correct, then Crassus' decision to ignore these signs and to concentrate on those that were favourable (or perhaps his attempt to redefine the unfavourable signs as favourable? Dionysius' χαίρειν φράσας is tantalizing), should have been perfectly acceptable according to the modern Principle 2. Yet Dionysius clearly disagrees.⁸⁶ As ever it is possible that this is Dionysius' own view rather than a Roman one, and it is impossible to know how many of his contemporaries would have agreed with him, but his opinion on the matter at least suggests that he was not aware of, or did not accept, an augural principle that humans could reject signs if they so desired.

⁸⁴ Grammatically, these must be a subset of οἱ (...) τὸν ἐκ τῆς φωνῆς οἰωνόν λαβόντες. Dionysius may be thinking of cases where problems in the auspices were discovered (or invented) after the fact, or perhaps of signs received later in a magistracy (Rubino 1839: 67 n. 1 may be right that in this passage Dionysius blends various kinds of auspices).

⁸⁵ Catalano 1960: 137 n. 68; Schaublin 1986: 174 n. 33; Linderski 1993: 63; Linderski 1986a: 2200. The evidence is not conclusive: Cicero's *signo obiecto monuit Crassum* is perhaps as likely to mean 'the sign having been put forward in opposition' as it is to mean 'the sign having appeared [spontaneously]'; cf. *nec eam rem habuit religioni obiecto signo, ut peritis videbatur, ne committeret proelium* (Cic. *Div.* 1.77 on Flaminius). The story was widely told (Cic. *Div.* 1.29-30; Sen. *Q. Nat.* 5.18.10; not explicitly in Cicero's correspondence, though *Att.* 4.13.2 (*Crassum quidem nostrum minore dignitate aiunt profectum paludatum*) may be an oblique reference (Bayet 1960 = 1971: 32) and also elaborated over time: oblativae ominous cry from a fig-seller at Brundisium (*omen*, Cic. *Div.* 2.84; Plin. *HN* 15.83); curses (Plut. *Crass.* 16.5-6; cf. Bayet 1960 = 1971: 35 with Flacelière 1972: 198 n. 1; 226 n. 1). Most of the tradition blends these elements, e.g. Vell. *Pat.* 2.46; App. *B. Civ.* 2.18; Cass. Dio 39.39.5-7 with Vaahtera 2001: 36; Min. Fel. *Oct.* 7. Luc. 3.126-7; Flor. 1.46 (3.11) seem to regard the *dirae* as some sort of malignant vow (cf. Hübner 1970: 9-10). It is difficult to tell whether the curses/vows are historical (see Mommsen 1887 (vol. 1): 107 n. 2; Pease 1920: 295-6; Simpson 1938; Bayet 1960 = 1971; Schaublin 1986: 171).

⁸⁶ As admitted by Bayet 1957: 53. Pace Rosenstein 1990: 71 n. 62, the dispute between 'Quintus' and 'Marcus' in *Div.* about the extent to which *omina* demanded human action, does not prove that there was the same degree of debate about interpretation of auspices.

Statement 5:
Seneca the
Younger

Q. Nat. 2.32.6 states: *auspiciū observantis est; ad eum itaque pertinet qui in illud*⁸⁷ *derexit animū* ('an auspice is the observer's; thus it pertains to him who directs his

attention to it'). The import of this statement is sometimes likened to Pliny's below (Statement 6) as evidence for the modern Principle 2 that an individual can control the effect of signs by how he receives them.⁸⁸ However, Seneca's point here is not that humans can negate signs by ignoring or rejecting them. That premise would contradict his Stoic view that what is predicted by true signs will inevitably come to pass.⁸⁹ In fact, Seneca's argument in this passage is actually closer to Augustine's (below, Statement 8), that some natural happenings are accepted as signs and others are not, in accordance with how well humans understand their meaning.⁹⁰ But whereas Augustine argues that all signs accepted by 'pagan' divination are in fact meaningless, Seneca argues that the universe gives even more true prophetic signs

⁸⁷ Reading of Z (Genevensis), adopted by Hine 1996. The *in ea* of F, H, P, R, U, and W, accepted in earlier editions (including Oltramare 1929; Corcoran 1971) would make the statement more sweeping ('A particular omen applies to the person who observes omens in general', as Hine 1981: 352 translates), but need not necessarily result in 'the absurd belief that any and every omen applies to anybody who makes a practice of observing omens' (so Hine 1981: 353). Seneca's point might be that humans can only derive meaning from signs if they are familiar with how to do so.

⁸⁸ Wissowa 1912: 531 n. 5; Corcoran 1971: 153 n. 2.

⁸⁹ Hine 1981: 352; Inwood 2005: 197. Although the discussion of lightning in *Q. Nat.* draws on writers like Caecina and the Stoic Attalus, this passage appears to be a synthesis expressing Seneca's own ideas (cf. Gross 1989: 102). On variation in Stoic views of the significance of divination, Lévy 1997: 338-41. Seneca does go on to allow that *expiationes*, *procuraciones*, *precationes*, and *vota* can ward off what the gods threaten, reconciling this with his understanding of *fatū* by arguing that this is only possible in cases where it is already fated that remedies will be effective should they be undertaken (*Q. Nat.* 2.37; Goldschmidt 1969: 90-1, 145; Gigon 1991: 320, 336-7). On the logic of this Stoic doctrine, Bobzien 2001: ch. 5. Note, however, that these measures represent ritual responses to signs received and acknowledged, not the 'cancelling-out' of signs by denying that they have occurred.

⁹⁰ Inwood 2005: 196: 'The fact that divination uses [some] birds and not others is a contingency; it is the accident of the availability of observation which limits our science' and this is what Seneca means when he writes that '[p]redictive signs are relative to the observer'. As Inwood goes on to demonstrate, this argument is fundamental to Seneca's criticisms of the 'Etruscan' style of lightning-classification propounded by Caecina, and indeed to the argument of *Q. Nat.* as a whole, that in contrast to the divine, which has complete knowledge, human knowledge of nature is limited.

than humans are aware of.⁹¹ What is at issue, then, is the original definition, within any system of divination, of what is and is not to be considered a sign, and whether humans notice signs at all,⁹² rather than a ‘traditional’ Roman claim that the individual is free to ignore or reinterpret signs in accordance with his own desires. Indeed, Seneca’s arguments here are so heavily influenced by his Stoicism that it seems unwise to assume that they necessarily reflect views typical of the Middle-Late Republic, let alone precise augural ‘principles’.⁹³

**Statement 6:
Pliny the Elder**

The modern Principle 2, that human will to accept or reject a sign determines its validity, receives some support⁹⁴ from Pliny’s comment (*HN* 28.4.17) that *ostentorum vires et in nostra potestate esse ac, prout quaeque accepta sint, ita valere. In augurum certe disciplina constat neque diras neque ulla auspicia pertinere ad eos, qui quamque rem ingredientes observare se ea negaverint* (‘the effect⁹⁵ of signs is in our power, and accordingly as each of these have been accepted, so are they valid.’⁹⁶ Certainly

⁹¹ E.g. *Q Nat.* 2.32.5-7; 2.51.1; Hine 1981: 347, 352-3; Gigon 1991: 319. Seneca thus defends against Academic criticism (and in contrast to Augustine) the Stoic view that the meaning of signs is not arbitrarily imagined by humans (Lévy 1997: 340-1).

⁹² So Hine 1981: 351: ‘omens are valid only if they are observed by the person whom they concern.’ Cf. Denyer 1985: 9 on the Stoic view of divination as semiotic rather than causal.

⁹³ Cf. Seneca’s insistence that earthquakes, eclipses, comets, and lightning are solely natural and not caused by divine anger (*Q Nat.* 2.59, 6.3 [*nec ira numinum aut caelum concuti aut terram: suas ista causas habent, nec ex imperi saeviunt*], 7.1), in patent contradiction of the traditional divinatory interpretation of these phenomena, which seems to have associated them with disaster and the wrath of the gods (Inwood 2005: 180 n. 41; cf. Plin. *HN* 2.200; below, pp. 158-9). Cf. on the topicality of Seneca’s views, and their differences from those of even his recent predecessors, Pani 1985.

⁹⁴ Yet note that for Pliny the divine will remains supreme in a sense, since it is the gods who choose to allow such freedom of interpretation: *quo munere divinae indulgentiae maius nullum est* (Ando 2003: 60). Thus, *pace* Köves-Zulauf 1972: 67, the Vestal *precatio* of 28.13 and Nero’s attempts to *imperare dis* (*HN* 30.14) do not, for Pliny, ‘die gemeinsame Absicht haben, den Gott sich zu irgendeinem Zwecke dienstbar zu machen’. On the contrary, the former is theologically acceptable to him, perhaps because the gods choose to assent to prayers, but the latter must be dismissed as *falsa ars*.

⁹⁵ Alternatively ‘power’ (Jones 1963), ‘I’action’ (Ernout 1962).

⁹⁶ Or possibly, as Oltramare 1929: 83 n. 3 translates, ‘chacun vaut selon l’interprétation qui lui est donné’; Ernout 1962: 23: ‘leur valeur dépend de la façon dont on les interprète’. That opinion would be compatible with the comments of Seneca (Statement 5) and Augustine (Statement 8), but Pliny

in the discipline of the augurs it is established that neither *dirae* nor any other auspices pertain to those who, beginning each affair, have said that they do not observe them’).⁹⁷ Some scholars have taken this statement as a universal rule of augury, implying that the individual’s decision about the validity of an (oblative) sign was of more weight than the occurrence of the sign.⁹⁸ However, these views do not take sufficient account of Pliny’s exact words and the context in which they are set. Two key points may be made. Firstly, Pliny does not say that someone can ‘neutralize’ a bad sign he has knowingly perceived by denying that he is looking for signs; rather, Pliny does not make clear who is supposed to have perceived signs in this scenario, and we could equally well imagine such a rule being applied to debate about whether one person had the right to ignore signs received by a different person.⁹⁹ Otherwise, Pliny’s remark would be difficult to reconcile with the evidence we have that some Romans chose to submit to auspices which they would probably rather have wished away. For why should Marcellus have had to screen himself physically from signs (above, Statement 2) if he could simply have nullified them by declaring that he had not seen them? And why would the consul Metellus have done his utmost to dodge Milo’s *obnuntiatio*, but respected it once he received it (as we saw in **Chapter 2**), if he had the easy option of nullifying any announced

could conceivably have phrased it in terms more similar to theirs if that was what he meant. His emphasis on how signs are ‘received’ (*accepta*) appears somewhat different.

⁹⁷ The verb *observare* is most likely of technical significance here, not simply ‘attacher d’importance’ as Ernout 1962: 24 translates.

⁹⁸ Mommsen 1887 (vol. 1): 80 n. 4; Wissowa 1912: 531 n. 5 (but cf. 396 n. 5); Bloch 1963: 80, 124, paraphrasing (without citing) this passage; Liebeschuetz 1979: 24 (‘fundamental principle’ of augury); Linderski 1971: 317; Köves-Zulauf 1972: 55 (an augural ‘rule’ ‘daß man Vorzeichen einfach für nichtexistent erklären kann’), 109; Bäumer 1984: 96 (‘Grundregel der Augurenkunst’); Linderski 1986a: 2202 n. 198 (‘The augur [or the person in charge of the action] could neutralize the effect of a *dirum omen* by refusing to accept it or, more exactly, by denying that he had observed it.’)

⁹⁹ So Valetton 1889: 429; Bayet 1960: 38 and n. 4. The example of Paulus and Varro in 216 BC (examined in **Chapter 2**) would seem to contradict even this rule, at least as regards impetrative auspices [Valetton 1890: 436], since Paulus uses the results of his own auspication to restrain Varro. Perhaps, as Bayet suggests, the degree of publicity accompanying the divinatory result determined how easy it was to deny. Nor does this passage prove that magistrates had the right to disregard any oblative sign announced by their auspicial assistants (so Valetton 1890: 413).

auspicia? His behaviour indicates on the contrary that, like Marcellus, he could only avoid the obligation to act on auspices by genuinely avoiding awareness of them altogether (in keeping with our Modified Principle 2).¹⁰⁰

Secondly, Pliny's assertion that the power of *ostenta* depends on how they are received should not be taken as part of the next sentence's *augurum disciplina* but as his own opinion, inferred from experience and from his sources, rather than a principle that he found stated by religious 'experts'.¹⁰¹ For Pliny is here concerned to support his own belief in the power of words,¹⁰² but he admits that his opinion is not one that 'the wisest men' would endorse if it was articulated to them: *Ex homine remediorum primum maximae quaestionis et semper incertae est, polleantne aliquid verba et incantamenta carminum. quod si verum est, homini acceptum fieri oportere conveniat, sed viritim sapientissimi cuiusque respuit fides, in universum vero omnibus horis credit vita nec sentit.*¹⁰³ Naas observes that 'si les spécialistes sont souvent invoqués dans leur domaine de compétence, [Pline] n'hésite pas à compléter leur témoignage par des sources plus informelles et imprécises ou par sa propre opinion',¹⁰⁴ and that may well be the case here. In light of Pliny's method, which prioritized the somewhat haphazard collection of information as much as systematization or selection,¹⁰⁵ and collated evidence from a multiplicity of

¹⁰⁰ Valetton 1889: 429. If we take Pliny's 'principle' to refer to signs truly not perceived (rather than denied), Marcellus' behaviour can be reconciled with it: Mommsen 1887 (vol. 1): 87 and n. 4; Bayet 1960: 38 n. 4; Hine 1981: 351-2.

¹⁰¹ Note also that despite the Index's summary of this section's theme as *ostenta et sanciri et depelli*, Pliny's specific augural *exempla* do not actually seem to concern the 'denial' of signs but only the acceptance of them [cf. Köves-Zulauf 1972: 41 n. 56, 109], and the precise effect of words that he means these stories to demonstrate is not entirely clear (see below, **149f.**).

¹⁰² Köves-Zulauf 1972: 30; Bäumer 1984: 99; Naas 2002: 150; preferable to outdated distinction between 'magic' and 'religion' in Ernout 1964: 192.

¹⁰³ *HN* 28.10.

¹⁰⁴ Naas 2002: 149.

¹⁰⁵ Murphy 2004.

different sources,¹⁰⁶ we may doubt whether all his contemporaries necessarily agreed with his interpretation of augural ‘rules’.¹⁰⁷

Finally, we may note that Pliny’s illustrations of the capacity of words to redirect divine signs, the Capitoline Head and the quadriga of Veii,¹⁰⁸ are not particularly relevant to auspication as it typically functioned in the Middle to Late Republic, and his interpretation of these examples may be anachronistic. For when Pliny calls the quadriga of Veii an *augurium*, he appears to mean this partly in the older sense of a sign promising the ‘augmenting’ of power or good fortune,¹⁰⁹ and both the quadriga and the Capitoline Head are unusual, probably archaic, divinatory stories whose relationship to everyday ‘historical’ auspication is difficult to explain.¹¹⁰ With the possible exception of his allusion to the need to ensure ritual

¹⁰⁶ Plin. *Ep.* 3.5.10; discussion, Sherwin-White 1966: 224-5; Sallmann 1971: 22-34; Locher and Rottländer 1985; Naas 2002: 109-135. In the passage at hand Pliny seems to have prose histories uppermost in mind (28.15: *constantissima annalium adfirmatione*), but at 28.21 he cites Cato *Agr.*, and Köves-Zulauf 1972: 54 posits as another source the *commentarii* of the jurist Servius Sulpicius Rufus (though it is puzzling that Pliny cites him only at 28.26 for his *commentatio (...)* *quamobrem mensa linquenda non sit*).

¹⁰⁷ Köves-Zulauf 1972: 294 saw Pliny’s linking of the Capitoline Head and Veii quadriga prodigies as original, ‘etwas Individuelles, eine plinianische Sonderleistung’. Pliny seems to have read Cic. *Div.* (Pease 1920: 30 nn. 159, 160; 302), but we find no comparable claim about this augural ‘rule’ there, and resemblances between the two works are not close (Köves-Zulauf 1972: 58-9). We might compare Pliny’s exaggerated argument that if Vestal Virgins really can root runaway slaves to the spot by means of a *precatio*, *si semel recipiatur ea ratio et deos preces aliquas exaudire aut ullis moveri verbis, confitendum sit de tota coniectatione*: surely one could actually have assented to some but not all of his examples?

¹⁰⁸ *HN* 28.15-16. Other versions of these stories (Dion. Hal. *Ant. Rom.* 4.59-61; Festus 340L, 342L s.v. ‘Ratumenna porta’; Plut. *Public.* 13; Serv. Dan. *Aen.* 8.345; Arn. *Adv. nat.* 6.7) likewise suggest that the sign was potentially transferable; Livy 1.55 mentions the head, but gives no hint that the *imperium* it promised could have been bestowed elsewhere. In the Index for this book Pliny lists among his sources Varro, L. Calpurnius Piso, Valerius Antias, and Verrius Flaccus, any or more than one of whom could presumably have furnished him with these tales (variously, Münzer 1897: 179-180; Peter 1965: 47; Köves-Zulauf 1972: 290f.; Martin 1993: 105; Cotta Ramosino 2004: 112).

¹⁰⁹ Köves-Zulauf 1972: 306 and n. 629; on the distinction in general, Flinck 1921: 11-18; Coli 1951 [1973]: 406; Latte 1960: 66-7; Catalano 1960: 98-101, 103, 128f., 148f., 312 n. 266; 340f. (a dissenting view); Dumézil 1970 (vol. 1): 119 and (vol. 2): 595-6; Magdelain 1977: 17-21; Ernout and Meillet 1979: 56-7; Linderski 1986b: 338. Note that other ancient authors categorize these signs differently (the head is a *prodigium* in Livy and Festus; a *teras* but also a *sêmeion* and an *oiōnos* in Dionysius; the chariot is a *sêmeion* in Plutarch). Perhaps the diversity of terms used for them reflects their atypical nature.

¹¹⁰ They are clearly oblatives, but their effects appear to be long-lasting, more like inaugurations or, perhaps, the *augurium salutis*, than like day-to-day auspications, while their significance is, as Gerschel 1952: 59 says, ‘mobile’, and they are thus atypical of Roman divinatory stories (cf. Bloch 1961: 152-3). There are only a few stories like them in Roman tradition, all ascribed to the early struggle for dominance over Italy (Borgeaud 1987: 87 with refs) and some ancient writers seem to

silentium at 28.11 (and the mention of *exta* there indicates that Pliny is thinking of sacrifice/haruspicy rather than augury), Pliny actually gives us no other examples of this supposedly common augural rule,¹¹¹ which seems rather unlikely if it was really as established as he claims (does *haec satis sint exemplis* [28.17] protest too much?).¹¹² Furthermore, we cannot assume that when these stories were first told they represented a religious ‘originalité romaine’ that ‘contribue à assouplir, à <<défataliser>> le fatum, donc à libérer l’homme et à l’exciter à compter sur lui-même.’¹¹³ On the contrary, they could equally well represent an anxious suspicion that even the gods’ promises could be revoked or lost, and thus that the gods could not always be relied upon to support Rome and not her enemies.¹¹⁴ In Pliny’s view, by contrast, the cosmos was beneficent,¹¹⁵ and Rome’s control of the *orbis terrarum*

have been uncomfortable with their implication that signs’ effects were ‘transferable’: Martin 1993: 105, 113 n. 60 (Livy and Dionysius); Ogilvie 1965: 183 (Livy). On the nature and meaning of such stories, see Borgeaud 1987 (though not all his speculations are equally convincing); on their origins, Weinstock 1937c; Ogilvie 1965: 211-12. The Capitoline Head story is commonly assumed to date no earlier than the late third century BC, when Rome began to aspire to dominance outside Italy, but such tales may originally have related to Rome’s position in Italy (Bloch 1961: 154-5), and only later acquired a broader geographic interpretation of *imperium*; Dionysius’ statement that the sign denoted leadership of Italy, for example, would suit an early date.

¹¹¹ His other examples of the power of words concern sacrifice, prayers (which may or may not be augural), *evocatio*, *devotio*, and magic incantations (the *malum carmen* of the Twelve Tables).

¹¹² Since Pliny tries to give examples from ‘daily life’ elsewhere in this section (the flute-player at sacrifice, the ‘script’ read out during *precationes*), it may be fair to wonder why he did not offer any for his claim about augury.

¹¹³ Gerschel 1952: 66.

¹¹⁴ As may still be evident in the relief conveyed by Pliny’s *constantissima annalium adfirmatione, transiturum fuisse fatum in Etruriam, nisi...* (28.15). Gerschel seems to be aware of this possibility, which makes his acceptance of Pliny’s interpretation all the more curious. Cf. Borgeaud 1987: 90. Note that these stories are not necessarily evidence that the meaning of a sign was thought to be changed by words (so Köves-Zulauf 1972: 312). Rather, it seems that the issue is not one of reinterpreting the sign’s (fixed) meaning, but of controlling who receives it (thus our sources use the vocabulary of ‘transferring’ locations, e.g. *metatithêmi* in Dionysius, *transferre* and *transire* in Pliny; and of reascribing ownership, e.g. *spheterizomai* in Dionysius, *adscribere* in Servius, *par hois esoito* in Plutarch; cf. Gerschel 1952: 62, 64; Bäumer 1984: 96). Perhaps in these early stories the gods were not yet thought to be definitively on Rome’s side, and could be imagined as sending signs intended to be appropriated by whoever proved most worthy of them. While the role of words in attempts to ‘transfer’ such signs is in one sense indicative of the significance of ‘report’ in determining the applicability of a sign’s ‘reality’, in another sense the sign is hereby assumed to have a ‘reality’ and significance of its own; humans cannot change its meaning, but they can try to control who receives it (compare Marcellus in his closed litter).

¹¹⁵ Wallace-Hadrill 1990 (though Pliny also recognizes human frailty and struggle: Citroni Marchetti 1982).

had made possible universal control of, and access to, knowledge,¹¹⁶ so it is perhaps to be expected that he emphasizes the ways in which words enabled humans to control their environment and destiny. Romans in earlier times, however, may not have been so confident.

For these reasons, therefore, it seems more likely that Pliny is reporting, not an accepted augural rule, but his own opinion, based either on his own reasoning or, possibly, on his knowledge of an augural principle that in practice was tempered by others or even disputed in augural circles. Alternatively, it may be that augural rules had changed by his time to permit greater freedom of interpretation than had been allowed in the Middle and Late Republic (does Dionysius' evidence above [Statement 4] depict the same change?).

Statement 7: Servius' evidence for the modern Principle 2 occurs in his
Servius commentary on the *Aeneid* (fourth or early fifth century AD), 12.260: '*accipio agnoscoque deos*': *modo quasi de oblativo loquitur: nam in oblativis auguriis in potestate videntis est, utrum id ad se pertinere velit, an refutet et abominetur*. Here at last we find an explicit statement of that principle which modern scholarship has considered typical of Roman augury: it is indeed striking, but it is also late, and we do not know where Servius got his information or how reliable it may be.¹¹⁷ Indeed, given the identical vocabulary of *in potestate* and *pertinere*, one wonders whether Servius' statement may not derive from Pliny himself, or from the same source as Pliny's. However, the import of their statements

¹¹⁶ E.g. *HN* 2.141 (lightning rituals); Murphy 2004: ch. 2; on the process, see Nicolet 1991.

¹¹⁷ See **Chapter 1**, nn. 220, 225, and note that some of his other statements of augural 'principles' may also be suspected of self-contradiction and exaggeration: Regell 1887: 489-1; Wardle 2006: 370, 407.

is not identical, since Servius restricts the ‘rule’ to *oblativis auguriis*,¹¹⁸ whereas Pliny applies it to ‘all’ kinds of auspices (*neque ulla auspicia*).¹¹⁹ Whether we should trust Servius over Pliny is an open question, but whether we should trust either of them completely seems to me answerable in the negative (particularly when we saw above that Crassus was criticized for failing to respect oblativae *dirae*). We saw in **Chapter 1** that many of the rites Servius describes had long ceased to be performed by his day, and also that his commentary was a simplified one, probably aimed at students. For these reasons it seems unwise to take his statement here as well-informed comment on an augural ‘rule’. Like Pliny, he may have encountered a claim that signs could be controlled in some situations, but he seems likely to have oversimplified this to make it sound more universal than it really was in Republican augural theory.¹²⁰

**Statement 8:
Augustine**

Pease¹²¹ finds support for the current understanding of augury in Augustine’s *De Doctrina Christiana* (begun c. AD 395), 2.24.37:¹²²

¹¹⁸ Exactly what Servius means by *auguria oblativa* is uncertain. Cf. Serv. Dan. *Aen.* 1.398 (*hoc enim interest inter augurium et auspiciū, quod augurium et petitur et certis avibus ostenditur, auspiciū qualibet avi demonstratur et non petitur: quod ipsum tamen species augurii est*); *Aen.* 6.190 (*auguria aut oblativa sunt, quae non poscuntur, aut inpetrativa, quae optata veniunt*); and *Aen.* 12.259 (*QUOD SAEPE PETIVI quasi inpetrativum hoc augurium vult videri*). The most efficient solution is to suppose that Servius has, in various ways, confused *augurium* with *auspiciū* (Wissowa 1896b: 2581; Catalano 1960: 80f., 92f.; Linderski 1971: 316; Heuss 1982: 384; Linderski 1985: 228).

¹¹⁹ Linderski 1971: 317 credits Pliny over Servius, holding that a magistrate could cancel out a sign by declaring that he had not seen it (Pliny), but that he did not have the option of rejecting every oblativae sign as Servius implies. I agree that Servius’ statement is an exaggeration, but to my mind Pliny’s statement is at least as (misleadingly) far-reaching.

¹²⁰ Cf. Serv. *Aen.* 5.530: *NEC MAXIMUS OMEN ABNUIT AENEAS amplexus est et probavit, non secundum augurum disciplinam dixit ad se non pertinere: nam nostri arbitrii est visa omnia vel improbare vel recipere*. This ‘principle’ is even more sweeping than Servius’ assertion about oblativae signs: it may be another exaggeration, or it may apply solely to spoken *omina*, which were perhaps more subject to the individual’s discretion than outcomes produced by state divination.

¹²¹ Pease 1923: 476-7.

¹²² Books 1-3 up to 3.78 were written at this time, with a thirty-year pause before the rest was completed (Alici 1989: 27; Green 1995: xi-xii; Green 1997: vii).

illa signa, quibus pernicioſa daemonum ſocietas comparatur, pro cuiusque obſervationibus valent. quod maniſeſtiſſime oſtendit ritus augurum, qui et antequam obſervent et poſteaquam obſervata ſigna tenuerint id agunt ne videant volatus aut audiant voces avium; quia nulla iſta ſigna ſunt, niſi conſenſus obſervantis accedat.

Those ſigns, by which pernicious aſſociation with demons is eſtabliſhed, are [only] valid on the baſis of the obſervations of each individual. The rite of the augurs abundantly ſhows this, becauſe they act, both before they look for ſigns and after ſigns have been obſerved, in ſuch a way that they may not ſee the flights or hear the voices of birds; becauſe none of this kind of thing is a ſign¹²³ unſeſs the conſent of the obſerver agrees with it.

However, Auguſtine’s complaint here cannot be ſeen as the baſis for a general rule that it was acceptable in augury to reject a ſign of which one was aware. Rather, like Cicero’s and Cato’s comments above (Statements 1 and 2), Auguſtine’s criticism ſhows merely that it was acceptable to avoid knowledge of ſigns, and that if one did not know about a ſign, one could legitimately avoid acting on it: this is why augurs attempt to avoid ſeeing bird flight or hearing bird cries before or after looking for divine ſigns. For it ſeems unlikely that Auguſtine would have felt it neceſſary to ſpecify ſo clearly the ‘before and after’ relation of theſe ſigns to the act of obſerving if he merely meant to ſay that augurs never accept ſigns when they are not looking for them. His comments thus reſemble Seneca’s *auspicium obſervantis eſt* and Pliny’s *qui quamque rem ingredientibus obſervare ſe ea negaverint* (Statements 5 and 6 above), with the implication being that what matters is whether the ſigns are ‘obſerved’ (hence Auguſtine’s *pro cuiusque obſervationibus valent*);¹²⁴ none of theſe writers actually ſtate that it was acceptable for the augur or other auſpican to reject ſigns he had obſerved. Rather, if Auguſtine’s augur wiſhes to avoid the obligation to act on ſigns, he muſt, like Marcellus (Statement 2 above),

¹²³ On this translation of *nulla iſta ſigna ſunt*, below, p. 154. If we were to take theſe words as part of augural doctrine, however, it would ſtill be worth noting that Auguſtine would be ſpeaking not of ſigns in general (in that caſe he could have written ſimply *nulla ſigna*), but of *nulla iſta ſigna*, thoſe ſigns the augur avoids perceiving ſoon before or after his obſervation, ſo that the application of this ‘rule’ would ſtill be ſomewhat reſtricted.

¹²⁴ The translation of Green 1995: 101 (‘have an effect that is in proportion to each individual’s attention to them’) miſſes the precise, poſſibly technical ſenſe of *obſervatio*; cloſer, Hill 1996: 149 (‘effective according to the value attributed to them by anyone’s pet obſervations’); Alici 1989: 193 (‘valgono in rapporto all’oſſervazione di ciaſcuno’).

take precautions to avoid perceiving them at all. This behaviour is more in keeping with my Modified Principle 2 that the individual could only act upon perceived signs, and could not be held responsible for failing to act on signs unperceived.

Furthermore, it should be noted that the purpose of this section of *Doct. Christ.* (2.19.29-2.24.37) is to prove that the signs interpreted in ‘pagan’ divination are in fact devoid of all inherent significance, and only become significant because humans choose to consider them so.¹²⁵ For this reason, Augustine’s *quia nulla ista signa sunt, nisi consensus observantis accedat*, which Pease reads as part of the augural doctrine to which Augustine refers, and as proof that the observer could negate a sign simply by refusing to ‘agree’ with it, should actually be read as Augustine’s own comment, reiterating his overall argument that none of this kind of thing would be considered significant if those who perceived it did not choose to consider it so.¹²⁶ That his augural ‘rule’ is to some extent in keeping with those of Cato (Statement 1) and Cicero (Statements 2 and 3) suggests that augury may indeed have included, at some point in time, a principle by which unperceived signs were considered insignificant, but this does not prove that individuals were free to reject signs of which they were aware. Finally, as we saw in **Chapter 1**, late Christian writers like Augustine are far from reliable witnesses for ‘non-Christian’ practice! In the case at hand, it is highly likely that Augustine’s conviction that

¹²⁵ As we read earlier in 2.24.37, and similarly, introducing the statement with which we are concerned: *sicut ergo hae omnes significationes pro sua cuiusque societatis consensione animos movent, et quia diversa consensio est, diversae movent nec ideo consensuerunt in eas homines quia iam valebant ad significationem, sed idea valent quia consensuerunt in eas* (note the use of *consensiones* to mean ‘cultural conventions’ [Hill 1996: 148] or ‘conventions’ [Green 1995], which suggests that we should translate *consensus* similarly in the passage at hand). Augustine’s theory of signs is too complex to enter into here; see among others Markus 1957; Jackson 1969; Baratin 1981; Markus 1995; further bibliography in Alici 1989: 77-8. Cf. Seneca’s similar emphasis on ascertaining the significance of natural happenings, but arguing from the opposite assumption that most happenings are indeed prophetic (Statement 5 above).

¹²⁶ Markus 1957: 76; Babcock 1995: 151-2. Cf. Hill 1996: 166 n. 87: ‘Augustine seems here to be assuming what he is setting out to prove, namely, that such things are only signs when they are being observed as such. The fact, if it is a fact, that augurs only observed them when divining, and not at other times, hardly implies that they did not regard them as being signs of their very nature’.

Roman state divination represented communication with evil powers and hence was wicked (as we see from his reference here to the *perniciosa daemorum societas*)¹²⁷ encouraged him to exaggerate this supposed ‘rule’ as an example of ‘pagan’ hypocrisy.

Conclusions

The evidence we have examined for the relationship between report and reality in augury displays some variation. Its significance for our understanding of Roman religion more broadly will be discussed in my **Conclusion**; for now, I will focus on what it can tell us about augural ‘rules’.

Statements 6 and 7 (Pliny and Servius) provide the strongest support for the modern Principles, although even these two testimonies do not entirely agree. Statement 4 (Dionysius of Halicarnassus) would also tend to support the modern Principle 1 if we adopt the currently-accepted interpretation of the passage, but as we have seen, it is possible to interpret this text in a much less extreme way, as a description of changing ‘rules’ rather than fakery. We have also noted that several ancient statements frequently cited in support of the modern Principles do not actually (Statements 1, 2, 4, 5, and 8) or necessarily (Statement 3) corroborate them. The first point to be made, then, is that there is actually much less theoretical evidence for individual freedom and discretion in deciding whether or not to obey divinatory signs than modern scholars have typically supposed. Much of our evidence, in fact, tends to suggest that augural ‘theory’ preferred real signs to ones that were merely reported, and that magistrates could escape the obligation to obey

¹²⁷ See Markus 1995: 99-100, 105.

even oblativ signs only on the grounds of lack of awareness of them, not by deciding to reject signs of which they were aware.

It does seem that a ‘report’ was, in some situations (impetrative auspication by an auspicial assistant, the announcement to one magistrate of signs observed by another magistrate) thought to convey awareness of a sign’s occurrence. However, this did not mean that a ‘report’ was always as good as a real sign, or that signs did not matter unless they were properly ‘reported’. For it was better to make the *pulli* really eat, and we saw in **Chapter 2** that Cicero roundly castigated Antony’s *ementita auspicia*; moreover, Marcellus’ example suggests that magistrates who themselves observed oblativ signs while transacting public business were required to act upon them. We have also seen that it was possible to take precautions so as not to receive signs, and, if my interpretation of Statement 4 is correct, that ‘rules’ could be changed, so that signs perhaps considered inhibitory in earlier times could now be considered favourable and would thus present no bar to action. We may say that human will dominated the divine will in this sense. However, we must also recognize that even these devices or ‘manipulations’ presuppose that signs are binding once they are known, and in that sense we may say that the divine will was supreme, in that it was still theoretically possible for expressions of the divine will to influence human behaviour in spite of human will. Finally, we should note that in these theoretical statements there is very little evidence for outright fakery of divinatory signs.¹²⁸ Cicero’s Statement 3 does not prove fakery. Only Dionysius of Halicarnassus’ Statement 4 suggests that state divination routinely fabricated signs, and that is if we accept the standard reading (on the alternative I propose, even Dionysius would not be alleging fakery). For these reasons, it seems safe to

¹²⁸ One might add that it would seem very unlikely *a priori* for Romans to have known of, and accepted, routine and regular falsification of divinatory signs, since the working of any system of divination depends on a perception of it as ‘objective’: see **Chapter 1**, n. 74).

conclude that the theoretical ‘principles’ of augury did not necessarily preclude it from being considered a form of ‘dialogue’ with Jupiter, capable of producing either favourable or unfavourable divinatory outcomes, to which humans could be compelled to respond regardless of their own wishes. Our evidence in **Chapter 2** that this was true in ‘practice’ can thus be considered compatible with the ‘theory’ examined here.

Finally, that surviving ancient statements appear to reflect diverse views on the relationship between report and reality in augury, does not necessarily mean that augural theory on the point was ‘hopelessly confused’. Nor does it disprove our conclusion in **Chapter 1** that Roman state divination probably included basic ‘rules’ with which contemporaries were familiar. For I hope to have shown that my Modified Principles 1 and 2 are both supported by the statements of Cato, Cicero, and Dionysius of Halicarnassus (Modified Principle 2), and coherent with our evidence in **Chapter 2**. The currently-accepted Principles, by contrast, receive most support from Dionysius (Principle 1, if we accept the standard reading) regarding the Late Republican and Augustan periods, and especially from Pliny and Servius, writing in the High and Late Empire.¹²⁹ I would argue that this is more than coincidence. It has long been recognized that as the transition from Republic to Empire caused political power to be concentrated in individuals rather than the state, so divinatory signs too came to be seen as directed at individuals.¹³⁰ Likewise,

¹²⁹ Though it is an argument *e silentio*, it seems to me very suggestive that Cicero *Div.* makes no mention of routine falsification of the auspices of ‘investiture’, or of an augural principle that the individual was in control of the effect signs had on him, in the way Pliny and Servius suggest; these would surely have been devastating arguments for ‘Marcus’ to use in Book 2 if Cicero had been aware of them.

¹³⁰ North 1990b: 66, 69, 70-1; Potter 1994: 146f., 172f.; Barton 1994: 37f.; Feeney 1998: 20; cf. Beard 1990: 43. Consider e.g. claims to divine descent, fashionable in the first century BC (Wiseman 1974c; qualified by Rüpke 2006a: 222); the signs attributed to Sulla (Keaveney 1983: 50f., 75); the fact that prodigies relating to individuals first become frequent in Obsequens at the time of the Social War (Santini 1988: 214); or the signs promising power to individual candidates for emperor: Weber 2000; Vigourt 2001.

it has long been supposed that as confidence in the benefits of imperial rule grew, emperors became less interested in receiving, or recording, unfavourable signs from the gods.¹³¹ I believe that the statements we have examined can shed further light on these changes' implications for augural theory. For the most logical corollary of these developments, it seems to me, would be increasing freedom for the individual in the interpretation of signs, as a great man's charisma came to be considered sufficient to redefine the meaning of the divinatory outcomes he received. And indeed we have suggestive evidence that such a change did occur in the Late Republic and Principate. For example, our sources credit Late Republican 'dynasts' like Lucullus, Crassus, and Julius Caesar with attempts to reinterpret prohibitive signs as favourable to their enterprises.¹³² Linderski and Davies demonstrate that Tiber floods, traditionally a prodigious and unfavourable sign, were redefined as favourable for Augustus and possibly Tiberius.¹³³ Augural symbols on coinage may have become more 'personalized' from Sulla's time onwards.¹³⁴ And several passages of Cassius Dio even appear to fossilize moments of doctrinal transition, such that both old and new perspectives are visible at the same time. Consider, for example, Dio's description (45.7.1) of the *sidus Iulium* of 44 BC: 'a certain star (...) which some called a comet, claiming that it foretold the usual things, while the majority did not believe this, but ascribed it to Caesar as having been made immortal and having been counted among the number of the stars'.¹³⁵ Here we can

¹³¹ The prodigy system is usually supposed to have lapsed gradually under the Empire: Wülker 1903: 71; Luterbacher 1904: 17; Liebeschuetz 1979: 56-8, 159-66; Wallace-Hadrill 1983: 191-2; Linderski 1993: 63; Davies 2004: 160-5; *contra* Syme 1959: 63; see also **Chapter 1**, 26.

¹³² Lucullus: Plut. *Luc.* 27. Crassus: above, p. 144. Caesar: Rawson 1978: 142-5. *Pace* Weinstock 1971: 26-8; Jocelyn 1982: 161-2, these attempts, and his treatment of Bibulus' sky-watching (see **Chapter 4**) seem to me to reflect an unusually staunch refusal on Caesar's part to conform to traditional religious expectations when they did not cohere with his wishes (Liebeschuetz 1979: 18).

¹³³ Linderski 1993: 63-4; Davies 2004: 163-4; on the traditional interpretation, Becher 1985.

¹³⁴ Alföldi 1956: 85-7; Gagé 1933: 2-5; Fears 1975: 598-600, but note criticisms of Stewart 1997.

¹³⁵ ἄστρον τι παρὰ πάσας τὰς ἡμέρας ἐκείνας ἐκ τῆς ἄρκτου πρὸς ἐσπέραν ἐξεφάνη, καὶ αὐτὸ κομήτην τέ τινων καλούντων καὶ προσημαίνειν οἷά που εἴωθε λεγόντων οἱ πολλοὶ τοῦτο μὲν οὐκ ἐπίστευον, τῷ

clearly see a standard sign of state divination redefined by the multitude (perhaps in conflict with the religious experts) as referring to an individual, and as favourable rather than unfavourable.¹³⁶ Other passages of Dio also reveal the difficulties that growing ‘individualization’ of signs posed for the state-type interpretation of divinatory signs.¹³⁷ Dionysius’ Statement 4, in particular, fits well in this framework, for it too seems to reflect a situation where some individuals, like Crassus, claimed greater freedom to reject or reinterpret signs than others, like Dionysius or his source, were willing to grant them. Even if we do choose to see Dionysius, Pliny, and Servius as testifying to the subordination of auspicial outcomes to human will, therefore, it seems reasonable to consider such a ‘principle’ not necessarily an inherent part of Roman state divination, but rather a historical development still open to challenge by supporters of other views.

I hope that these conclusions at least raise the possibility that the ‘rules’ of augury did not necessarily permit Romans to evade divinatory outcomes that did not align with those desires. I have also taken the first steps towards suggesting that augural ‘rules’ did not necessarily condone the fabrication of divinatory outcomes that aligned with individuals’ desires. However, I have not yet addressed what is perhaps the strongest counter-argument to my theory, if currently-accepted

δὲ δὴ Καίσαρι αὐτὸ ὡς καὶ ἀπηθανατισμένῳ καὶ ἐξ τὸν τῶν ἄστρον ἀριθμὸν ἐγκατελεγμένῳ ἀνετίθεσαν.

¹³⁶ Barton 1994: 40; Augustus *apud* Plin. *HN* 2.94. We might compare the favourable interpretation given by Chaeremon the Stoic [quoted in Origen *C. Cels.* 1.59] and Sen. *Q Nat.* 7.17.2; 7.21.3 to comets during the reign of Nero (Rogers 1953). These too appear to struggle against the other view of comets as unfavourable (maintained in Tac. *Ann.* 14.22; 15.47).

¹³⁷ Cass. Dio 41.14.2, 16: ‘for the whole city [prodigies] had occurred both in [49 BC] and [in 50]; for indeed in civil wars the community is injured by both sides (...). People were troubled at the prodigies, as was natural, but since both sides thought and hoped that [the signs] were all against their opponents, they made no sacrifices to expiate them’ (συνεβεβήκει δὲ καὶ πάσῃ τῇ πόλει τοῦτω τε τῷ ἔτει καὶ ὀλίγον ἔμπροσθεν ἕτερα. ὄντως γάρ που ἀμφοτέρωθεν ἐν ταῖς στάσεσι τὸ κοινὸν βλάπτεται (...). ἐταράσσοντο μὲν οὖν ἐπὶ τοῖς τέρασιν ὥσπερ εἰκὸς ἦν, οἰόμενοι δὲ δὴ καὶ ἐλπίζοντες ἑκάτεροι ἐς τοὺς ἀντιστασιώτας σφῶν πάντα αὐτὰ ἀποσκήψειν οὐδὲν ἐξεθύσαντο). 43.35.3: signs preceding the struggle between the younger Pompey and Caesar in Spain in 45 BC ‘did not reveal clearly to which of [the two men] they were foretelling [the future]’ (σαφὲς οὐδὲν, ὁποτέροις σφῶν προφαίνοιτο, διεδήλου).

interpretations are correct: the modern understanding of the auspicial procedure of sky-watching, *servare de caelo*. Is it possible to arrive at a different understanding of this divinatory technique, which scholars have so often suspected of yielding divinatory outcomes consistently in alignment with human will? That is the issue we will explore in **Chapter 4**.

Appendix 1: Papirius and the *Pullarius*

Proponents of the view that human announcements of auspices were thought to ‘create’ valid signs frequently cite in support Livy’s account (10.39.8; 10.40.2-5, 9-14) of the behaviour of Papirius Cursor and his *pullarius* at the Battle of Aquilonia in 293 BC. According to Livy the *pullarius*, inflamed with the troops’ universal *ardor* for battle, ‘dared’ to report favourable auspices falsely (*auspicium mentiri ausus*), but was found out by the other *pullarii* and some *equites*, who considered the matter *rem haud spernendam*. When told of the falsehood, Cursor declared: *cui auspicio adest si quid falsi nuntiat, in semet ipsum religionem recipit: mihi quidem tripudium nuntiatum; populo Romano exercituique egregium auspicium est*. The mendacious *pullarius* was thereupon killed by an enemy javelin, prompting the consul to exult, *Di in proelio sunt (...) habet poenam noxium caput!*

In my view there is no need to see this story as proof that ‘Jupiter is bound by the false announcement’,¹³⁸ that ‘the general may reinterpret a false report as true because the report itself can be treated as the omen’,¹³⁹ that ‘truth or falsehood is not a useful criterion for evaluating the representations produced by the *imperator*’,¹⁴⁰ that ‘[i]t made no difference if a celebrant later discovered that the man on whose report he depended had made a mistake or even lied’,¹⁴¹ or as proof of Pliny’s dictum (**Chapter 3**, Statement 6) that auspices do not apply to those who deny that they are looking for them.¹⁴²

¹³⁸ Linderski 1993: 60.

¹³⁹ Mueller 2002: 110; similarly Schwegler 1853: 772 n. 1 (‘Nach den Grundsätzen der etruscisch-römischen Disciplin, wohnach es auch bei den Auspicien bloß auf die Nuntiatio, auf das Wort der Verkündigung ankam, und selbst die falsche und erlogene Nuntiatio gültig war’).

¹⁴⁰ Feldherr 1998: 74.

¹⁴¹ Rosenstein 1990: 65.

¹⁴² Liebeschuetz 1979: 24 n. 3.

Firstly, Cursor does not deny, in Plinian manner, that he has been seeking auspices,¹⁴³ but pleads that he was told they were favourable. Secondly, the anxiety felt by the other *pullarii*, the *equites*, and the consul's nephew¹⁴⁴ at the thought that the auspices were false, surely indicates, *contra* Oakley, that the 'relaxed attitude of the consul, who, in the knowledge that he had paid his dues to the gods, made no special fuss'¹⁴⁵ was not routine and traditional, but was seen as somehow exceptional. (This is also hinted at by the emphasis in Val. Max. 7.2.5 on how quickly the consul grasped and remedied the situation,¹⁴⁶ and by Livy's stress [10.42] on the consul's *robor animi*). For Livy presents this falsification of the auspices as a fearful thing, liable to damage the Roman army unless the punishment could be redirected to the *pullarius* himself. Finally, the fact that Jupiter sent additional signs corroborating his support (the death of the *pullarius*, the cry of a raven) and that, according to Livy 10.42, the consul's mid-battle vow *dis cordi fuit et auspicia in bonum verterunt*, suggests a need for reassurance that Jupiter would indeed pardon this fighting in spite of the auspices, and indicates that the gods were not compelled, but chose, to 'turn the auspices to good'.¹⁴⁷

The best way to interpret the story, then, is not to see it as proof that report somehow created reality, but as a special case where the gods were thought to have chosen to forgive Cursor because when he gave the order for battle he thought he was acting on a true sign. What was at issue, I suggest, was not a putative ability to reject or reinterpret signs, but his knowledge of the sign at the moment he

¹⁴³ cf. Oakley 2005: 409 n. 2.

¹⁴⁴ Levene 1993: 238.

¹⁴⁵ Oakley 2005: 410.

¹⁴⁶ Linderski 1993: 61.

¹⁴⁷ Rightly, Feldherr 1998: 66.

commenced the engagement (my Modified Principle 1). Since Cursor had acted in good faith, he relied on the gods to show compassion and spare the army.¹⁴⁸

¹⁴⁸ Cf. Konrad 2007: 116.

Chapter 4:
State Divination in Theory, Part 2:
Servare de Caelo

The modern view that Romans considered it acceptable in theory to fabricate signs in alignment with their own will draws particular support from the currently-accepted understanding of the auspicial procedure of *servare de caelo*. This procedure, documented almost exclusively by Cicero¹ and Cassius Dio,² appears to have become a recognized means for magistrates³ to prevent other magistrates from holding *comitia*⁴ by the mid-second century BC⁵ (if not earlier).⁶ It appears to have

¹ His description of Bibulus' sky-watching in 59 BC is the earliest documented case.

² Dio's description (38.13.3f.) probably derives, at least in part, from Cicero (Lintott 1997: 2519-2520). Other uses of the phrase *servare de caelo*: Luc. 5.395 (Caesar's dictatorship); Arn. *Adv. nat.* 2.67 (an obstructive practice, now long out of use); Serv. *Aen.* 4.167 (marriage auspication, but probably erroneous, since Servius' claim that lightning was inauspicious for marriages is contradicted by Cic. *Div.* 2.43, 74. Servius has perhaps mistaken the prohibitive effect of lightning on *comitia* for a more general augural principle); Serv. Dan. *Aen.* 6.198 (*servare enim et de caelo et de avibus verbo augurum dicitur*); Schol. Bob. 138St. (*ad Cic. Sest.* 129, assemblies).

³ Varro *ARH* [*apud* Non.131L]; Cic. *Leg.* 3.10, 217 suggest that the right to take *publica auspicia* was limited to magistrates (Bouché-Leclercq 1882: 254; Valeton 1890: 456; Mommsen 1887 (vol. 1): 110f.; Lange 1887: 320; Catalano 1960: 41, 226 n. 52; Magdelain 1964a = 1990; Magdelain 1968), and if 'sky-watching' was impetrative (below, n. 7) then it seems reasonable to suppose that magistrates monopolized it, too (augurs apparently lacked the right to 'sky-watch': below, n. 85). The procedure appears to have been accessible to both plebeian and curule magistrates. Curule magistrates could employ it against tribunes of the *plebs* (Cic. *Sest.* 78; Valeton 1891a: 89 and n. 3; Botsford 1909: 115; Mitchell 1986: 172 and n. 5; Burckhardt 1988: 183; Lintott 1999: 147; Tatum 1999a: 127-8; cf. Taylor 1966: 8, 63. *Contra* Greenidge 1893: 159; McDonald 1929: 174 [only before *lex Clodia*]; Sumner 1963: 353-4; Weinrib 1970). Tribunes could use it against both plebeian and curule magistrates (Rubino 1839: 80; Lange 1887: 316; Valeton 1891a: 90-1; Botsford 1909: 104, 114-15; Denniston 1926: 145 n. 81; McDonald 1929: 171-172; Weinstock 1937a: 217; Astin 1964: 426f; Weinrib 1970: 401; Linderski 1971: 319-21; Vaahtera 2001: 163. *Contra* Bouché-Leclercq 1882: 256; Mommsen 1887 (vol. 1): 109 and n. 2, 113; Wissowa 1896b: 2585).

⁴ With the exception of Servius/Danielis (above, n. 2) our sources use the phrase *servare de caelo* only with regard to assemblies. In criticizing Caesar and Clodius for refusing to be restrained by sky-watching Cicero stresses its prohibitive effect (*Att.* 2.9.1; *Red. sen.* 11; *Vat.* 18, 23; *Pis.* 9, with Asc. p. 8 Clark), though the procedure may not have been exclusively inhibitory. *Servare* seems to be a general augural term (Linderski 1989), so that the meaning of '*servare de caelo*' may have evolved from 'Ausführung' or 'Bezeichnung' of 'Himmelsbeobachtung im allgemeinen' towards a more specific, assembly-prohibiting connotation by Cicero's time (Linderski 1971: 315; cf. McDonald 1929: 168; Linderski 1983: 457; Vaahtera 2001: 154).

⁵ Cicero implies and Asconius states (*Pis.* 9) that the *leges Aelia et Fufia* concerned *servare de caelo* and *obnuntiatio*; these were in place in the mid- to late-second century BC (Cic. *Vat.* 23; *Pis.* 10; on the evidence, Fezzi 1995; for debate, Lange 1887: 335, 341; Broughton 1951 vol. 1: 453; Bleicken 1955: 57-8; Bleicken 1955: 57; Balsdon 1957: 15; cf. Botsford 1909: 116; Frank 1930: 367; Weinstock 1937a: 216; Taylor 1962: 22-4; Weinrib 1970: 396 and n. 5; Burckhardt 1988: 182 n. 16; cf. Astin 1964: 440; Beard, North and Price 1998 (vol. 1): 110; cf. Sumner 1963: 347-8). Other possible evidence: Gell. 13.15.1 (*in edicto consulum, quo edicunt quis dies comitiis centuriatis*

been a type of impetrative⁷ auspication, in which the magistrate and his ritual assistant⁸ watched for lightning,⁹ the occurrence of which was deemed to forbid the holding of an assembly on that day. (This procedure should therefore be distinguished from announcements of oblativ signs, which could probably be made by magistrates, augurs, and *privati*).¹⁰

This auspicial technique is often thought to support the modern ‘alignment’ model of Roman state divination, in two respects. Firstly, the divinatory outcomes

futurus sit, scribitur ex vetere forma perpetua: ne quis magistratus minor de caelo servasse velit) may go back to the second-century, if he found the *vetus forma* in the source he cites further in the passage (the augur Messalla’s citation of C. Sempronius Tuditanus, cos. 129 BC). Yet this is tenuous. Mommsen 1887 (vol. 1): 110-111; Botsford 1909: 112; Linderski 1971: 314; Linderski 1986b: 334 see Cato *apud* Festus 236L (*Peremere (...) pro vitare usus est, cum ait: cum magistratus nihil audent imperare* [or *impetrare*, Regell 1888a: 380], *ne quid consul auspici peremat*) as a reference to sky-watching, but Cato may also be referring to another kind of vitiation. That the phrase *servare de caelo* does not appear in extant Livy may support a second-century date, as it suggests that he did not encounter it in his sources for the Middle Republic (on which, **Chapter 1**).

⁶ Zonar. 7.19 [Cass. Dio] states that *tribuni plebis* acquired the right to take some sort of auspices [*oiōnoskopia*] prohibitive of public activity in 449 BC. Some scholars see this as a reference to sky-watching (Valeton 1891a: 90-92, 243; Gardner 1958a: 313; Weinstock 1937a: 217; Astin 1964: 426 n. 3 and 427; Libourel 1974: 390; *contra* Badian 1996: 199), though the date is sometimes rejected (see Weinstock, Gardner, Astin; Weinrib 1970: 406-410; and on historicity of the Valerio-Horatian Laws generally, Ogilvie 1965: 497-501; Weinrib 1970: 406f.; Cornell 1995: 276-278). Yet *oiōnoskopia* is a *hapax* in Dio (cf. Vaahtera 2001: 69, 162) and may denote another kind of auspication, for example tribunician announcement of oblativ signs (Drummond 1989: 228). The paucity of our evidence should temper the common assumption that the procedure was as old as the Republic (so Mommsen 1887 (vol. 1): 111; Bleicken 1957: 469; Schaublin 1986: 172; Burckhardt 1988: 181).

⁷ Mommsen 1887 (vol. 1): 110f.; Valeton 1891a: 80, 81 n. 2, 93; Greenidge 1901: 162; Wissowa 1912: 533; Denniston 1926: 181; Gardner 1958a: 311; Linderski 1971: 315, 318; Linderski 1986a: 2198; Vaahtera 2001: 154; *contra* Marbach 1929: col. 1571; Bleicken 1957: 469-70; Burckhardt 1988: 179; de Libero 1992: 57 n. 24. *Pace* Valeton 1891a: 80-1 n. 2, Serv. *Aen.* 4.166-7 probably does not constitute evidence for oblativ ‘sky-watching’ signs (above, n. 2). If signs produced through *servare de caelo* were exclusively oblativ, then the interpretation I advance in this chapter cannot be correct; but since there is no conclusive evidence either way, my interpretation cannot be dismissed on this ground. On *servare de caelo* as one way of exercising magisterial *spectio*, the right to look for signs, see Linderski 1971: 320; Rasmussen’s conflation of the two (Rasmussen 2003: 163) is imprecise.

⁸ A *pullarius*, in Cicero’s day (see **Chapter 3**, n. 48).

⁹ Only stated explicitly (and tentatively) by Schol. Bob. 138St. (*ad* Cic. *Sest.* 129); suggested by Festus’ definition of *caelestia auguria* as lightning and thunder (56L); by Cicero’s mention of *fulmen* in the context of sky-watching, *Div.* 2.74; and by Cicero’s evidence that thunder and lightning could prevent assemblies: *Phil.* 2.99 (*Cur autem ea comitia non habuisti? an quia tribunus pl. sinistrum fulmen nuntiabat?*); Cic. *Div.* 2.42 (*Iove tonante, fulgurante comitia populi habere nefas*); *Div.* 2.43 (*comitiorum solum vitium est fulmen*); *Phil.* 5.7 (*Iove enim tonante cum populo agi non esse fas quis ignorat?*); *Vat.* 20 (*id quod augures omnes usque ab Romulo decreverunt, Iove fulgente cum populo agi nefas esse*).

¹⁰ Bouché-Leclercq 1877: 582; Bouché-Leclercq 1882: 252; Valeton 1890: 455-6; Denniston 1926: 145 n. 81; Magdelain 1964a = 1990: 354; Linderski 1971: 315, 317-18; Linderski 1983: 457. *Pace* Linderski 1971: 318; Linderski 1986a: 2198, Cic. *Phil.* 2.81 does not prove that magistrates could announce only impetrative signs. On the rights of augurs, see below n. 85.

servare de caelo produced seem often to have aligned with the probable ‘non-religious’ will of the men who engaged in it. Secondly, the ‘rules’ of the procedure are thought to provide evidence for the modern Principle 1 that in augury the report of a sign was theoretically as valid as a real sign.

That *servare de caelo* could produce divinatory outcomes that aligned with some Romans’ probable ‘non-religious’ will is undeniable. We saw this in **Chapter 2**, wherein Milo’s sky-watching aligned with his desire to prevent Clodius’ election as aedile (though, as we also saw, it probably conflicted with the wishes of several other participants in that incident). However, we also noted in **Chapter 2** that alignment does not prove an absence of ‘religious’ motivations, and some scholars have indeed attributed ‘religious’ motives to magistrates who used *servare de caelo* to obstruct their political opponents.¹¹ It does not seem possible to go much further using the motive-assessment method. Where I think we can break new ground is in re-examining the second modern argument, that the ‘rules’ of sky-watching permitted Romans to fabricate desired divinatory outcomes at will. That argument is based primarily on the observation that several ancient authors (Cicero,¹² Gellius,¹³

¹¹ Beard and Crawford 1985: 33; Burckhardt 1988: 189; Beard, North and Price 1998 (vol. 1): 126-7; accepted by Riggsby 2002: 187 n. 92. Note Burckhardt’s demonstration that Cic. *Leg.* 3.27 (*Deinceps igitur omnibus magistratibus auspicia et iudicia dantur: iudicia ut esset populi potestas ad quam provocaretur, auspicia ut multos inutiles comitiatus probabiles impedirent morae, saepe enim populi impetum iniustum auspiciis di immortales represserunt*) and *Leg.* 3.43 (*Sunt deinde posita deinceps quae habemus etiam in publicis institutis atque legibus: ‘Auspicia servanto, auguri <publico> parento.’ est autem boni auguris meminisse <se> maximis rei publicae temporibus praesto esse debere, Iovique optimo maximo se consiliarium atque administrum datum, ut sibi eos quos in auspicio esse iusserit, caelique partes sibi definitas esse traditas, e quibus saepe opem rei publicae ferre possit. Deinde de promulgatione, de singulis rebus agendis, de privatis magistratibusve audiendis*) can be read simply as evidence that the magistrate or augur could hope that the gods would share his opposition to a given measure and provide the signs needed to support him.

¹² *Dom.* 39 (*augurs negant fas esse agi cum populo cum de caelo servatum sit*); *Dom.* 40 (*augures responderunt, cum de caelo servatum sit, cum populo agi non posse*).

¹³ Gell. 13.15.1: vitiation of assemblies is prevented by the command *ne quis magistratus minor de caelo servasse velit*.

and Dio)¹⁴ state that sky-watching could prohibit an assembly, without specifying that sky-watching had produced signs. Since modern scholars typically assume that only an announcement of an unfavourable sign (thought to be denoted by the term *obnuntiatio*)¹⁵ could technically prohibit public activity,¹⁶ these ancient references to the prohibitive effect of *servare de caelo* are generally interpreted as abbreviations, to which we must supply ‘*et fulmen obnuntiare*’ or a direct object ‘*fulmen*’. (A less commonly adopted alternative is to interpret such references as evidence for doctrinal confusion about the difference between looking for signs and receiving them;¹⁷ we will return to this point below). Yet if the phrase ‘sky-watching’ was a kind of Roman shorthand for getting an unfavourable divinatory outcome, then, it is argued, Romans must have taken it for granted that the magistrate who chose to ‘watch the skies’ for unfavourable signs would receive them.¹⁸ How was this possible? By far the most common modern explanation¹⁹ is

¹⁴ Cass. Dio 38.13.5: ἐπεὶ οὖν πολλοὶ ἐμποδίζειν ἢ νόμων ἐσφορὰς ἢ ἀρχόντων καταστάσεις ἐς τὸν δῆμον ἐσαγομένους βουλόμενοι προεπηγγέλλον ὥς καὶ ἐκ τοῦ οὐρανοῦ τὴν ἡμέραν ἐκείνην μαντεύσόμενοι, ὥστε μηδεμίαν ἐν αὐτῇ κύρωσιν τὸν δῆμον σχεῖν. *Contra* Nisbet 1939: 202; Vaahtera 2001: 154 n. 46, Dio’s translation of *de caelo servare* is evidently not τὰ ἐκ τοῦ οὐρανοῦ γινόμενα (presupposing the occurrence of divinatory signs) but ἐκ τοῦ οὐρανοῦ μαντεύεσθαι or τὰ ἐκ τοῦ οὐρανοῦ γινόμενα παρατηρεῖν (the process of sky-watching itself). Dio’s magistrate thus ‘announces’ that he ‘will conduct divination from the sky throughout the day’, a careful Greek equivalent of attested Latin phraseology (Cic. *Att.* 4.3: *proscripsit se per omnis dies comitalis de caelo servaturum*; see **Chapter 2**, 88-9, 93f.). Lintott 1997: 2519-20 recognizes this, but rejects Dio’s statement as a ‘false inference’; I hope to show otherwise.

¹⁵ E.g. Donat. *ad Ter. Adelph.* 4.2.8 (*Qui malam rem nuntiat, obnuntiat, qui bonam, adnuntiat: nam proprie obnuntiare dicuntur augures, qui aliquid mali ominis scaevumque viderint*); so Smith 1875: 176; Bouché-Leclercq 1877: 582; Mommsen 1887 (vol. 1): 82, 111; Valetton 1891a: 82-4; Denniston 1926: 181; Gardner 1958a: 311; McDonald 1929: 167, 168 n. 1; Bleicken 1957: 469; Linderski 1965: 425; Linderski 1971: 309; Taylor 1966: 7, 63; Mitchell 1986: 174; Burckhardt 1988: 179; de Libero 1992: 58; Lintott 1999b: 62, 104; Tatum 1999a: 127. Note that *obnuntiatio* could also be used outside the context of sky-watching (e.g. announcement of oblativ signs in Cic. *Div.* 1.29-30 [**Chapter 3**, n. 85]; no mention of sky-watching in *Phil.* 2.99; *Sest.* 79 and 83; *Att.* 4.17.4 and *Q. Fr.* 3.3.2). The distinction between magisterial *obnuntiatio* (impetrative) and augural *nuntiatio* (oblativ) posited by Bouché-Leclercq 1877: 582 and n. 20; Bouché-Leclercq 1882: 252-4; Wissowa 1912: 531 n. 8 and 532 is not supported by the sources.

¹⁶ Stated most explicitly by Valetton 1891a: 82-3; Linderski 1965: 425; Linderski 1985: 224; Lintott 1999a: 146; Lintott 1999b: 62 n. 94; Tatum 1999a: 129-30.

¹⁷ Beard, North and Price 1998 (vol. 1): 126 n. 35 (‘the uncertain boundary between (...) claiming that you had seen ill omens and (...) announcing that you would be watching for them’); Rasmussen 2003: 163-4 (though cf. 160 on augury as a form of submission to the gods’ perceived will).

¹⁸ Convenient summary of current consensus in Linderski 1971: 315; Scheid 1987-9: 130; Rüpke 2005b: 1444.

that if no real sign was forthcoming, augural theory permitted the ‘watching’ magistrate to make one up. On this view, Romans considered such fabrication acceptable, and publicly chose to consider as true signs which they privately knew had been faked.²⁰

Liebeschuetz, Schaublin and de Libero have departed from this consensus view in some respects. Firstly, Schaublin and de Libero propose alternative ways of defining the term *obnuntiatio* and its relationship to sky-watching: Schaublin suggests that *obnuntiatio* could also denote an ‘announcement’ of the act of sky-watching itself,²¹ while de Libero holds that *obnuntiatio* was utterly distinct from sky-watching.²² Secondly, all three scholars suppose that sky-watching was itself sufficient to prohibit the holding of assemblies, with Liebeschuetz proposing that ‘[p]erhaps the act of observ[ing the skies] was regarded as a religious “booking” of that day which would make it unavailable for use by other magistrates’ (though he did not attempt to explain why this might have been).²³ As will be argued below, I believe that there is much truth in these proposals (though I would reject de Libero’s argument that *obnuntiatio* was not relevant to sky-watching, preferring Schaublin’s broader definition of the term). However, even Schaublin, de Libero,

¹⁹ Rubino 1839: 76-7; Valetton 1890: 253; Nisbet 1939: 203; Vaahtera 2001: 111 and n. 73 suggest an alternative, that night lightning was so common in Italy that one had a fairly high chance of seeing it if one looked. This is not particularly convincing. That Romans had sometimes to resort to dramatic measures to avoid obtaining knowledge of signs (as we saw in **Chapter 3**) may imply that signs were frequent (Jocelyn 1966: 102), but lightning seems unlikely to have occurred on every day of the lengthy sky-watching bouts of Bibulus (below) or Milo (**Chapter 2**, 88-9, 93f.) (McDonald 1929: 172). Note also Plin. *HN* 2.53, one Roman (or at least his source) who did not consider night lightning particularly common.

²⁰ Mommsen 1887 (vol. 1): 82 and n. 1; Valetton 1890: 439; Valetton 1891a: 84, 109; Botsford 1909: 115; Denniston 1926: 181-2, 186; Gardner 1958a: 311-12; McDonald 1929: 168; Weinstock 1937b: col. 1727; Bleicken 1957: 470-1; Linderski 1971: 316; Burckhardt 1988: 179; de Libero 1992: 57 and n. 25, 59; Lintott 1999a: 146; Ramsey 2003: 279 n. 10.

²¹ Schaublin 1986: 173: ‘die “Normalform” der *obnuntiatio* bestand darin, daß man verkündete, man habe “den Himmel beobachtet”, das *de caelo servare* geübt; nach den geltenden “Spielregeln” hieß das zugleich schon fast, das gewünschte Zeichen sei in der Tat erschienen, darum: *negant fas esse agi cum populo, cum de caelo servatum sit*’.

²² de Libero 1992: 56-7, 58, 59.

²³ Liebeschuetz 1979: 3 n. 1.

and to a lesser extent Liebeschuetz adopt the usual modern explanation of how sky-watching could prohibit assemblies: by producing the signs the magistrate desired.²⁴

And if this modern view is correct, then ‘alignment’ between divinatory outcomes and their recipients’ ‘non-religious’ interests, and the subordination of divine will to human will, would seem virtually guaranteed, in this divinatory technique at least.

What I hope has emerged from the preceding paragraphs, however, is that the modern theory depends to a great extent on the premise that sky-watching in itself was not technically sufficient to prohibit assemblies. What if that premise were false, and sky-watching could indeed prohibit assemblies, not *de facto* but *de iure*? Then, I suggest, we would no longer need to assume that this divinatory procedure inevitably involved an ‘announcement’ of unfavourable signs, which the magistrate would falsify if necessary. Thus we would no longer be compelled to see the ‘rules’ of *servare de caelo* as proof that report was as good as reality in Roman theory. All very well, the sceptic may reply, but why should we think that sky-watching could have been technically sufficient to prevent assemblies? In 1744, Mascov²⁵ (tentatively seconded by Rubino in 1839)²⁶ provided a possible answer. He proposed that an assembly could not be held while a magistrate was ‘watching the skies’ because the magistrate was in the process of asking the gods to communicate, and waiting for them to answer. There was the possibility that he

²⁴ Schäublin 1986: 173, 174 n. 33 (where the magistrate ‘fingiert’ a sign), 176; de Libero 1992: 59; Liebeschuetz holds that ‘what made the *obnuntiatio* effective was not the sign itself, nor even the fact that a magistrate had asked for a sign, but the formal announcement correctly made’ (thus endorsing the modern Principle 1).

²⁵ Mascov 1744: 38-40.

²⁶ Rubino 1839: 77 and n. 4, 78. Müller 1828: 3.5.114 presented the same reasoning, but rejected it on the grounds that if *servare de caelo* was itself sufficient to prevent assemblies, Romans would never have got round to announcing actual, unfavourable signs ‘doch halte ich es deswegen für falsch, weil ja dann die Ansage widriger Zeichen vom Himmel gar nicht vorkommen könnte’. This counter-argument is not convincing. An actual sign, as an expression of divine opposition to the proposed assembly, would have represented a much more impressive objection to public activity than the mere uncertainty about the gods’ opinion which *servare de caelo* in itself created, and thus magistrates could still have been motivated to announce unfavourable signs. Moreover, it is surely possible that some ‘watching’ magistrates would receive signs and report them accordingly.

might receive an unfavourable sign while watching,²⁷ and therefore, holding an assembly while sky-watching was going on, whether or not it had yet produced a result, would be holding an assembly *inauspicato*, with incomplete or neglected auspices. Mascov's theory was expunged from subsequent scholarship by Mommsen's firm rejection of it²⁸ in propounding the view which, as we have seen, has steered scholarly debate ever since. But I believe Mascov was right, and that his explanation can overcome the objections one might raise against it. In what follows, I will begin by addressing these objections. I will then examine Cicero's analysis (in the context of Bibulus' sky-watching of 59 BC and Antony's *obnuntiatio* of 44 BC), of the 'rules' of sky-watching. My argument will be that Cicero provides evidence for a consistent augural 'rule' that sky-watching during assemblies could vitiate them, and also for a 'broad' definition of *obnuntiatio* that encompassed more than just 'announcements' of signs actually received. I will conclude by discussing my reconstruction's implications for the modern understanding of sky-watching and Roman state divination more broadly.

Timing

The first difficulty for the theory that sky-watching could vitiate assemblies by coinciding with them, is raised by the modern assumption that the magistrate employing *servare de caelo* would have completed that procedure by the time another magistrate began to preside over an assembly. This assumption rests on two pieces of evidence: first, some ancient sources suggest that auspication began at midnight (and scholars have therefore assumed that it would be completed before or near dawn),²⁹ and second, Cicero

²⁷ As is suggested by the full passage of Cass. Dio 38.13.

²⁸ Mommsen 1887 (vol. 1): 82 nn. 1, 2.

²⁹ Stated explicitly in Rubino 1839: 77 n. 4, 77-8; Bergk 1884: 236-242; Mommsen 1887 (vol. 1): 101-102; Valeton 1890: 449 n. 3; Nisbet 1939: 203; still accepted, e.g. Vaahtera 2001: 111.

sometimes uses the perfect tense in relating the act of sky-watching to the holding of assemblies, which would seem to indicate that sky-watching was finished before the assembly was held.³⁰

However, neither of these facts proves that sky-watching could not coincide with assemblies. Firstly, our ancient evidence does suggest that auspice-taking by presiding magistrates or military commanders began at midnight,³¹ but it does not state when auspication must cease, and therefore need not be taken to mean that auspice-taking was invariably completed by dawn. Moreover, some ancient writers suggest that auspicial signs could be received at, or after, dawn. For example, Livy imagines a dictator watching for the signal of favourable signs *ex avibus* from augurs on the Capitoline, and having to wait for the signal even after drawing up his battle-lines: clearly the augurs are imagined as continuing to take the auspices in daylight.³² Ennius' portrayal of the auspication *ex avibus* of Romulus and Remus also appears to suppose that Romulus' birds did not appear before the break of day.³³ Both of these examples are of course not to be taken as historical fact,³⁴ but it

³⁰ Nisbet 1939: 203: use of the perfect tense proves that 'the heavens were alleged to have been watched before daybreak'.

³¹ Vaahtera 1993: 98. Explicit statement: Varro *apud* Macrob. *Sat.* 1.3.7: *nam magistratus, quando uno die eis et auspicandum est et id agendum super quo praecessit auspicium, post mediam noctem auspicantur et post exortum solem agunt, auspicatique et egisse eodem die dicuntur*. Examples of auspication at night by magistrates undertaking public business: Varro *Ling.* 6.86 (quoting the *Censoriae Tabulae*, censors about to hold a *lustrum*); Livy 8.23 (consul naming a dictator to hold elections); Livy 10.40 (consul about to give battle); Livy 34.14 (consul about to give battle); Festus 474L s.v. *silentio surgere* (the term denotes a man who rises from his bed after midnight to take the auspices). Cf. Plut. *Quaest. Rom.* 84 (the Roman day was considered to begin at midnight because preparations for military action are often made before sunrise, when action begins); Pliny *Ep.* 3.5.8. Note that these examples are of magistrates who propose to undertake an action themselves; the rules for a magistrate asking the gods about another magistrate's action (e.g. an assembly) may have been different.

³² Livy 4.18.3f.: *posteroque die iam militibus castra urbemque se oppugnatueros frementibus ni copia pugnae fiat, utrimque acies inter bina castra in medium campi procedunt. (...) dictator dextro cornu adversus Faliscos, sinistro contra Veientem Capitolinus Quinctius intulit signa; ante mediam aciem cum equitatu magister equitum processit. Parumper silentium et quies fuit, nec Etruscis nisi cogerentur pugnam inituris et dictatore arcem Romanam respectante, ut ex auguribus, simul aues rite admisissent, ex composito tolleretur signum. quod simul [ubi] conspexit, primos equites clamore sublato in hostem emisit*.

³³ Cic. *Div.* 1.107. Many scholars have struggled with the impression in the text that Romulus and Remus are said to start their auspication before the line *interea sol albus recessit in infera noctis* and

is still suggestive that their authors did not presume that auspicial signs would always have been received long before day began. Contemporary evidence to the same effect comes from Dion. Hal. *Ant. Rom.* 2.6, where the Late Republican auspication of ‘investiture/entry into office’ is said to begin during the night, but to produce a sign at dawn (ἐπαυλίζονται μὲν γὰρ οἱ τὰς ἀρχὰς μέλλοντες λαμβάνειν καὶ περὶ τὸν ὄρθρον ἀνιστάμενοι ποιοῦνται τινὰς εὐχὰς ὑπαίθριοι, τῶν δὲ παρόντων τινὲς ὀρνιθοσκόπων μισθὸν ἐκ τοῦ δημοσίου φερόμενοι ἀστραπήν αὐτοῖς μηνύειν ἐκ τῶν ἀριστερῶν φασιν). We saw in **Chapter 3** that aspects of Dionysius’ testimony in this passage are open to doubt, but that he also incorporates accurate ritual details, so it is possible that his comment on the timing of auspication is reliable.³⁵ Finally, Valeton’s suggestion that *servare de caelo* must have happened at night so that witnesses could not deprive the magistrate of the ‘*fingendi potestatem*’, the ability to safely make a false claim to have seen lightning,³⁶ is hardly conclusive, and is relevant only if we assume that these signs were routinely faked.

As for Cicero’s using the perfect tense in relating sky-watching to assemblies, the cases where he does so straightforwardly³⁷ must be set against other passages in which it sounds as if watching the skies could take time and vitiate

the subsequently-described sunrise (see discussion in Skutsch 1968: 75f.), but *simul aureus exoritur sol/cedunt de caelo ter quattuor corpora sancta* at least makes the timing of Romulus’ birds clear. Linderski (according to Vaahtera 1993: 98 n. 6) accepts this as evidence that auspication *ex avibus* was not always completed before dawn.

³⁴ Commentators observe that Livy’s description does not match what we know of later augury, where the commander himself, assisted by a *pullarius*, takes the auspices (Weissenborn 1896: 42; Bayet and Baillet 1946: 32 n. 1), and that the *arx* is not actually visible from Fidenae (Linderski 1986a: 2192 n. 170, nevertheless considering Livy’s version a ‘reflex of the historical reality’).

³⁵ Vaahtera 2001: 119 (though he does not notice that this passage contradicts his assumption (2001: 115 and n. 94) that only auspication *ex avibus* produced signs at dawn. Plut. *Quaest. Rom.* 38 (ἡμέρας ἀκμαζούσης ἢ ἀρχομένης πράττομεν τὰ τοιαῦτα [sc. οἰωνίζεσθαι]) indicates that some of his contemporaries took auspices during the day, but it is not clear whether these are Greeks or Romans.

³⁶ Valeton 1890: 255.

³⁷ *Phil.* 2.81 (*si qui servavit, non comitiis habitis, sed priusquam habeantur, debet nuntiare*); *Dom.* 39 ([sc. augures] *negant fas esse agi cum populo cum de caelo servatum sit*); *Dom.* 40 (*augures responderunt, cum de caelo servatum sit, cum populo agi non posse*).

whole days: so Cic. *Att.* 4.3.4, *proscripsit se per omnis dies comitalis de caelo servaturum*, must be using *per* in the sense of ‘during’, ‘through’, ‘through the whole of’. Cassius Dio in his description of sky-watching (38.13) likewise uses the accusative of time duration:³⁸ ἐπεὶ οὖν πολλοὶ ἐμποδίζεῖν ἢ νόμων ἐσφοράς ἢ ἀρχόντων καταστάσεις ἐς τὸν δῆμον ἐσαγομένας βουλόμενοι προεπηγγέλλον ὥς καὶ ἐκ τοῦ οὐρανοῦ τὴν ἡμέραν ἐκείνην μαντευσόμενοι, ὥστε μηδεμίαν ἐν αὐτῇ κύρωσιν τὸν δῆμον σχεῖν. Cic. *Har. resp.* 48 (Bibulus said he had ‘always’ watched the skies ‘while/when Caesar was passing his legislation’ [*quaerebat ex eo, C. Caesare leges ferente de caelo semperne servasset; semper se ille servasse dicebat*]), may mean that Bibulus watched during the assembly. And Cic. *Prov. cons.* 45 (*cum ille, qui id egerat, plebeius est lege curiata factus, dici de caelo esse servatum*) uses the perfect tense in both clauses, rather than a pluperfect for the act of sky-watching, which we might expect if that had finished before the law was passed. (Cicero’s statement about sky-watching ‘at’ or ‘during’ assemblies in *Phil.* 2.81 may also suggest that magistrates might have been tempted to make the two coincide: this passage will be discussed below).

It is also possible that the perfect tense, when Cicero does use it, has less temporal significance than scholars have assumed. Use of the perfect infinitive with present or future reference in prohibitions and legal language³⁹ is well-documented: consider, for example, the *senatus consultum de Bacchanalibus* [4] of 186 BC, where we read *ne quis ... Bacanal habuisse velet*; and the exact parallel in Gellius’ *vetus forma* (discussed above), which runs *ne quis magistratus minor de caelo*

³⁸ Vaahtera 2001: 152.

³⁹ Particularly after the verbs *velle* (e.g. Cato’s Statement 1 in **Chapter 3**: *honorem me dium immortalium velim habuisse*, with Sblendorio Cugusi 1982: 234), and in the Augustan period *posse*, *deceat*, and *licet*. Bennett 1910-1914 (vol. 1): 427-8; Ernout-Thomas 1953: 259-60; Hofmann-Szantyr 1965: 351-2; Pinkster 1990: 236; de Melo 2007: 231-232.

servasse velit. It is therefore possible that Cicero's use of the perfect tense *servasse* in discussing augural principles was influenced by this older legal language. In which case, his *servasse* may have no more past reference than *habuisse* in the *senatus consultum*. Festus provides suggestive evidence that the perfect tense *observasse* could be used where we might expect the present *observare*, when he writes in 208L: *Observasse dicitur, qui observat, quid cuiusque causa facere debeat; ita quod is observat, coluisse aliquem dicitur* ('The man who shows care for what he should do and for whose sake he should do it is said to have been caring. So, because he shows care, he is said to have cultivated someone').⁴⁰ Lexical entries in the perfect tense are rather rare in Festus, and it also seems unusual for him to use the same word, in another tense, in both the lexical entry and its definition, for in defining perfect-tense verbs he tends to use the perfect tense rather than switching to the present.⁴¹ It is difficult to know how closely our text reflects Festus' original wording, but since the reading we have comes from Pomponius Laetus' autograph (X) and from the first edition, both based on the Codex Farnesianus, we can at least rule out the possibility that the past tense was introduced by Paulus.⁴² It is therefore possible that Festus (Verrius?) chose to use the perfect tense of *observare* to denote

⁴⁰ My thanks to Professor John North and the members of the Festus Lexicon Project for this translation, and helpful discussion of this point.

⁴¹ Taking the verbs under 'O', for instance, we have *Occentassint antiqui dicebant quod nunc convicium fecerint dicimus* (190L: sigmatic future tense entry, future perfect tense definition); *Occedamus Plautus ponit pro contra cedamus* (190L: both present tense); *Ordire est rei principium facere* (200L: both present tense); *Obigitat antiqui dicebant, pro ante agitat* (204L: both present tense); *Obinunt, obeunt* (206L: both present tense); *Oboritur, agnascitur* (206L: both present tense); *Obnectere, obligare* (206L: both present tense); *Obsalutare, offere salutandi gratia* (210L: both present tense); *Obstinet dicebant antiqui, quod nunc ostendit* (214L: both present tense); *Occisitantur, saepe occiduntur* (218L: both present tense); *Obsonitavere saepe obsonavere* (220L: both perfect tense); *Occultum offere, significat sub terram fere ponere* (222L: both present tense); *Obiacuisse, ante[a] iacuisse* (222L: both perfect tense). Lexical entries in the perfect tense are rather rare in Festus, but those he has preserve the same parallelism of tense (perfect tense in both entry and definition): for e.g. (sequentially from the 'O' verbs) *Produit, porro dederit* (254L: though it is a future perfect in the definition here); *Redarguisse per e litteram (...) enuntiasse* (334L); *Sublimavit (...) id est in altum extulit* (400L).

⁴² Paulus sometimes changes a present in Festus to a past tense, though not always (Cervani 1978: 120-5).

not a past act but a present state. Perhaps he was influenced by similar (ritual?) uses of the perfect tense of *servare* (although *observare* in the definition at hand is probably not of religious significance).⁴³ A final possible grammatical explanation of Cicero's *servasse* is raised by the fact that *servare* was an ancient verb, with an archaic sigmatic subjunctive⁴⁴ (attested in Plautus and Cato the Elder in contexts of prayer and invocation),⁴⁵ to which we may compare archaic sigmatic future forms of other verbs such as *occisit* and *legassit*. De Melo demonstrates that such archaic sigmatic forms are characteristic of Roman formal language, persisting in Cicero, Livy and Virgil in legal and 'high-register' contexts.⁴⁶ Therefore, although Cicero employs the sigmatic future correctly elsewhere,⁴⁷ it may be possible that he or his sources encountered ritual formulae for sky-watching which used sigmatic forms of *servare*, that they confused these sigmatic forms with the perfect tense, and that they then chose to use the classical perfect tense in an attempt to reflect the older phraseology.⁴⁸ In the light of these grammatical possibilities, I would suggest that the perfect tense used in describing the act of sky-watching is not as reliable a temporal marker as modern scholars have usually thought, because the phrase *servasse de caelo* could originally have had a present or future reference. If this is correct, then a magisterial declaration *se de caelo servasse* may originally have meant that the magistrate 'would' or 'would have' watched the skies (perhaps by

⁴³ John North and the Festus Lexicon Project (pers. comm. 22/03/2009); cf. e.g. Cato fr. 101 Malcovati (*prorsum quodcumque iubebat fecisse neque quemquam observavisse*), with *TLL* s.v. *iubeo* 581 line 50; Sblendorio Cugusi 1982: 254).

⁴⁴ So de Melo 2007: 198, 200, 221 n. 65, 251; older work tended to see these as forms of an archaic future perfect tense (*Oxford Latin Dictionary*; Lewis and Short 1879; Ernout 1953: 162-164.)

⁴⁵ *di te servassint semper* (Plaut. *As.* 3.3.64); *di te servassint* (Plaut. *Cas.* 2.5.16; *Pseud.* 1.1.35; *Trin.* 2.2.103); *ita me di bene amēnt measque mihi bene servassint filias* (Plaut. *Stich.* 4.1.1); *Mars pater, te precor (...) pastores pecuaque salva servassis dūisque bonam salutem mihi* (Cato *Agr.* 141.2-3).

⁴⁶ de Melo 2007: 171, 177-8, 341.

⁴⁷ de Melo 2007: 342.

⁴⁸ A curse inscription from Ratcliffe-on-Soar in Britain that appears to use the sigmatic form *involasisit* for the past tense, instead of the correct *involavit*, demonstrates that such confusion was possible (Hassall and Tomlin 1993: no. 2, pp. 311-314; de Melo 2007: 343).

the end of the day), not that he had already finished watching them (before the assembly began).

For these reasons, I suggest, we need not rule out the possibility that sky-watching could occur during an assembly, nor need we assume that it must invariably have been completed during the preceding night. It is therefore possible that, at some point in the development of augural theory, sky-watching coincided with assemblies, prompting the augurs to formulate the ‘rule’ whose existence Mascov supposes, that in such cases the assembly would be vitiated. It is also possible that this evolved over time into a ‘rule’ that sky-watching vitiated the whole comitial day on which it was undertaken, even if the procedure itself was completed before the assembly was due to begin. Liebeschuetz’s suggestion that sky-watching was seen as a ‘religious “booking”’ of the comitial day may thus be true of the Late Republic, but Mascov allows us to see why. Even if we choose to see Cicero’s use of the perfect tense as evidence that in his day *servare de caelo* was finished before the assembly was held, therefore, the original ‘theory’ behind the prohibitive effect of sky-watching could still have been what Mascov suggested.⁴⁹

Outcomes

Even if sky-watching could continue during the day on which an assembly was to be held, those scholars who hold that magistrates could simply ‘create’ signs by reporting them (the modern Principle 1) will naturally be inclined to believe that every bout of sky-watching could more satisfyingly have produced the signs the sky-watcher desired. Indeed, this was one

⁴⁹ The distinction we drew in **Chapter 1** between the abstract ‘theory’ of divination and its basic ‘rules’ may be helpful here. The basic ‘rule’, that sky-watching prohibits public activity because it causes *vitium*, would presumably have been familiar to magistrates and senators, even they could no longer explain the theory underpinning it.

of Mommsen's key arguments against Mascov's theory, and he cited in support Cic. *Div.* 2.74 (Statement 3 in **Chapter 3**); Dion. Hal. *Ant. Rom.* 2.6 (Statement 4 in **Chapter 3**); Varro *Ling.* 6.86; and Cic. *Phil.* 2.81-3. Yet we saw in **Chapter 3** that *Div.* 2.74 and *Ant. Rom.* 2.6 do not necessarily prove that it was theoretically acceptable for the Roman sky-watcher to fabricate *fulmen* simply by announcing it. Similarly, I would argue that Varro's words (from the Censoriae Tabulae: *Ubi noctu in templum censor auspicaverit atque de caelo nuntium erit, praeconi sic imperato ut viros vocet* [Kent's reading])⁵⁰ also fail to prove that an auspicating censor would always see and announce lightning. This merely demonstrates that the censor could only instruct the *praeco* to summon the populace after he had obtained a sign *de caelo*.

Nevertheless, many scholars would still see Cicero's allegations in *Phil.* 2 (written October 44 BC, and perhaps published in December)⁵¹ as proof that if a magistrate decided to watch the skies, he would inevitably detect an unfavourable sign. The relevant passage concerns Mark Antony's *obnuntiatio* at Dolabella's election in 44 BC (discussed in **Chapter 2**) and is worth quoting in full:

(80) *hic bonus augur eo se sacerdotio praeditum esse dixit, ut comitia auspiciis vel impedire vel vitare posset, idque se facturum esse adseveravit. (...) (81) istud, quod te sacerdotii iure facere posse dixisti, si augur non esses et consul esses, minus facere potuisses? Vide, ne etiam facilius. Nos enim nuntiationem solum habemus, consules et reliqui magistratus etiam spectionem. (...) Multis ante mensibus in senatu dixit se Dolabellae comitia aut prohibitorium auspiciis aut id facturum esse, quod fecit. Quisquamne divinare potest, quid vitii in auspiciis futurum sit, nisi qui de caelo servare constituit? quod neque licet comitiis per leges, et, si qui servavit, non comitiis habitis, sed priusquam habeantur, debet nuntiare. (...) [during the election Antony said 'alio die'] (83) Quid videras, quid senseras, quid audieras? Neque enim te de caelo servasse dixisti nec hodie dicis. Id igitur obvenit vitium, quod tu iam Kalendis Ianuariis futurum esse provideras et tanto ante praedixeras. Ergo hercule magna, ut spero, tua potius quam rei*

⁵⁰ 'When by night the censor will have taken the auspices in a *templum* and there will be an announcement/message *de caelo*, he shall command the *praeco* to summon the men' (taking *nuntium* to mean message' (Kent), and by implication 'segno' (Riganti 1978: 75).

⁵¹ Ramsey 2003: 157-9.

*publicae calamitate ementitus es auspicia, obstrinxisti religione populum Romanum, augur auguri, consul consuli obnuntiasti.*⁵²

This passage raises many important points, which will be addressed in due course. For now, let us concentrate on Cicero's statement that the kind of *vitium* produced by *servare de caelo* can, unlike other signs, be foreseen. Modern scholars universally take this '*vitium*' as being an unfavourable sign. Ramsey's recent summary is representative: 'strictly speaking, a magistrate who practiced *spectio* could not predict a *vitium* in the auspices any more than an augur could foresee one in advance of an assembly. However, if a magistrate announced his intention to watch for signs, it was taken for granted that he would claim to have detected a *vitium*.'⁵³

Yet what if Cicero's *vitium* does not denote an unfavourable sign? It is true that the term *vitium* could be used of an unfavourable sign, but we know that it could also denote a ritual or procedural error in the auspices.⁵⁴ The case of Ti. Sempronius Gracchus in 163/2 BC may shed some light here. As we saw in **Chapter 2**, Gracchus' failure to take all necessary auspices before presiding over an electoral assembly was deemed sufficient to vitiate its results (the consuls elected

⁵² 'This adept augur stated that he was invested with a priestly office which enabled him to hold up or invalidate the elections by means of auspices, and he declared that he would do this. (...) what you said you could do by priestly *ius*, would you have been any less able to do as consul if you had not been an augur? Surely you could have done it even more easily. For we have only the right to report, whereas the consuls and the other magistrates also have the right of *spectio*. (...) Many months before he said in the senate that he would either prohibit Dolabella's election by auspices or do what in fact he did. Can anyone foretell what *vitium* there will be in the auspices, unless he has decided to sky-watch? But that is illegal at/during assemblies, and if anyone has watched the skies, he must announce (that), not when the assembly has been held, but before it is held. (...) What had you seen, what had you perceived, what had you heard? For you did not say that you had sky-watched, nor do you say so today. So the *vitium* which you had already foreseen on the Kalends of January and predicted so long beforehand, appeared. Therefore, by Hercules, you lied about the auspices, you bound the Roman people with *religio*, you made *obnuntiatio* augur to augur, consul to consul, to your own great calamity, I hope, rather than the Republic's.' (trans. Shackleton Bailey, modified).

⁵³ Ramsey 2003: 279 n. 10. Similarly Mommsen 1887 (vol. 1): 82, 83 n. 1; Botsford 1909: 113; Denniston 1926: 181-2, 185-6; Linderski 1971: 318; Schaublin 1986: 174, 176; Linderski 1983: 457; Linderski 1986a: 2198; Linderski 1986b: 335.

⁵⁴ **Introduction**, 2.

were *vitio creati*). It seems, therefore, that holding an assembly without having completed all auspice-taking was considered to cause ritual error, *vitium*, in the proceedings and in any decisions taken at that assembly. I suggest that the *vitium* of *Phil.* 2 could be of this type. If this is true, then Cicero may not be saying that an assembly held during sky-watching inevitably and predictably incurs *vitium* because a sign will always be announced. What he may be saying, rather, is that an assembly held when the sky is being watched incurs *vitium* because impetrative auspication (of which *servare de caelo* was one form) is not yet complete. This passage may therefore provide evidence not for Mommsen's argument and the modern Principle 1, but for Mascov's theory that sky-watching was in itself technically sufficient to vitiate assemblies.

***Bibulus, Antony,
and Augural
'Rules'***

If these passages do not prove that sky-watchers always saw lightning when they were looking for it, therefore, the modern view that *servare de caelo* always implied *et fulmen nuntiare* can be recognized as an assumption, not an inescapable conclusion. It could be correct, but it should not prevent us from examining other possibilities. What I hope to demonstrate now is that Cicero's analysis of the 'rules' of sky-watching as they related to Bibulus in 59 and Antony in 44, provides suggestive evidence for the existence of an augural 'rule' that *servare de caelo* was sufficient to prevent assemblies regardless of whether or not it produced a sign.

I must acknowledge straightaway that previous scholars have doubted much of Cicero's testimony for these two cases. Cicero's argument that Bibulus' sky-watching ought to have invalidated Caesar's assemblies even though violence prevented Bibulus from making a formal *obnuntiatio*, was dismissed by Linderski

as not only tendentious but an actual contradiction of accepted augural doctrine.⁵⁵ Others argue that there was no clear ‘rule’ on the matter, but again imply thereby that Cicero’s claims to the contrary are unreliable.⁵⁶ Regarding Antony, Cicero’s claim that Antony could legitimately have employed sky-watching in his consular capacity in 44 has been seen as an outright lie (on the grounds that the *lex Clodia* of 58 BC supposedly deprived curule magistrates of the rights of *servare de caelo* and *obnuntiatio*).⁵⁷ Weinrib has also rejected Cicero’s assertion that the sky-watcher had to make *obnuntiatio* before an assembly began,⁵⁸ while Lintott has suggested that the ‘rules’ of sky-watching were completely irrelevant to Antony’s case, brought in by Cicero purely to throw dust in his readers’ eyes.⁵⁹

My own view is that none of these doubts are fully convincing. It is probably true that in 59 BC augural ‘rules’ required the sky-watcher to make *obnuntiatio* in person to the magistrate who intended to preside over an assembly.⁶⁰

⁵⁵ Linderski 1985: 224-5: ‘the augural doctrine as upheld by the College, the Senate, and applauded by Cato’ categorically rejected Cicero’s argument that sky-watching in a case where *obnuntiatio* had been forcibly prevented would call the validity of a law into question’.

⁵⁶ Weinrib 1970: 401 n. 26; Mitchell 1986: 174 and n. 10; Burckhardt 1988: 198-9; Beard, North, and Price 1998 (vol. 1): 128; Tatum 1999a: 130; Tatum 1999b: 281-3.

⁵⁷ Müller 1828: 3.5.114; Mommsen 1887 (vol. 1): 112 n. 2; Greenidge 1893: 161; Ker 1926: 144 n. 1; Weinstock 1937a: 220-1; *contra* Balsdon 1957: 15; Mitchell 1986: 172 and n. 5; Tatum 1999a: 131.

⁵⁸ Weinrib 1970: 403 n. 33: ‘The context of this passage is as tendentious as any in Cicero, with the orator trying to demonstrate that Antonius was an incompetent ignoramus in the uses of augural interference (which assuredly he was not: it is more likely that Cicero was a liar than that Antonius was a fool)’.

⁵⁹ Pers. comm. 17/04/2008: in correct augural theory, oblative signs of the kind that Antony claimed to have received were in no way connected with sky-watching (I agree thus far); Cicero’s claim that Antony could not have received a sign unless he had watched the sky is therefore a red herring.

⁶⁰ Valetton 1891a: 82-3, 101-2; Linderski 1965: 425f.; Linderski 1982 [1983]: 34; Linderski 1985: 224-5 and n. 64; Linderski 1995: 634; Lintott 1999a: 144-5. *Contra*: de Libero 1992: 57, suggesting that a magistrate could announce sky-watching *per edictum* and did not have to announce in person, but Heikkilä 1993: 126 n. 46 counters persuasively that if de Libero were correct Bibulus’ sky-watching should not have provoked the controversy it did. Alternatively, it is possible that the requirement to ‘announce’ in person was first introduced (or first formally stated, having previously been an unwritten precedent) by the *lex Clodia* of 58 BC (Meier 1966: 142 n. 487; Mitchell 1986: 175; Burckhardt 1988: 199; Tatum 1990b: 189; Tatum 1999a: 131-2). The fact that the *obnuntiationes* in person of Milo and Sestius in 57 BC (Cic. *Att.* 4.3.4), made at some personal risk (Cic. *Sest.* 79, 83), did not attempt to repeat Bibulus’ tactic of ‘announcing’ by messenger might seem to support this point. Yet the argument is not conclusive (de Libero 1992: 58 n. 29, 66), for Milo and Sestius could simply have noted that Bibulus’ excuse for not leaving his home had not been

Yet there is no compelling reason to assume with Linderski that other augurs would not have agreed with Cicero's view that the violence of Caesar's supporters had broken the spirit of the 'rule', if not its letter. Likewise, the fact that Caesar and probably Vatinius ignored Bibulus' sky-watching, and that the validity of Caesar's laws was never formally referred to the augurs, need not be taken as proof that contemporaries did not agree on the point of augural doctrine at issue. For if there is any truth to Cicero's assertion at *Vat.* 14 (a big 'if', admittedly), Vatinius' disregard for the auspices was unusually extreme,⁶¹ and Caesar too earned an atypical ancient reputation for ignoring divination when he pleased.⁶² It is at least as likely, then, that the principle of 'announcing' in person was clear, but that senators and augurs were uncertain how to respond to Caesar's overt violence and intimidation. In Heikkilä's words, '[t]hat (...) annulment did not take place even though Caesar's laws (or at least the first agrarian law) clearly had violated the established religious norms for presenting bills to the assembly' may have been 'a reflection of the political circumstances rather than any constitutional difficulties for annulment.'⁶³ This argument may be supported by the observation that many of Cicero's contemporaries also appear to have considered Bibulus' sky-watching sufficient to call the validity of Caesar's laws into question.⁶⁴

enough to enforce the validity of his *servare de caelo*, and they may have been more prepared for, and more willing to run, the risk of 'announcing' in person.

⁶¹ *auspicia quibus haec urbs condita est, quibus omnis res publica atque imperium tenetur, contempseris, initioque tribunatus tui senatui denuntiaris tuis actionibus augurum responsa atque eius conlegi adrogantiam impedimento non futura?*

⁶² Liebescheutz 1979: 18; **Chapter 3**, n. 132.

⁶³ Heikkilä 1993: 141; also North 1990b: 52-3 (the senate 'knew well what the [augurs'] answer would be if they did ask' about the validity of Caesar's laws); Rasmussen 2003: 166. As *Prov. Cons.* 45-6 reveals, political considerations could have been enough to prevent senators from admitting this: see Riggsby 2002: 176. See also the argument of Heikkilä 1993: 137, 140 that the senate considered it proper to annul the laws of M. Livius Drusus because an attempt at *obnuntiatio* had been made, even though the formal 'announcement' had been prevented by force.

⁶⁴ See **Appendix 2**, with Meier 1975; Burekhardt 1988: 200-201; Beard, North and Price 1998 vol. 1: 128. If we may believe *Prov. Cons.* 19.45, other *summi civitatis viri* were more eager than Cicero to declare Caesar's laws invalid on auspicial grounds. In letters of 59 BC Cicero claims that Bibulus earned acclaim through *servare de caelo*, while expressing his own misgivings about the wisdom of

As for 44 BC, there is no compelling evidence that the *lex Clodia* precluded curule magistrates⁶⁵ from employing *servare de caelo* and *obnuntiatio* at electoral assemblies.⁶⁶ Cicero indeed describes this law's effects in the blackest terms, no doubt exaggerated,⁶⁷ but the evidence for its provisions is so patchy that it is difficult to say anything firm about them.⁶⁸ Therefore, even if the *lex Clodia* remained in force in 44 (as seems likely),⁶⁹ Cicero could have been telling the truth when he stated that Antony could have used sky-watching in his capacity as magistrate.

Some may still suspect Cicero of simply ignoring Clodius' laws (it is true that he had done his best before this to impugn their validity, though it may be telling that he did not ignore them in *Prov. Cons.* 46 [56 BC], stating publicly that

that strategy: *Att.* 2.15.2 (c. 28 April: *Bibuli autem ista magnitudo animi in comitiorum dilatione quid habet nisi ipsius iudicium sine ulla correctione rei publicae?*); Cicero *Att.* 2.19.2 (7-14 July 59: *Bibulus in caelo est, nec qua re scio, sed ita laudatur quasi <qui> unus homo nobis cunctando restituit rem*, cf. 2.19.3). These comments might be merely sarcastic, but it is interesting to note that *Att.* 2.20.4 and 2.21.5 allude to similar support for Bibulus among the *populus*. These two letters do not explicitly refer to sky-watching, but *pace* Linderski 1965: 424f. it may have been one of the stalling tactics to which Cicero alludes, which raises the possibility that the *populus* shared the optimates' view of the case.

⁶⁵ Sumner 1963: 358 n. 88; Weinrib 1970: 405; Mitchell 1986: 172 and n. 5; de Libero 1992: 66; Tatum 1999a: 131; Lintott 1999a: 147 observe that Clodius could not have counted on tribunician support in 58, and thus that he would have been unwise to forbid *obnuntiatio* to other magistrates but not to tribunes.

⁶⁶ Accepted, with varying views of the law's other effects, by Lange 1876: 297; Lange 1887: 290-1, 292; Botsford 1909: 117; Denniston 1926: 183; McDonald 1929: 173; Balsdon 1957: 15; Sumner 1963: 353 and n. 68; Mitchell 1986: 172 and n. 5; de Libero 1992: 66; Tatum 1999a: 131. As for the vexed question of whether the *lex Clodia* forbade *obnuntiatio* at legislative assemblies, certainty seems impossible, though several pieces of evidence are suggestive: Ap. Claudius Pulcher's contemplated *obnuntiatio*, as praetor, against the *rogatio* for Cicero's recall in 57 (*Cic. Sest.* 78; Mommsen 1887 (vol. 1): 114 n. 3; Weinstock 1937a: 219; Balsdon 1957: 15; Astin 1964: 441 and n. 5; Gardner 1966: 142; Gruen 1974: 256 n. 174; Mitchell 1986: 172 and n. 5; Tatum 1999a: 131; *contra*: Sumner 1963: 353-4); M. Porcius Cato's attempted announcement of thunder during a legislative assembly in 55 (*Plut. Cat. Min.* 43.7); Cicero's mention in 44 BC of tribunes who could defend the Republic from *leges malas* by using *religio* (*Cic. Phil.* 1.25; Lintott 1999a: 147; Tatum 1999a: 131).

⁶⁷ Greenidge 1893: 158; Balsdon 1957: 15; Sumner 1963: 351; Mitchell 1986: 172, 175-6; Tatum 1990b: 189-191; Tatum 1999a: 130, 132.

⁶⁸ For a summary of the various modern theories, see Fezzi 1995: 313f.; Fezzi 1999: 267f.

⁶⁹ The theory that the *lex Clodia* was formally annulled or ignored for a time (Weinstock 1937a: 220-1; Gardner 1958a: 317f.) is almost certainly wrong: see Taylor 1949: 213-14 n. 22; Balsdon 1957: 16; Taylor 1962: 23 n. 26; Sumner 1963: 353; Gruen 1974: 256 n. 174; Mitchell 1986: 172; Fezzi 1995: 311; Tatum 1999a: 130-1; Lintott 1999a: 146, 147 and n. 3. Others suggest that the status of the *lex Clodia* was contested after 58: Mommsen 1887 (vol. 1): 112 n. 2; cf. Bleicken 1957: 472-3 and 472 n. 1; Schaublin 1986: 172; Thommen 1989: 243-244.

the senatorial majority deemed them valid).⁷⁰ However, that view, like Weinrib and Lintott's dismissal of the other augural 'rules' given in *Phil.* 2, requires us to suppose that Cicero would have placed great emphasis on arguments that could easily be refuted by anyone familiar with the relevant laws and augural 'rules'. And as we saw in **Chapter 1**, most senators probably had some acquaintance with at least the basic 'rules' of state divination. It seems to me that the questions of whether a consul could 'watch the sky' after 58, and whether an 'announcement' concerning sky-watching had to be made before an assembly began, were of this basic, need-to-know kind. In **Chapter 1** we also saw that public speeches may have been the medium most subject to constraints on falsification of divinatory incidents and 'rules', since they were aimed at a senatorial audience capable of 'double-checking' their claims. *Phil.* 2 was presumably less subject to such constraints, firstly because it was only 'delivered' in written form, and secondly because of its character as invective (the text is notoriously misleading in several respects).⁷¹ As I argued in **Chapter 1**, however, it seems reasonable to suppose that discussions of points of law in invectives must have had at least some relationship to the 'reality'

⁷⁰ The objection that this admission suited Cicero's purpose at the time (of defending the *lex Vatinia*'s validity), but was not rhetorically necessary in 44 BC, may be true, but is not decisive.

⁷¹ Commentators have identified various falsehoods in *Phil.* 2, some more significant than others. In general, Cicero is prone to stretch the truth about his own sentiments and activity (for example re: 55 and 52 BC [Denniston 1926: 108-110; S-B 1986: 47 n. 25; Ramsey 2003: 196-197]) but often these events (like his alleged counsel that Pompey break with Caesar, *Phil.* 2.23-24) can be imagined as taking place in conversation or in private, rather than being in the 'public domain'. Whether Cicero gave advice to Pompey, for instance, might be known only to a few, especially if Pompey chose to ignore it (similarly for Pompey's alleged enthusiasm about Cicero's consulship: *Phil.* 2.12 with Denniston 1926: 98; or the fact that Cicero actually stayed in Italy for a time under Antony, though he denies this at *Phil.* 2.57, with Denniston 1926: 132; Shackleton-Bailey 1986: 67 n. 55; Ramsey 2003: 244 [but how many senators would remember exactly where he had been?]). It is striking that at times Cicero describes the facts accurately, while trying to cast sinister light on them (*Phil.* 2.50: Antony was chosen *quaestor sine sorte*, with Ramsey 2003: 234; *Phil.* 2.56: Antony's law did not restore his father-in-law Hybrida, with Denniston 1926: 131; Ramsey 2003: 242; *Phil.* 2.58: Antony had lictors while tribune, with Denniston 1926: 133; Ramsey 2003: 245; exaggeration of Antony's attitude to honours given to Caesar, Ferrary 1999). Clearly Cicero could be manipulative in how he interpreted events, but did not always feel capable of lying about them outright. Falsehoods that could be easily checked (that Antony was the only tribune to veto the senate decree demanding that Caesar give up his army [*Phil.* 2.52, with Ramsey 2003: 19 n. 23]) are actually rather rare in this speech.

of the laws if they were to be effective. In the case at hand, the point of Cicero's argument is not only to expose Antony as a liar, but also to mock him as incompetent in the art of augury. Surely too much of the argument's 'punch' would be lost if Antony could instantly disarm it by stating that he was simply obeying the laws and the 'rules' of augury?⁷² For the purposes of argument in what follows, therefore, I suggest that we may take Cicero's statements of augural 'rules' at face value unless they are contradicted by other evidence or there is an obvious and compelling reason to think that they have been adapted to his rhetorical needs.

Let us proceed, then, to examine what Cicero's comments on Bibulus and Antony can tell us about the 'rules' of sky-watching. In Bibulus' case, we may note that Cicero never states that Bibulus made an 'announcement', *obnuntiatio*. If only the *obnuntiatio* made in person were formally binding, as we saw above, then Cicero's avoidance of the term is probably technically correct.⁷³ However, we learn from Suetonius (*Iul.* 20-3) that Bibulus attempted to make *obnuntiatio* in writing, and Cicero says that Bibulus' *edicta* (conceivably including these *obnuntiationes*) were widely read.⁷⁴ It therefore seems that Bibulus' attempts at *obnuntiatio* must have been known to contemporaries, even if 'technically' they had never been made (in person).⁷⁵ It is surely curious, then, that none of our sources mentions what signs Bibulus claimed to see (in contrast to accounts of announcements of oblativ signs

⁷² So also McDonald 1929: 170 n. 1; cf. Balsdon 1957: 15; Mitchell 1986: 172 and n. 5; Tatum 1999a: 131.

⁷³ Linderski 1965: 425-6.

⁷⁴ Cic. *Att.* 2.20.4.

⁷⁵ Pace Lintott 1999a: 144-5, Cicero's presentation of Pompey's excuses in *Att.* 2.16 (*de rege Alexandrino placuisse sibi aliquando confici, Bibulus de caelo tum servasset necne sibi quaerendum non fuisse; de publicanis, voluisse illi ordini commodare, quicquid futurum fuerit si Bibulus tum in forum descendisset se divinare non potuisse*) need not be read as a reference to the signs Bibulus could have announced. For *quicquid futurum fuerit* ('whatever would have happened') would be an odd way of describing signs (why not 'whatever would have been reported' or 'whatever would have been seen'?). The phrase is therefore more likely to refer simply to Pompey's inability to foresee (and prevent) 'what would happen' to Bibulus (i.e. violence against him) if he were to show himself (Shuckburgh 1904-1905: n. 5 *ad loc.*; Shackleton-Bailey 1999).

during this period, which often state what phenomenon was reported).⁷⁶ There is no talk of *ementita auspicia*, no debate about the truthfulness or validity of Bibulus' signs (and though Cicero is not likely to have raised this issue himself, we might have expected to see some sign of it if it was an accusation made by his opponents). What we do see, is discussion not about signs, but about whether Bibulus was watching the sky at all. For in official references to Bibulus' action (his speeches, rather than private letters), Cicero never categorically states that the consul was watching the skies. Instead, Cicero says that he asserts it (*contendo*, *Dom.* 39) or that it 'was said' (*Prov. Cons.* 46, *Har. Resp.* 48). Even in *Att.* 2.16.2, our only contemporary source to use the term *servare de caelo*, Cicero only says that whether Bibulus was sky-watching was in question (his Pompey claims *Bibulus de caelo tum servasset necne sibi quaerendum non fuisse*).⁷⁷ Even Cicero's accusation (*Vat.* 15) that Vatinius held assemblies when he 'knew' the sky had been watched (*eo die scires de caelo esse servatum*) does not refer to Bibulus' sky-watching, but exclusively to the sky-watching of Vatinius' fellow-tribunes (*Vat.* 15f., also *Sest.* 114).⁷⁸ Astin may well be right to suggest that in fact Bibulus did attempt to obstruct Vatinius with sky-watching, and that Cicero obscures the fact in this speech so as not to impugn the validity of Caesar's own legislation.⁷⁹ But whatever Cicero's motives, his statements here fit the pattern of his remarks elsewhere: there

⁷⁶ For example, the signs announced at assemblies by Cato (*Plut. Cat. Min.* 43.7 ['thunder', *brontê*]) and by Pompey (*Plut. Cat. Min.* 42.4 ['thunder', *brontê*]; *Pomp.* 52.2 ['auspices', *oiônous*]) in 55 BC; cf. Cicero's claim that the tribune Sestius had perceived something (whether after sky-watching or as an oblativ sign, we are not told) before making his *obnuntiatio* in 57 BC: *cumque auspiciis religionique parens obnuntiaret, quod senserat*.

⁷⁷ 'whether or not Bibulus had been watching the skies at the time it was not his business to inquire' (trans. Shackleton Bailey, lightly modified).

⁷⁸ Astin 1964: 426 n. 1; Weinrib 1970: 401. This is particularly noticeable in *Vat.* 21-3, where suppression of *servare de caelo* could surely have been mentioned among Vatinius' alleged acts of violence against Bibulus, but is not. Schol. Bob. (146St: *Iam dictum est servante de caelo Bibulo consule hunc Vatinium legem tulisse de imperio Caesaris, ut exercitum et Illyricum et Gallias du...ceret*) misses Cicero's subtlety (and is followed by McDonald 1929: 171 n. 1; Burckhardt 1988: 184-5).

⁷⁹ Astin 1964: 426 n. 1.

is intimation that Bibulus was watching the sky when Caesar's legislation was passed, but no explicit statement of this as fact.⁸⁰ It is not until 49 BC, in fact, that Cicero was prepared to state, in a letter to Atticus (8.3.3) that Caesar had passed his laws *contra auspicia*; his public speeches never make the matter this plain.

Cicero's focus on whether Bibulus was 'watching the sky' at all would therefore seem to support our argument that *servare de caelo* was itself capable of preventing assemblies whether or not signs were seen. It also suggests that the absence of a correctly-completed *obnuntiatio* created 'official uncertainty' not about what signs Bibulus had received, but about whether he had in fact watched the skies. This may suggest that the current consensus on the meaning of the term *obnuntiatio*, that it always denoted an 'announcement' of unfavourable signs received, has defined the term too narrowly. For Cicero's comments on Bibulus appear to support Schäublin's proposal (discussed above) that *obnuntiatio* could also denote an 'announcement' of the act of sky-watching itself. Bibulus' missing *obnuntiatio* would thus have formally established, not necessarily that he had perceived a sign, but simply that he had been watching the skies. In the absence of that 'announcement', the reality of his sky-watching could be contested (hence Cicero's 'official uncertainty' on the matter).⁸¹ Where we may differ from

⁸⁰ Even when Cicero admits (*Vat.* 15) that Vatinius claimed to be like Caesar in disregarding sky-watching (*hic locus est unus, quem tibi cum Caesare communem esse dicas*), he manages (barely) to avoid stating outright that Caesar was guilty of this. *quae sit auctoritas eius, qui se alterius facto, non suo defendat*, in the same passage, comes perilously close, but is again allusive, and may represent a paraphrase of Vatinius' claim rather than a statement by Cicero.

⁸¹ It is true that Suet. *Iul.* 20-23 uses the word *obnuntiare* of Bibulus' action, but this is probably because Suetonius accepted Cicero's opinion that Bibulus really had been 'watching the sky', and thus considered Bibulus' written claims to that effect to be *obnuntiationes* (Linderski 1965: 425 n. 15). Cassius Dio's statement (38.6) that Bibulus ἱερομηνίαν (...) προηγόρευσε, if it is indeed a muddled reference to sky-watching (so Taylor 1951: 259 n. 19; Linderski 1965: 425 n. 15; Wiseman 1994: 371 and n. 6) may be the result of a similar simplification. In fact we do not know whether Dio's προηγόρευσε is intended to denote an *obnuntiatio*, and there are other possibilities: *indictiones feriarum* (Mommsen 1887 (vol. 1): 82 n. 3; Shackleton-Bailey 1965 (vol. 1): 407; doubted by Lintott 1997: 2522, though Lintott 1999a: 144 n. 2 leaves the question open); announcement of elections (Vaahtera 2001: 159).

Schäublin is in observing that such an *obnuntiatio* need not have had the corollary that signs had been perceived.

Cicero's formulation of the rule of 'announcing' before the assembly was held may provide further evidence for this 'broad' definition of *obnuntiatio*. *Phil.* 2.81 reads: *Quisquamne divinare potest, quid vitii in auspiciis futurum sit, nisi qui de caelo servare constituit? quod neque licet comitiis per leges,⁸² et, si qui servavit, non comitiis habitis, sed priusquam habeantur, debet nuntiare.* We saw above that the *vitium* to which Cicero refers may have been ritual error rather than an unfavourable sign. Now we may suggest that it is not necessary to assume that *(ob)nuntiare* implies the unstated object '*fulmen*'. For it is possible that the antecedent of *quod* is, rather, the act of sky-watching, or even the decision to watch the sky (*de caelo servare constituit*).⁸³ Thus we might translate Cicero's meaning as 'It is not permitted by the laws to (decide to?) watch the skies at/during⁸⁴ the assembly; and, if anyone has watched the skies, he must announce (that), not when the assembly has been held, but before it is held'. Like *obnuntiatio* in Bibulus' case, *nuntiare* in Antony's may thus refer to a formal 'announcement' of sky-watching rather than, invariably, of the signs that procedure had generated.

This interpretation may also help us to make sense of Cicero's claim that it would have been *facilius* for Antony to prevent the assembly by 'watching the

⁸² Which laws are meant is uncertain. Weinstock 1937a: 221f.; Fezzi 1995: 323; Fezzi 1999: 272 opt for the *lex Clodia* of 58, but the *leges Aelia et Fufia* are equally possible (Bleicken 1955: 57; Bleicken 1957: 471; Sumner 1963: n. 66 p. 352; Meier 1965: 607), and the 'rule' may have dated even further back in augural tradition (McDonald 1929: 170; Linderski 1971: 320; Linderski 1986a: 2167; Vaahtera 2001: 154 and n. 44, 155). Milo's strenuous attempts (examined in **Chapter 2**) to 'announce' to Metellus Nepos before the latter convened his assembly in 57 BC indicate that this 'rule' is not a figment of Cicero's imagination.

⁸³ So McDonald 1929: 170 n. 1.

⁸⁴ Valetton 1890: 449 nn.; Denniston 1926: 185; McDonald 1929: 170 n. 1; Sumner 1963: 352 n. 66; Ramsey 2003: 279 n. 12. As Valetton noted, Cicero cannot simply mean that sky-watching was not permitted relative to assemblies, as argued by Müller 1828: 3.5.114; Mommsen 1887 (vol. 1): 112 n. 2; Greenidge 1893: 161; Ker 1926: 144 n. 1; Weinstock 1937a: 220-1. Their reason, that after 58 magisterial *servare de caelo/obnuntiatio* was forbidden by the *lex Clodia*, was rejected above (p. 182).

skies' than by making an announcement as augur. Current consensus sees this claim as proof that sky-watching produced signs so routinely that their objective 'reality' was irrelevant or taken for granted, while the oblativ signs⁸⁵ augurs were permitted to announce at assemblies had to be real.⁸⁶ If sky-watching was itself sufficient to prevent assemblies, however, and if a prohibitive 'announcement' could be of the act of sky-watching rather than of signs it had produced, then Cicero's point might be that an *obnuntiatio* of sky-watching could prevent an assembly even without a sign, whereas the more 'difficult' augural announcement required the occurrence of a sign. That the reality of signs detected by *servare de caelo* was a non-issue in 44 BC, just as it was in Cicero's analysis of 59, would thus make good sense.

One might object that Cicero's *qui de caelo servare constituit? quod neque licet comitiis per leges, et, si qui servavit, non comitiis habitis, sed priusquam habeantur, debet nuntiare* means that sky-watching was simply not permitted during assemblies,⁸⁷ and thus that even if sky-watching could theoretically coincide with assemblies (as I argued above), it was forbidden to by law. However, this is not the only possible interpretation of Cicero's words. For he might just as well

⁸⁵ Cicero's claim (*Phil.* 2.81) that augurs, unlike magistrates, lacked *spectio* (the right to take impetrative auspices) probably concerns auspication with regard to assemblies only (Müller 1828: 3.5.112-114; Valeton 1890: 456; Linderski 1986a: 2216, 2260; Linderski 1986b: 333-4). *Contra* Mommsen 1887 (vol. 1): 89-90, 109-110; Flinck 1921: 9; Marbach 1929: col. 1571; Catalano 1960: 40; Magdelain 1964a = 1990: 354, augurs probably possessed a form of *spectio* with regard to their own affairs, for instance in ceremonies of *inauguratio* (Linderski 1986a: 2216, 2260), but this does not prove that they had it in every context (*contra* Weinstock 1937b: 1728-1729). The definition of *spectio* in Festus 446L, which appears to deny that anyone has the power to *impedire* another's activity by *spectio* and *nuntiatio*, is patently incorrect (*contra* Müller 1880: 333; Weinstock 1937b: col. 1729) and obviously corrupt (for a range of emendations, see Valeton 1980: 455f.; Marbach 1929: col. 1571; Weinstock 1937b: col. 1729). Therefore it cannot be held to contradict Cicero's statement in *Phil.* 2.81 (nor can Cicero's description of the sweeping powers of the augurs in *Leg.* 2.31, which is both general and exaggerated).

⁸⁶ Mommsen 1887 (vol. 1): 82, 83 n. 1; Botsford 1909: 113; Denniston 1926: 181-2, 185-6; Linderski 1971: 318; Schaublin 1986: 174, 176; Linderski 1983: 457; Linderski 1986a: 2198; Linderski 1986b: 335; Ramsey 2003: 279 n. 10; above, **p. 178** and **n. 85**. Rüpke 2005a: 228-229 goes even further, arguing that the reality of signs perceived was irrelevant even to the augural 'announcement' (this 'coutume' did not 'consiste (...) à préserver la fiction d'une véritable observation, chargée de sens empirique'). Cicero may be reproaching Antony for "opting out" of the negotiatory system of Roman politics, as Rüpke suggests, but the importance of the reality of oblativ signs in his rhetoric is clear.

⁸⁷ Andrew Lintott, pers. comm. (17/04/2008).

mean that the magistrate cannot begin sky-watching during an assembly or after it is finished, but must ‘announce’ his sky-watching before the assembly is convened.⁸⁸ On this interpretation, Cicero’s ‘rule’ might provide further support for Masco’s theory that sky-watching could technically prevent assemblies because it would have vitiated them by coinciding with them. For in that case, the purpose of Cicero’s law might have been to prevent the holding of vitiated assemblies and the ‘unfair’ vitiation of assemblies already in progress. By requiring magistrates to announce their sky-watching before the assembly began, the law would prevent them from doing exactly what Cicero in a sense reproaches Antony for doing in *Phil.* 2: waiting to see how a public decision would turn out, and then attempting to render it invalid if it conflicted with one’s wishes.⁸⁹ The law forbidding sky-watching ‘during’ or ‘at’ the *comitia* would therefore not preclude sky-watching that precedes the assembly and is correctly announced to the authorities so as to avoid wasting their time; rather, it would preclude magistrates from beginning the obstructive procedure once the assembly was in progress. That such a regulation is in keeping with Roman constitutional law is supported by the fact that the timing of the veto in assemblies was also restricted.⁹⁰

Conclusions

The reconstruction of *servare de caelo* and *obnuntiatio* put forward in this chapter may be summarized as follows.

There is no compelling evidence that sky-watching could not coincide with

⁸⁸ Though they thought that the ‘announcement’ was always of a sign, not of the act of sky-watching, Valetton and Linderski take *comitiis* in the sense I propose: Valetton 1890: 449 (Cicero means that ‘leges (...) diserte interdicebant ne quis etiam auspicaretur cum iam inita essent comitia’); Linderski 1986a: 2205 and n. 219 (Cicero shows that the ‘announcement had to be made before the beginning of the *comitia*’).

⁸⁹ Meier 1965: 607 saw that requiring an announcement of sky-watching before the assembly began would reduce uses of the practice against a law when the ‘Strömung’ of popular feeling/voting was about to pass it.

⁹⁰ On timing of the veto, Lintott 1999: 46 and n. 28.

assemblies, and ancient references to it in the perfect tense do not necessarily have temporal reference. Therefore, it is possible that one magistrate could consider sky-watching at the same time that another magistrate wanted to preside over an assembly. But *servare de caelo* was a form of impetrative augury, and therefore a process of human asking, and waiting, for, divinatory outcomes. In augural theory, a public action undertaken while such processes were underway would have been undertaken with incomplete auspices, *inauspicato*, and would thus have incurred *vitium*. If a magistrate were to sky-watch during another magistrate's assembly, therefore, the act of sky-watching would have been technically sufficient to vitiate that assembly, regardless of whether the 'watching' magistrate received actual divinatory signs. There is no conclusive evidence that it was acceptable in augural theory for individuals to 'fabricate' divinatory outcomes, nor that Romans invariably expected sky-watching to produce divinatory outcomes in alignment with the will of the individual who engaged in it. For these reasons, it is not necessary to assume that the term *obnuntiatio* in connection with sky-watching always denoted an 'announcement' of unfavourable signs received. It could also have denoted a formal 'announcement' of the act of sky-watching itself. Augural 'rules' required the *obnuntiatio* of the act of sky-watching to be made to the presiding magistrate before an assembly began, so as to prevent that assembly from proceeding with invalid auspices.

This reconstruction cannot be conclusively proven, and depends on several premises that are open to question. As we have seen, however, the same can be said of the usual modern reconstruction of sky-watching and its workings, which depends on several assumptions that are not, as I hope to have shown, ineluctable.

If our reconstruction is correct, then it would permit us to explain the fact that sky-watching had the same prohibitive effect on public activity as a declaration of an unfavourable sign, without requiring us to assume that Romans considered it acceptable to fabricate signs, or to report signs that had not in fact occurred. On this interpretation, sky-watching does not provide further support for the modern Principle 1 that in augural theory the report of a sign was considered to ‘create’ a valid sign. Furthermore, instances in which sky-watching prevented assemblies would no longer need to be read as cases in which the *servare de caelo* procedure produced divinatory signs that aligned with human will. It would therefore be possible to argue that Roman divinatory theory did not always take it for granted that the gods’ reply would correspond to the will of the human enquirer.

It is true that this interpretation of *servare de caelo* still leaves room for human ‘manipulation’, particularly in the ‘watching’ magistrate’s choice of whether to ‘watch’ at all, when to ‘watch’, and when to cease ‘watching’. For if both the process of sky-watching, and also any unfavourable sign it generated, exerted a prohibitive effect on assemblies, then assemblies would only have been able to proceed if a ‘watching’ magistrate ceased to ‘watch’ in case of not receiving the requested sign. In some ways the divine will would therefore still appear to be subordinated to human will, in that the magistrate’s discretion may still have been the deciding factor in religious obstruction. In other respects, however, our interpretation of *servare de caelo* might still be thought to privilege the divine will, in that theoretically the gods had the option of not sending the sign requested by the ‘watching’ magistrate, in which case he may be expected to accept that the gods did not share his doubts about the assembly at issue, and bring his ‘watching’ to an end. Sceptics may doubt that all magistrates were so scrupulous in practice, and

might also object that sky-watching which could prevent assemblies without ever getting a sign is an improbable institution, too plainly open to ‘manipulation’.

However, our proposed ‘theoretical’ reason for why sky-watching prevented an assembly from being held, that public action could not be taken while auspication was in progress without incurring *vitium*, is coherent and could reasonably have generated a ‘rule’ to that effect. In normal conditions, we may suggest, public or collegial pressure was probably sufficient to prevent this ‘rule’ from being overused. Furthermore, we saw in **Chapter 2** that more Romans may have submitted to divinatory outcomes that conflicted with their own ‘non-religious’ desires, than scholars used to think. Magistrates who hoped that the gods would support their opposition to an impending assembly, but did not actually perceive unfavourable signs during their sky-watching, would have been faced with the same choice of whether to submit to an undesired divinatory outcome, and it therefore seems reasonable to suppose that some of them may also have chosen to do so. The sceptic may counter that the frequency with which sky-watching appears to have been used obstructively in Cicero’s time, suggests that its outcomes aligned with human will more often than I have suggested. Yet most scholars would accept that customary restraints on powerful men had been stronger in earlier periods of the Republic’s history, whilst by Cicero’s day they were fatally breaking down.⁹¹

Furthermore, in **Chapter 3** we examined evidence that Late Republican individuals assumed greater freedom than their ancestors had in interpreting divinatory signs. If that conclusion is true, then Late Republican uses of the ‘rule’ that sky-watching

⁹¹ Rubino 1839: 81 n. 2; Bleicken 1957: 469-70; on the extraordinary nature of Bibulus’ extended sky-watching, and Caesar’s complete disregard for it, see Schaublin 1986: 172; Mitchell 1986: 173 n. 9; cf. de Libero 1992: 59). For this reason I do not think it necessary to conclude with Burckhardt 1988: 205; Tatum 1999a: 129 that Cicero (and, accepting his version of events, Cassius Dio) greatly overstates the importance of *servare de caelo* and *obnuntiatio* in the 50s.

could vitiate assemblies need not be read as evidence that such a ‘rule’ would have been impracticable in all periods.

Finally, we may note that the role of the ‘watching’ magistrate in our reconstruction, is compatible with our conclusions in **Chapter 2** on the ‘delaying’ function of state divination. There we suggested that this function could have been significant even if it did not ultimately block an action, but also that it did not necessarily serve primarily to build or enforce elite consensus. With regard to the first point, the *servare de caelo* procedure was presumably thought, like other forms of auspication, to relate to each day singly, and thus it could never have been expected to block an assembly indefinitely. Its documented effects, such as the very real threat Bibulus seems to have posed to the validity of Caesar’s laws, and Milo’s public relations *coup* in postponing Clodius’ election as aedile, are therefore surely more accurately read as successes than failures⁹² (particularly if we accept that those effects were produced in less restrained crisis conditions, as argued above). With regard to the second point, the magistrate’s decision to sky-watch was clearly an individual one, undertaken on his own initiative. It is true that Cicero can present sky-watching as a tool of elite control,⁹³ but we need not presume for that reason that it always served senatorial consensus.⁹⁴

⁹² So Meier 1966: 145: ‘Freilich war der allgemeine Respekt vor dieser geheiligten Institution [the intercession and the *obnuntiatio*] so groß, daß, wer sie mißachtete, sehr an Prestige einbüßen konnte oder gar mit einem Gerichtsverfahren rechnen mußte. Insofern bildete sie überall da, wo nicht starke Mächte oder Notwendigkeiten am Werk waren, weiterhin eine wirksame Barriere.’ *Contra* e.g. Liebeschuetz 1979: 15 (in the final decades of the Republic divination ‘had some effect on public opinion’ but ‘was not successful in blocking the opposed measures’; Burckhardt 1988: 205: because *obnuntiatio* ‘kam (...) oft nicht zustande oder sie scheiterte’ in this period, Cicero ‘setzte zu grosse Hoffnungen in die Obnuntiation’.

⁹³ He claims that the ‘rule’ that lightning was always considered unfavourable in sky-watching had the effect of making the *principes civitatis* the *interpretes* of the validity of public action: Cic. *Div.* 2.43 (“*Iove tonante, fulgurante comitia populi habere nefas.*” *Hoc fortasse rei publicae causa constitutum est; comitiorum enim non habendorum causas esse voluerunt. Itaque comitiorum solum vitium est fulmen, quod idem omnibus rebus optimum auspiciū habemus, si sinistrum fuit*); *Div.* 2.74 (*fulmen* is inauspicious for the *comitia* only *quod quidem institutum rei publicae causa est, ut comitiorum vel in iudiciis populi vel in iure legum vel in creandis magistratibus principes civitatis essent interpretes*). Cf. Linderski 1971: 313: the original reason for the ‘rule’ was probably much

I hope that the arguments presented in this chapter have opened the possibility that in sky-watching, as in other forms of augury, Romans did not necessarily countenance outright fabrication or falsification of signs. We saw in **Chapter 3** that it was permissible for humans to attempt to control whether and when they perceived and received divine signs, but that it was not necessarily permissible to take the gods' will for granted, nor to fabricate divinatory outcomes that aligned with humans' desires. Our conclusions in this chapter suggest that the same principles applied in the procedure of 'watching the skies'. Even this highly-politicized divinatory act, it seems, may have been understood to give the gods a greater chance to express their will than moderns have sometimes thought.

less Machiavellian. Note also that the 'rule' does not prove that the gods were not thought to retain the right not to send lightning if they chose.

⁹⁴ As does Burckhardt 1988: *passim*.

Appendix 2: Ancient References to the Bibulus Affair⁹⁵

Contemporary references:

- Cic. *Att.* 2.9.1 (16 or 17? April 59 BC): Caesar, Crassus, and Pompey have neglected the auspices and the laws about *servare de caelo* and *obnuntiatio* (*improbitate istorum, qui auspicia, qui Aeliam legem, qui Iuniam et Liciniam, qui Cae<ci>liam et Didiam neglexerunt, qui omnia remedia rei publicae effuderunt*)
- Cic. *Att.* 2.12.1 (19 April 59 BC): *illi* deny that Clodius has been made a plebeian, seemingly on auspicial grounds (is this a reflection of debate about the validity of the relevant *lex curiata*?)
- Cic. *Att.* 2.16.2 (29 April or 1 May 59 BC): it is in question whether Bibulus is ‘watching the skies’ (of Pompey: *Bibulus de caelo tum servasset necne sibi quaerendum non fuisse; de publicanis, voluisse illi ordini commodare, quicquid futurum fuerit si Bibulus tum in forum descendisset se divinare non potuisse.*) This is the only contemporary use of the term *servare de caelo*.

Other references to delay caused by Bibulus (how, is not stated): Cic. *Att.* 2.15.2 (written c. 28 April 59 BC); Cic. *Att.* 2.20.6 (written mid-25 July 59 BC); Cic. *Att.* 2.21.3-5 (written after 25 July 59 BC)

cf. Cic. *Att.* 2.14.1 (c. 26 April 59 BC): the triumvirs’ *actiones* are ‘*euanatreptous*’ (because passed in violation of the auspices?)

Later references:

- Cic. *Dom.* 39-40 (delivered 57 BC): Bibulus said that he had ‘watched the skies’ in 59 BC; some augurs say that assembly held despite this, was invalid
- Cic. *Har. resp.* 48 (delivered 56 BC): at a *contio* in 58 BC, Bibulus said that he had ‘always’ watched the skies ‘while/when’ Caesar was passing his legislation (*Producebat fortissimum virum, M. Bibulum; quaerebat ex eo, C. Caesare leges ferente de caelo semperne servasset; semper se ille servasse dicebat*); some augurs say that assembly held despite this was invalid
- Cic. *Vat.* 15 (delivered 56 BC): Caesar accused of passing laws when sky had been watched, ‘entrusts’ case to senate
- Cic. *Prov. cons.* 19.45-6 (delivered 56 BC): ‘it was said’ (*dici*) that skies had been watched in 59 BC; this should make laws passed by assembly at that time invalid (*Iulias leges et ceteras illo consule rogatas iure latas negant*)
- Cic. *Att.* 8.3.3 (18-19 Feb. 49 BC): Pompey helped Caesar pass laws ‘against the auspices’ (*contra auspicia*)
- Suet. *Iul.* 20.3: Bibulus ‘announced’ in person and was driven from forum as Caesar passed law; Bibulus hid at home and ‘announced’ in writing for rest of year (*Lege autem agraria promulgata obnuntiantem collegam armis foro expulit ac postero die in senatu conquestum nec quoquam reperto, qui super tali consternatione referre aut censere aliquid auderet, qualia multa saepe in levioribus turbis decreta erant, in eam coegit desperationem, ut, quoad*

⁹⁵ As noted above (p. 185), Cicero does not provide conclusive evidence that Vatinius ignored Bibulus’ sky-watching; passages concerning Vatinius’ disregard for the auspices are therefore excluded from this appendix.

potestate abiret, domo abditus nihil aliud quam per edicta obnuntiaret). Cf. Cass. Dio 38.6.

cf. Cic. *Q. Fr.* 2.1.1; 2.6.1; 2.7.2 (in 57 and 56 BC the *causa* of Caesar's *lex* about the *ager Campanus* was debated); Suet. *Iul.* 23.1 (in 58 BC Caesar's *acta* are questioned; he offers to submit the issue to senatorial investigation) and 30.4 (in 44 BC Caesar feared his laws from 59 BC would be repealed as 'against the auspices' [*adversus auspicia*]); Schol. Bob. 146 St (Caesar submitted the validity of his agrarian law to senatorial judgement [*Commiserat autem senatui causam suam C. Caesar, id est ut de lege agraria patres iudicarent. Ibi enim habitae sunt tres illae orationes contra Domitium et Memmium*]); Plut. *Cat. Min.* 33.6 (Caesar's party made Clodius a plebeian 'unlawfully' [παράνομως]); Cass. Dio 39.11 (Cicero argued that the *lex curiata* which made Clodius a plebeian was invalid [διαβάλλων ὥς οὐκ ἐν τοῖς ὠρισμένοις ἐκ τῶν πατρίων χρόνοις ἐκτεθέντος αὐτοῦ]) and 39.21 (Cicero claimed that Clodius had become tribune παρὰ τοὺς νόμους).

Other references to Bibulus' opposition and attacks on him (no mention of sky-watching): Cic. *Vat.* 22 (*scelere vero atque audacia tua M. Bibulum foro, curia, templis, locis publicis omnibus expulisses, inclusum domi contineres*); Cic. *Fam.* 1.9.7 (he assailed in the speech against Vatinius *qui Bibulum exire domo prohibuissent*); Livy *Per.* 103.7 (*Leges agrariae a Caesare cos. cum magna contentione invito senatu et altero cos. M. Bibulo latae sunt*); Vell. Pat. 2.44.5; App. *B Civ.* 2.2.11-12; Plut. *Cat. Min.* 31.5; 32.2; *Pomp.* 47.4; 48.1-2, 4; *Caes.* 14.6.

Conclusion

Let us see where the preceding chapters have left us. I began by arguing that it is reasonably likely that ancient literary sources preserve reliable evidence for incidents of divination in the Roman Republic. I have suggested that there were some constraints on the falsification of divinatory details, in ‘official’ primary sources at least. Contrary to modern assumptions, the Roman state appears to have been concerned to verify the reality not only of prodigies but also of auspices and perhaps even sacrifices. We saw that the senate and the priestly bodies had at least some capacity for double-checking divinatory outcomes, and that it was in the state’s interest to ensure that the ‘official record’ of these outcomes was as accurate as possible. It is also possible that many divinatory incidents were recorded shortly after they occurred, and outright invention by later writers may have been less common than is often supposed. In historiographic terms, the modern assumption that Livy assigns favourable divinatory outcomes to pious characters and unfavourable outcomes to disreputable ones stands in need of modification, since Livy shows his heroes, too, receiving unfavourable outcomes, sometimes even in the flush of victory. Nor should we overestimate the degree of *post eventum* fabrication of divinatory outcomes. I also suggested that the preoccupations and preconceptions (both religious and stylistic) of Cicero, Livy, and Cassius Dio do not prevent them from recording divinatory information that is probably reliable. Claims made in Cicero’s letters and speeches, especially, were open to ‘double-checking’ by contemporaries, and thus should not be regarded with undue scepticism.

In my view we have sufficient evidence to consider it likely that a systematized body of ‘rules’ for divinatory techniques existed at Rome. I observed that the evidence sometimes cited for contemporary disagreement about specific divinatory ‘rules’ is less convincing than has been assumed, and proposed that even in the Late Republic most senators probably had a grasp of at least the basic ‘rules’ of the divinatory techniques they were required to use in transacting public business. I argued that ‘rule-statements’ preserved in sources subject to ‘double-checking’ by a senatorial audience have the best chance of being accurate, and challenged the common modern assumption that Ciceronian allusions to ‘rules’ are misleading or arcane. It seems likely that Roman priestly bodies recorded at least some of the ‘rules’ of their techniques in written form. We also saw that although later ‘technical’ writers may preserve fragments of Republican divinatory ‘rules’, they should be treated much more cautiously than they have been in many modern reconstructions, because the scope and applicability of ‘rule-statements’ in such sources must often remain in doubt.

When we consider Roman state divination in practice, our evidence suggests that divinatory outcomes could have a significant impact on Roman decision-making and behaviour, which is not what the ‘alignment’ model of Roman divination would predict. Using the ‘motive-assessment’ method we can discern a significant number of cases in which divinatory outcomes do not appear to have aligned with their recipients’ probable ‘non-religious’ will, and Roman willingness to submit to such non-aligned outcomes appears to have persisted throughout the Middle and Late Republic. We noted that divinatory outcomes could have a ‘delaying’ effect on public life, but that this effect did not necessarily serve the interests of the elite. Contrary to modern theories that the senate itself was immune

from divinatory obstruction, we have evidence for divinatory outcomes that interfered with senatorial business, probably against the will of the senate majority. Our evidence for divination in practice thus undermines theories that state divination was generally enabling and conducive. This is true even with regard to the practical workings of state divinatory techniques: it seems that *litatio* was not always readily obtained; that prodigies could be difficult to expiate, and that expiation did not always function as a means of removing public anxiety; and that magistrates could not ignore auspices at will.

I then considered evidence for Roman state divination in theory, examining evidence that the reality of signs mattered in Roman theory, and that it was unacceptable in theory for individuals to ignore signs of which they were aware. A real divinatory sign was probably preferable to a reported one, false reports seem to have been frowned upon, and even oblativ signs could not necessarily be ignored at will. It does seem that it was permissible for humans to attempt to control whether and when they perceived divine signs, but it was probably not permissible for them to ignore signs once received. The decisive factor in determining the applicability of a sign to human action thus appears to have been human knowledge or ignorance of the sign, not human discretion or reporting *per se*. These conclusions challenge the modern view that it was acceptable in augural theory for individuals to fabricate divinatory outcomes that aligned with their desires, and to evade divinatory outcomes that did not align with those desires. I suggested that several of the ancient statements often cited in support of this view do not actually corroborate it. We also saw that those ancient statements which seem most strongly to support the current reconstruction do not necessarily apply to the Middle and

Late Republic, and I suggested that some of these may reflect changes in augural doctrine evolved during the transition from Republic to Principate.

Finally, I examined the auspicial procedure of *servare de caelo*, arguing that its ‘rules’ and effects need not be read as proof that in augural theory the report of a sign was as valid as a real sign. I suggested that the power of sky-watching to prevent assemblies rested not in a Roman expectation that sky-watching would invariably generate the unfavourable signs magistrates desired, but in an augural ‘rule’ that the auspices of any assembly held while sky-watching was in progress would be vitiated. This suggestion need not be rejected on the grounds that sky-watching could not have coincided with assemblies, because we have no conclusive evidence that the procedure was invariably completed before assemblies began. We saw that ancient statements usually cited as evidence that the sky-watching magistrate could ‘create’ the sign he desired simply by reporting it, do not necessarily prove this. I argued that Cicero’s analyses of augural ‘rules’ as they applied to Bibulus in 59 BC and Antony in 44 BC may be accurate, and need not be dismissed out of hand. I then used this evidence to suggest that ancient references to *obnuntiationes* following sky-watching do not need to be taken exclusively as ‘announcements’ of signs actually received, for the term *obnuntiatio* may also have denoted the ‘announcement’ of the act of sky-watching itself. For these reasons, I suggested that we need not interpret the ‘rules’ of sky-watching as evidence that augural theory permitted individuals to fabricate signs at will, nor as proof that this theory took it for granted that the gods would send the signs humans desired.

I hope that these conclusions may contribute to improving the accuracy of our understanding both of specific Roman divinatory techniques and of the nature of Roman state divination more broadly. I also believe that they have implications

for how we may seek to answer the question posed at the beginning of this thesis, of how Romans conceived their relationship with their gods. For if the gods were thought to send divinatory signs that contradicted human will, then it would seem that Romans did not always expect the gods to support their plans. Moreover, one possible explanation for Roman obedience to undesired divinatory outcomes must be that it was considered dangerous to defy the gods. These conclusions have three main implications.

Firstly, if Romans truly allowed ‘religious’ motives like fear of the gods to contradict and outweigh political, strategic, or personal motives, then we may need to allot a larger role to ‘religion’ at Rome as independent of, and in conflict with, other spheres such as the strategic or political. We may also be able to see the Roman senator’s individual attempts to understand and to obey the will of the gods, and his anxiety about doing so, as a heretofore understudied form of Roman ‘personal’ religion.

Secondly, it is intriguing that many of our case studies depict Romans acting on divinatory results when first received, not just retroactively attributing misfortunes to past ritual errors. Furthermore, in most of our cases no subsequent information that might ‘justify’ Roman obedience to divination is recorded, so that Romans often seem to have obeyed inconvenient divine signs with the result that... nothing happened. This is only to be expected if we see state divination as designed to avert what the gods threatened and predicted: when one obeyed the gods, one presumably averted disaster or defeat. But that premise could not have been ‘proven’ by human experience, except in the vaguest way. Thus while it is no doubt true that Roman belief in divination depended on proof of its efficacy in past

experience,¹ many incidents of Roman submission to undesired divinatory outcomes may also be said to imply a Roman ‘belief in things unseen’, an intriguingly different animal from the experiential religion with which Rome is so often credited.

Furthermore, if it is true that augural theory took account of whether humans knew about signs or not, with the assumption being that Jupiter would punish humans who acted in defiance of signs but might choose to spare those who acted in good faith, then Roman state divination would appear to conceptualize Jupiter as a mind-reader who cared more, one might almost say, about human intentions and attitudes than about human acts. This suggests that Roman religion was concerned with more than the punctiliously correct performance of ritual acts (orthopraxy): that incorrect ritual performance did not always lead to disaster, if one’s intentions were good, may be the flip side of the fact, also illuminated by our evidence for divination in practice, that correct ritual performance did not always guarantee success.

Thirdly and finally, the sheer extent of the Roman state’s concern to determine the divine will, and to avoid uncertainties caused by ritual errors in seeking that will, should alert us to the significant degree to which Roman relations with the gods, as with the future, were considered uncertain and unstable. For it seems that divine benevolence could not be assumed, that it needed constantly to be verified, and that it could be lost soon after successful restoration of the *pax deum*. Our findings therefore support those scholars who hold that Romans did not consider their gods predictable or controllable, and indicate that the gods

¹ Potter 1994: 53; Vigourt 2001: 95: ‘la seule preuve possible de la véracité d’un signe (...) était la production d’un événement tout aussi <<incroyable>>’; on experience as proof of the validity of Roman rites in general, North 1976: 1; Rasmussen 2003: ch. 4; Ando 2008: 13-18 (though his posited gulf between ‘pagan’ ‘knowledge’ and ‘Christian’ ‘faith’ is an illusion).

presupposed by state divination were more than just fellow-citizens, and far from ‘gezähmte’. In some respects at least, the human-divine relationship posited by state divination appears to have been one of human submission, sometimes with personal sacrifice, to divine supremacy.

In the flush of his victory in exposing the Catilinarian conspirators in 63 BC, Cicero insisted that no one could deny that ‘all these things that we see, and especially this city, are governed at the nod, and by the power, of the immortal gods’ (*haec omnia quae videmus praecipueque hanc urbem deorum immortalium nutu ac potestate administrari*).² Our evidence for Roman state divination, in practice and in theory, reveals the weight wielded by that nod, and the strength of the power the gods were thought to hold over Roman life. No scholar nowadays would deny that Rome was governed by rituals, but perhaps it is time to go further, and to put the gods back into our understanding of Roman religion.

² Cic. *Cat.* 3.19.

Bibliography

- Abbott, Frank Frost (1901), *A History and Description of Roman Political Institutions* (Boston and London).
- Ahl, Frederick M. (1976), *Lucan. An Introduction* (Ithaca and London).
- Ailloud, Henri (ed. and trans.) (1931), *Suétone. Vies des douze Césars*, vol. 1 (Paris).
- Alexander, Michael C. (1993), ‘How Many Roman Senators Were Ever Prosecuted? The Evidence from the Late Republic’, *Phoenix* 47: 238-255.
- Alföldi, Andreas (1975), ‘Review of Weinstock, *Divus Julius*’, *Gnomon* 47: 154-179.
- Alföldi, Andrew (1965), ‘The Main Aspects of Political Propaganda on the Coinage of the Roman Republic’. In Carson and Sutherland 1965: 63-95.
- Alici, Luigi (ed. and trans.) (1989), *S. Agostino d’Ippona. La Dottrina Cristiana* (Milan).
- Allen Jr., Walter (1952), ‘Cicero’s Provincial Governorship in 63 B.C.’, *TAPA* 83: 233-241.
- Ambaglio, Delfino (1990), ‘I Deipnosofisti di Ateneo e la tradizione storica frammentaria’, *Athenaeum* 78.1: 51-64.
- Andersen, Hans A. (1938), *Cassius Dio und die Begründung des Principates* (Berlin).
- Ando, Clifford (ed.), (2003), *Roman Religion* (Edinburgh).
- Ando, Clifford (2008), *The Matter of the Gods* (Berkeley).
- Ando, Clifford and Rüpke, Jörg (eds.) (2006), *Religion and Law in Classical and Christian Rome* (Stuttgart).
- André, J.-M. (1975), ‘La philosophie religieuse de Cicéron: dualisme académique et tripartition varronienne’. In Michel and Verdière 1975: 11-21.
- Andrén, Arvid (1960), ‘Dionysius of Halicarnassus on Roman Monuments’. In *Hommages à Léon Herrmann* (1960, Brussels, Coll. Latomus 44): 88-104.
- Arbesmann, Rudolph (trans.) (1950), *Minucius Felix, Octavius* (The Fathers of the Church, vol. 10) (Washington D.C.).
- Arbesmann, Rudolph (trans.) (1950), *Tertullian, The Testimony of the Soul* (The Fathers of the Church, vol. 10) (Washington D.C.).
- Arbesmann, Rudolph (trans.) (1950), *Tertullian, To Scapula* (The Fathers of the Church, vol. 10) (Washington D.C.).
- Ardley, G. W. R. (1969), ‘Cicero on Philosophy and History’, *Prudentia* 1.1: 28-41.
- Arnold, Duane W. H. and Bright, Pamela (eds.) (1995), *De doctrina christiana. A Classic of Western Culture* (Notre Dame and London).
- Ascani, Karen; Gabrielsen, Vincent; Kvist, Kirsten; and Rasmussen, Anders Holm (eds.) (2002), *Ancient History Matters. Studies Presented to Jens Erik Skysgaard on His Seventieth Birthday* (Rome).
- Astin, A. E. (1964), ‘Leges Aelia et Fufia’, *Latomus* 23: 421-445.
- Astin, A. E. (1967), *Scipio Aemilianus* (Oxford).
- Astin, A. E. (1978), *Cato the Censor* (Oxford).
- Astin, A. E. (1989), ‘Roman Government and Politics, 200-134 BC’. In Astin, Walbank, and Frederiksen 1989: 163-96.
- Astin, A. E.; Walbank, F. W.; and Frederiksen, M. W. (eds) (1989), *The Cambridge Ancient History* (second edition), vol. 8: *Rome and the Mediterranean to 133 BC* (Cambridge).

- Augoustakis, Antony (2006), ‘Cutting down the grove in Lucan, Valerius Maximus and Cassius Dio’, *Classical Quarterly* 56.2: 634-638.
- Aune, David E. (1983), *Prophecy in Early Christianity and the Ancient Mediterranean World* (Grand Rapids).
- Ax, W. (ed.) (1938), *M. Tulli Ciceronis De Divinatione, De Fato, Timaeus* (Teubner) (Leipzig).
- Aymard, A. (1944), ‘A propos des Servilii Gemini’, *Revue des Études Anciennes* 46: 237-65.
- Babcock, William S. (1995), ‘*Caritas* and Signification in *De doctrina christiana* 1-3’. In Arnold and Bright 1995: 145-163.
- Badian, E. (1964), *Studies in Greek and Roman History* (Oxford).
- Badian, E. (1968), ‘The Sempronii Aselliones’, *Proceedings of the African Classical Associations* 11: 1-6.
- Badian, E. (1969), ‘Cicero and the Commission of 146 BC’. In Bibauw 1969: 54-65.
- Badian, E. (1970), *Titus Quinctius Flamininus. Philhellenism and Realpolitik* (Lectures in Memory of Louise Taft Semple, second series) (Cincinnati).
- Badian, E. (1984), ‘The House of the Servilii Gemini: A Study in the Misuse of Occam's Razor’, *Papers of the British School at Rome* 52: 49-71.
- Badian, E. (1996), ‘*Tribuni Plebis* and *Res Publica*’. In Linderski 1996: 187-213.
- Baldwin, Barry (1979), ‘The *acta diurna*’, *Chiron* 9: 189-203.
- Balsdon, J. P. V. D. (1939), ‘Consular Provinces under the Late Republic, I. General Considerations’, *Journal of Roman Studies* 29.1: 57-73.
- Balsdon, J. P. V. D. (1953), ‘Some Questions about Historical Writing in the Second Century B.C.’, *Classical Quarterly* N.S. 3.3/4: 158-64.
- Balsdon, J. P. V. D. (1954), ‘Rome and Macedon, 205-200 B.C.’, *Journal of Roman Studies* 44: 30-42.
- Balsdon, J. P. V. D. (1957), ‘Roman History, 58-56 B.C.: Three Ciceronian Problems’, *Journal of Roman Studies* 47: 15-20.
- Baratin, Marc (1981), ‘Les origines stoïciennes de la théorie augustinienne du signe’, *Revue des Études Latines* 59: 260-8.
- Baratin, Marc and Moussy, Claude (eds.) (1999), *Conceptions latines du sens et de la signification* (Paris).
- Bardon, Henry (1952), *La littérature latine inconnue*, 2 vols. (Paris).
- Bardy, G. (ed.) and Sender, Jean (trans.) (1948), *Théophile d'Antioche, Trois Livres à Autolycus* (Paris).
- Barnard, Leslie William (trans.) (1997), *St. Justin Martyr, The First and Second Apologies* (New York).
- Barnes, Jonathan; Brunschwig, Jacques; Burnyeat, Myles; and Schofield, Malcolm (eds.) (1982), *Science and Speculation. Studies in Hellenistic theory and practice* (Cambridge).
- Barnes, T. D. (1984), ‘The Composition of Cassius Dio's Roman History’, *Phoenix* 38: 240-55.
- Barwick, C. (ed.) (1964), *Charisii Artis Grammaticae Libri V* (Leipzig).
- Bats, Maria (1994), ‘Les débuts de l'information politique officielle à Rome au premier siècle avant J.C.’. In Nicolet et al. 1994: 19-43.
- Batsch, Christophe; Egelhaaf-Gaiser, Ulrike; and Stepper, Ruth (eds.) (1999), *Zwischen Krise und Alltag/Conflict et normalité* (Stuttgart).
- Bauckham, Richard (1985), ‘The Fall of the Angels as the Source of Philosophy in Hermias and Clement of Alexandria’, *Vigiliae Christianae* 39: 313-30.

- Bauman, Richard A. (1966), ‘The Abdication of “Collatinus”’, *Acta Classica* 9: 129-141.
- Bauman, Richard A. (1968), ‘The Abrogation of *imperium*: Some Cases and a Principle’, *Rheinisches Museum* 111: 37-50.
- Bauman, Richard A. (1983), *Lawyers in Roman Republican Politics* (Munich).
- Bauman, Richard A. (1992), *Women and Politics in Ancient Rome* (London and New York).
- Baumann, G. (1992), ‘Ritual implicates “Others”: rereading Durkheim in a plural society’. In de Coppet 1992: 97-116.
- Bäumer, Anne (1984), ‘Die Macht des Wortes in Religion und Magie (Plinius, *Naturalis Historia* 28,4-29)’, *Hermes* 112: 84-99.
- Bayet, J. (1937a), ‘Causalité Primitive’ = 1971: 64-72.
- Bayet, J. (1937b), ‘Présages figuratifs déterminants dans l’antiquité Gréco-Latine’ = 1971: 44-63.
- Bayet, J. (1949), ‘La croyance romaine aux présages déterminants: Aspects littéraires et chronologie’ = 1971: 73-88.
- Bayet, J. (1957), *Histoire politique et psychologique de la religion romaine* (Paris).
- Bayet, J. (1960) ‘Les malédictions du tribun C. Aetius Capito’. In *Hommages à Georges Dumézil* 1960 (Coll. Latomus 45) (Brussels): 31-45. = 1971: 353-65.
- Bayet, Jean (1971), *Croyances et Rites dans la Rome antique* (Paris).
- Bayet, Jean (ed.) and Baillet, Gaston (trans.) (1946), *Tite-Live Histoire Romaine* vol. 4 (Paris).
- Beard, Mary (1985), ‘Writing and Ritual. A Study of Diversity and Expansion in the Arval Acta’, *Papers of the British School at Rome* 53: 114-62.
- Beard, Mary (1986), ‘Cicero and Divination: the Formation of a Latin Discourse’, *Journal of Roman Studies* 76: 33-46.
- Beard, Mary (1987), ‘A Complex of Times: no more sheep on Romulus’ birthday’, *PCPhS* 33: 1-15. Reprinted in Ando 2003: 273-288.
- Beard, Mary (1990), ‘Priesthood in the Roman Republic’. In Beard and North 1990: 17-48.
- Beard, Mary (1991), ‘Writing and religion: *Ancient Literacy* and the function of the written word in Roman religion’. In Beard et al. 1991: 35-58.
- Beard, Mary (1998), ‘Documenting Roman Religion’. In Moatti et al. 1998: 75-101.
- Beard, Mary (2007), *The Roman Triumph* (Cambridge, Mass.).
- Beard, Mary and Crawford, Michael (eds.) (1985), *Rome in the Late Republic. Problems and Interpretations* (London).
- Beard, M. and North, J. (eds.) (1990), *Pagan Priests. Religion and Power in the Ancient World* (London).
- Beard, Mary et al. (1991), *Literacy in the Roman World* (JRA Supplement 3) (Ann Arbor).
- Beard, M., North, J., and Price, S. R. F. (1998), *Religions of Rome*, 2 vols. (Cambridge).
- Beaujeu, Jean (ed. and trans.) (1950), *Pline l’Ancien, Histoire Naturelle Livre II* (Paris).
- Beaujeu, Jean (ed.) (1980), *Cicéron. Correspondance* vol. 7 (Paris).
- Becher, Ilse (1985), ‘Tiberüberschwemmungen. Die Interpretation von Prodigien in Augusteischer Zeit’, *Klio* 67.2: 471-9.
- Beck, Roger (1994), ‘Cosmic Models: Some Uses of Hellenistic Science in Roman Religion’, *Apeiron* 27.4 (*The Sciences in Greco-Roman Society*): 99-117.

- Belayche, Nicole (2004), 'Quand Apollon s'est tu, les Sibylles parlent encore'. In Bouquet and Morzadec 2004: 151-163.
- Belayche, Nicole and Rüpke, Jörg (2007a), 'Présentation', *Revue de l'histoire des religions* 224.2: 139-47.
- Belayche, Nicole (2007b), 'Les dieux <<nomothètes>>. Oracles et prescriptions religieuses à l'époque romaine impériale', *Revue de l'histoire des religions* 224.2: 171-91.
- Belayche, Nicole (2007c), 'Religious Actors in Daily Life: Practices and Related Beliefs'. In Rüpke 2007: 275-291.
- Bell, Catherine (1992), *Ritual Theory, Ritual Practice* (Oxford).
- Bell, Catharine (2007), 'Response: Defining the Need for a Definition'. In Kyriakidis 2007a: 277-88.
- Beloch, K. J. (1926), *Römische Geschichte bis zum Beginn der Punischen Kriege* (Berlin and Leipzig).
- Bendlin, Andreas (1997), 'Peripheral Centres - Central Peripheries: Religious Communication in the Roman Empire'. In Cancik and Rüpke 1997: 35-68.
- Bendlin, Andreas (2000), 'Looking Beyond the Civic Compromise: religious pluralism in late republican Rome'. In Bispham and Smith 2000: 115-135.
- Bendlin, Andreas (2006), 'Vom Nutzen und Nachteil der Mantik: Orakel im Medium von Handlung und Literatur in der Zeit der Zweiten Sophistik'. In Elm von der Osten, Rüpke, and Waldner 2006: 159-207.
- Bengtson, Hermann (1977), *Marcus Antonius* (Munich).
- Bennett, Charles Edwin (1910-1914), *Syntax of Early Latin*, vol. 1 (Ann Arbor, London).
- Benveniste, Émile (1945), 'Symbolisme social dans les cultes gréco-italiques', *Revue de l'Histoire des Religions* 129: 5-16.
- Bergemann, Claudia (1992), *Politik und Religion im spätrepublikanischen Rom* (Stuttgart).
- Bergk, Theodor (1884), *Kleine philologische Schriften*, vol. 1 (Halle).
- Berry, D. H. (ed.) (1996), *Cicero Pro P. Sulla Oratio* (Cambridge).
- Bertrand-Écanvil, Estelle (1994), 'Présages et propagande idéologique: à propos d'une liste concernant Octavien Auguste', *Mélanges d'Archéologie et d'Histoire de l'École Française de Rome, Antiquité* 106.2: 487-531.
- Bianchi, Ugo and Vermaseren, Maarten J. (eds.) (1982), *La soteriologia dei culti orientali nell' impero Romano* (Leiden).
- Bibauw, J. (ed.) (1969), *Hommages à Marcel Renard* (Coll. Latomus 101) (Brussels).
- Bickermann, E. J. (1952), 'Origines Gentium', *CP* 47.2: 65-81 = 1985: 399-417.
- Bickermann, E. J. (1985), *Religions and Politics in the Hellenistic and Roman Periods* (Como).
- Bispham, E. and Smith, C., (eds.) (2000), *Religion in Archaic and Republican Rome and Italy. Evidence and Experience* (Edinburgh).
- Bispham, Edward (2000), 'Introduction'. In Bispham and Smith 2000: 1-18.
- Bispham, Edward (2007), *From Asculum to Actium* (Oxford).
- Blecher, Georg (1905), *De extispicio capita tria* (Giessen).
- Bleeker, C. Jouco and Widengren, Geo (eds.) (1969), *Historia Religionum. Handbook for the History of Religions*, vol. 1 (Leiden).
- Bleicken, Jochen (1955), *Das Volkstribunat der klassischen Republik* (Zetemata vol. 13) (Munich).

- Bleicken, Jochen (1957), ‘Kollisionen zwischen Sacrum und Publicum’, *Hermes* 85: 446-80.
- Bleicken, Jochen (2004), *Geschichte der römischen Republik*, sixth edition (Munich).
- Bloch, Herbert (1963), ‘The Pagan Revival in the West at the End of the Fourth Century’. In Momigliano 1963: 193-218.
- Bloch, Raymond (1961), ‘Le départ des Étrusques de Rome selon l’annalistique et la dédicace du temple de Jupiter Capitolin’, *Revue de l’Histoire des Religions* 159: 141-156.
- Bloch, Raymond (1963), *Les prodiges dans l’antiquité classique* (Paris).
- Bloch, Raymond (1964), ‘Liberté et déterminisme dans la divination romaine’. In Renard and Schilling 1964: 89-100.
- Bloch, Raymond (1984), *La divination dans l’antiquité* (Paris).
- Bloomer, W. M. (1992), *Valerius Maximus and the Rhetoric of the New Nobility* (London).
- Blumenthal, Fritz (1914), ‘Auguria Salutis’, *Hermes* 49.2: 246-252.
- Bobzien, Susanne (2001), *Determinism and Freedom in Stoic Philosophy* (Oxford).
- Boissevain, Ursulus Philippus (ed.) (1895-1931), *Cassii Dionis Cocceianai historiarum romanarum quae supersunt* (Berlin).
- Bonnefond-Coudry, Marianne (1989), *Le sénat de la république romaine de la guerre d’Hannibal à Auguste: pratiques délibératives et prise de décision* (Rome).
- Borgeaud, Philippe (1987), ‘Du mythe à l’idéologie: la tête du Capitole’, *Museum Helveticum* 44: 86-100.
- Botsford, George W. (1909), *The Roman Assemblies from their Origin to the End of the Republic* (New York).
- Bottéro, J. (1974), ‘Symptômes, signes, écritures en Mésopotamie ancienne’. In Vernant et al. 1974: 70-197.
- Bottini, Angelo and Fresa, M. P. (eds.) (1991), *Forentum II. L’acropoli in età classica* (Venosa).
- Bouché-Leclercq, A. (1877), ‘Auspicia’. In Daremberg and Saglio 1877: 580-585.
- Bouché-Leclercq, A. (1879-1882 [1975]), *Histoire de la Divination dans l’Antiquité*, 4 vols. (Paris [reprinted New York]).
- Bouché-Leclercq, A. (1904), ‘Litatio’. In Daremberg and Saglio 1904: 1266-8.
- Boudon, Véronique (1988), ‘Galien et le Sacré’, *Bulletin de l’Association Guillaume Budé* 47.4: 327-37.
- Bouquet, Monique and Morzadec, Françoise (eds.) (2004). *La Sibylle. Parole et représentation* (Rennes).
- Bourguery, A. (ed.) (1926), *Lucaïn. La guerre civile*, vol. 1 (Paris).
- Bourque, N. (2000), ‘An anthropologist’s view of ritual’. In Bispham and Smith 2000: 19-33.
- Bowden, Hugh (2005), *Classical Athens and the Delphic Oracle: Divination and Democracy* (Cambridge).
- Bowersock, G. (1965a), *Augustus and the Greek World* (Oxford).
- Bowersock, G. (1965b), ‘Review of Millar, *A Study of Cassius Dio*’, *Gnomon* 37: 469-74.
- Bowersock, G. (1994), *Fiction as History* (Berkeley).
- Bowersock, G. (1997), ‘Jacoby’s Fragments and Two Greek Historians of Pre-Islamic Arabia’. In Most 1997: 173-185.
- Boyancé, Pierre (1955), ‘Sur la théologie de Varron’, *Revue des Études Anciennes* 57: 57-84.

- Boyancé, Pierre (1958), 'La religion romaine selon M. Jean Bayet', *Revue des Études Anciennes* 60: 144-162 = 1972: 27-47.
- Boyancé, Pierre (1964), 'La science d'un quindécemvir au I^{er} siècle après J.-C.', *Revue des Études Latines* 42: 334-46 = 1972: 347-58.
- Boyancé, Pierre (1972), *Études sur la religion romaine* (Rome).
- Boyce, Aline Abaecherli (1937), 'The Epiatory Rites of 207 B.C.', *Transactions and Proceedings of the American Philological Association* 68: 157-171.
- Braccesi, Lorenzo (1982), 'Plinio Storico'. In *Plinio il Vecchio sotto il profilo storico e letterario*: 53-82.
- Bradley, Guy (2000), *Ancient Umbria. State, culture, and identity in central Italy from the Iron Age to the Augustan era* (Oxford).
- Brassloff, Stephen (1913), 'Die Rechtliche Bedeutung der Inauguration beim Flaminat', *Hermes* 48: 458-463.
- Braund, S. H. (ed. and trans.) (1992), *Lucan. Civil War* (Oxford).
- Bredehorn, Uwe (1968), *Senatsakten in der republikanischen Annalistik* (Marburg).
- Breglia Pulci Doria, Luisa (1983), *Oracoli Sibillini tra rituali e propaganda (Studi su Flegonte di Tralles)* (Naples).
- Breglia Pulci Doria, Luisa (1998), 'Libri Sibyllini e dominio di Roma'. In Colombo and Seppilli 1998: 277-304.
- Bremer, F. P. (ed.) (1896), *Iurisprudentiae antehadrianae quae supersunt*, vol. 1 (Leipzig).
- Bremmer (1979) 'The Legend of Cybele's Arrival in Rome'. In Vermaseren 1979: 9-22.
- Bremmer (1982), 'Literacy and the Origins and Limitations of Greek Atheism'. In den Boeft, J. and Kessels, A. H. M. (eds.) (1982), *Actus. Studies in Honour of H. L. W. Nelson* (Utrecht): 43-55.
- Bremmer, Jan N. (1993), 'Prophets, Seers, and Politics in Greece, Israel, and Early Modern Europe', *Numen* 40.2: 150-183.
- Bremmer, Jan N. (1994), *Greek Religion* (Oxford).
- Bremmer, Jan N. (1995), 'The Family and Other Centres of Religious Learning in Antiquity'. In Drijvers and MacDonald 1995: 29-38.
- Bremmer, Jan N. (1996), 'The status and symbolic capital of the seer'. In Hägg, Robin (ed.) *The Role of Religion in the Early Greek Polis* (Stockholm), 97-109.
- Bremmer, Jan N. (1998), "'Religion", "Ritual" and the Opposition "Sacred vs. Profane"'. In Graf 1998: 9-32.
- Bremmer, Jan N. and Horsfall, N. M. (1987), *Roman Myth and Mythography* (Bulletin of the Institute of Classical Studies Supplement 52) (London).
- Brenk, F. E. (1986), 'In the Light of the Moon: Demonology in the Early Imperial Period', *Aufstieg und Niedergang der Römischen Welt* 2.16.3: 2068-2145.
- Brennan, T. Corey (1996), 'Triumphus in Monte Albano'. In Wallace and Harris 1996: 315-337.
- Brennan, T. Corey (2000), *The Praetorship in the Roman Republic*, 2 vols. (Oxford).
- Brind'Amour, Pierre (1983), *Le Calendrier romain* (Ottawa, Canada).
- Briquel, Dominique (1990a), 'Divination étrusque et mantique grecque: la recherche d'une origine hellénique de l'Etrusca disciplina', *Latomus* 49: 321-42.
- Briquel, Dominique (1990b), 'Le Paradoxe Étrusque: Une parole inspirée sans oracles prophétiques', *Kernos* 3: 67-75.
- Briquel, Dominique (1997), *Chrétiens et haruspices. La religion étrusque, dernier rempart du paganisme romain* (Paris).

- Briquel, Dominique (2004-2005), ‘<<Ils rapportent à son sujet une foule de récits extraordinaires>> (Denys d’Halicarnasse 2.60.4): remarques comparatives sur la tradition relative à Numa Pompilius’, *Acta Classica Universitatis Scientiarum Debreceniensis* 40-41: 37-53.
- Briscoe, J. (1964), ‘Q. Marcius Philippus and *Nova Sapientia*’, *Journal of Roman Studies* 54: 66-77.
- Briscoe, J. (1973), *A Commentary on Livy, Books XXXI-XXXIII* (Oxford).
- Briscoe, J. (1981a), *A Commentary on Livy Books XXXIV-XXXVII* (Oxford).
- Briscoe, J. (1981b), ‘The Historiography of the Last Century of the Roman Republic (Review of Wiseman, *Clio’s Cosmetics*)’, *Classical Review* 31.1: 49-51.
- Briscoe, J. (1989), ‘The Second Punic War’. In Astin, Walbank, and Frederiksen 1989: 44-81.
- Briscoe, J. (1997), ‘Review of Warrior 1996’, *Histos* 1 (April 1997): online (URL <http://www.dur.ac.uk/Classics/histos/1997/briscoe.html>).
- Briscoe, J. (ed.) (1998) *Valeri Maximi Facta et Dicta Memorabilia* vol. 1 (Teubner, Stuttgart and Leipzig).
- Briscoe, J. (2008), *A Commentary on Livy, Books 38-40* (Oxford).
- Brisset, J. (1964), *Les idées politiques de Lucaïn* (Paris).
- Brisson, L. (1974), ‘Du bon usage du dérèglement’. In Vernant et al. 1974: 220-48.
- Broilo, Fulviomario (ed.) (1985), *Xenia. Scritti in onore di Piero Treves* (Rome).
- Broughton, T. R. (1951), *The Magistrates of the Roman Republic*, vol. 1 (New York).
- Broughton, T. R. (1952), *The Magistrates of the Roman Republic*, vol. 2 (New York).
- Broughton, T. R. (1960), *The Magistrates of the Roman Republic*, Supplement (New York).
- Broughton, T. R. (1986), *The Magistrates of the Roman Republic*, vol. 3 (Supplement) (Atlanta).
- Broughton, T. R. (1987), ‘Mistreatment of Foreign Legates and the Fetial Priests: Three Roman Cases’, *Phoenix* 41: 50-62.
- Brown, F. E. (1960), *Cosa II. The Temples of the Arx* (Memoirs of the American Academy Rome 26) (Rome).
- Brown, Frank E. (1980), *Cosa, the Making of a Roman Town* (Ann Arbor).
- Brunt, P. A. (1979), ‘Laus Imperii’. In Garnsey and Whittaker 1979: 159-91.
- Brunt, P. A. (1980a = 1993), ‘Cicero and Historiography’. In Brunt 1993: 181-209.
- Brunt, P. A. (1980b), ‘On Historical Fragments and Epitomes’, *Classical Quarterly* 30.2: 477-94.
- Brunt, P. A. (1988), *The Fall of the Roman Republic and Related Essays* (Oxford).
- Brunt, P. A. (1993), *Studies in Greek History and Thought* (Oxford).
- Bruun, Christer (ed.) (2000a), *The Roman Middle Republic. Politics, Religion, and Historiography c. 400-133 BC* (Rome).
- Bruun, Christer (2000b), “‘What every man in the street used to know’: M. Furius Camillus, Italic legends and Roman historiography’. In Bruun 2000a: 41-68.
- Bruun, Patrick et al. (1975), *Studies in the Romanization of Etruria* (Rome).
- Bucher, Gregory S. (1987), ‘The *Annales Maximi* in the Light of Roman Methods of Keeping Records’, *American Journal of Ancient History* 12.1: 2-61.
- Burck, E. (1971), ‘The Third Decade’. In Dorey 1971: 21-46.
- Burckhardt, Leonard A. (1988), *Politische Strategien der Optimaten in der Späten Römischen Republik* (Historia Einzelschriften 57) (Stuttgart).

- Burkert, W. (2005), 'Signs, Commands, and Knowledge: Ancient Divination between Enigma and Epiphany'. In Johnston and Struck 2005: 29-49.
- Burton, Henry F. (1909), 'Seneca's Ideas of God', *American Journal of Theology* 13.3: 350-69.
- Buxton, R. G. A. (ed.) (2000), *Oxford Readings in Greek Religion* (Oxford).
- Cagnat, M. (1911), 'L'<<augurium salutis>> au début de notre ère', *Comptes Rendus des Séances de l'Académie des Inscriptions et Belles-Lettres pendant l'année 1911*: 49-53.
- Cairns, Francis and Heath, Malcolm (eds.) (1996), *Papers of the Leeds International Latin Seminar*, vol. 9 (Leeds).
- Caltabiano, Matilde (1975), 'La morte del console Marcello nella tradizione storiografica'. In Sordi 1975: 65-81.
- Calvert, R. L. (1961), 'M. Claudius Marcellus cos. II 155 BC', *Athenaeum* 39: 11-23.
- Cameron, Alan (1977), 'Paganism and Literature in late fourth century Rome'. In Fuhrmann 1977: 1-30 (with Discussion pp. 31-40).
- Cameron, Averil (ed.) (1989), *History as Text. The Writing of Ancient History* (London).
- Cancik, Hubert (1983), 'Libri fatales. Römische Offenbarungsliteratur und Geschichtstheologie'. In Hellholm 1983: 549-576.
- Cancik, Hubert and Rüpke, Jörg (eds.) (1997), *Römische Reichsreligion und Provinzialreligion* (Tübingen).
- Capdeville, Gérard (1978), '<<Taurus>> et <<bos mas>>'. In *L'Italie préromaine et la Rome républicaine*, vol. 1: 115-123.
- Capdeville, Gérard (1993), 'Les institutions religieuses de la Rome primitive d'après Denys d'Halicarnasse', *Pallas* 39: 153-172.
- Capdeville, Gérard (1993), 'Les sources de la connaissance de l'Etrusca Disciplina chez les écrivains du Siècle d'Auguste', *Caesarodunum Supplement* 63 (*Les Écrivains du Siècle d'Auguste et l'Etrusca disciplina*, vol. 2): 2-30.
- Capdeville, Gérard (1994), 'Le vocabulaire technique dans les traités d'Etrusca disciplina', *Revue de Philologie* 68: 51-76.
- Capdeville, Gérard (1997), 'I Cecina e Volterra'. In *Aspetti della Cultura di Volterra Etrusca fra l'età del ferro e l'età ellenistica* (Atti del XIX Convegno di studi etruschi ed italici, 1995) (Florence): 253-311.
- Carastro, M. (2007), 'Quand Tirésias devint un *mágos*. Divination et magie en Grèce ancienne (Ve-IVe siècle av. n. è.)', *Revue de l'Histoire des Religions* 224.2: 211-30.
- Carcopino, Jérôme (1928), *Autour des Gracques* (Paris).
- Cardauns, Burkhardt (ed.) (1976), *M. Terentius Varro Antiquitates Rerum Divinarum* (Wiesbaden).
- Carlier, Jeannie, (1974), 'Science divine et raison humaine'. In Vernant et al. 1974: 249-63.
- Carson, R. A. G. and Sutherland, C. H. V. (eds.) (1965), *Essays in Roman Coinage Presented to Harold Mattingly* (Oxford).
- Cartledge, P. A. and Harvey, F. D. (eds.) (1985), *Crux. Essays Presented to G.E.M. de Ste. Croix on his Seventy-Fifth Birthday* (Exeter).
- Cary, E. (ed. and trans.) (1968-1984), *The Roman Antiquities of Dionysius of Halicarnassus*, 7 vols. (Loeb: Cambridge, Mass.).
- Cary, E. (ed. and trans.) (1914-1927), *Cassius Dio, Roman History*, 9 vols. (Loeb: Cambridge, Mass.).

- Cassola, F. (1962), *I Gruppi Politici Romani nel III Secolo A. C.* (Trieste).
- Catalano, Pierangelo (1960), *Contributi allo studio del diritto augurale I* (Memorie dell'Istituto Giuridico ser. 2, Mem. 107) (Turin).
- Catalano, Pierangelo (1974), *Populus Romanus Quirites* (Turin).
- Catin, Léon (1944), *En lisant Tite-Live* (Paris).
- Cébeillac-Gervasoni, Mireille and Lamoine, Laurent (eds.) (2003), *Les élites et leurs facettes. Les élites locales dans le monde hellénistique et romain* (Rome).
- Cenderelli, Aldo (1973), *Varroniana* (Milan).
- Cervani, Roberta (1978), *L'epitome di Paolo del <<Verborum Significatu>> di Pompeo Festo. Struttura e metodo* (Rome).
- Chamoux, François (1986), *Marc Antoine* (Paris).
- Champion, Craig B. (2004), 'Polybian Demagogues in Political Context', *Harvard Studies in Classical Philology* 12: 199-212.
- Chaplin, Jane (2000), *Livy's Exemplary History* (Oxford).
- Chaplin, Jane D. and Kraus, Christina S. (eds.) (2009), *Livy (Oxford Readings in Classical Studies)* (Oxford).
- Chassignet, M. (1996), *L'annalistique Romaine. Tome 1. Les annales des pontifes et l'annalistique ancienne (fragments)* (Paris).
- Chevallier, R. (1988), 'Italia Sacra dans l'Histoire Naturelle de Pline l'Ancien. Matériaux pour servir à l'histoire de la religion romaine'. In Porte and Néraudau 1988: 101-23.
- Chevallier, Raymond (ed.) (1966), *Mélanges d'archéologie et d'histoire offerts à André Piganiol*, vol. 3 (Paris).
- Cichorius, Conrad (1902), 'Das Geschichtswerk des Sempronius Tuditanus', *Wiener Studien* 24.2: 588-595.
- Cichorius, Conrad (1922), *Römische Studien* (Leipzig and Berlin).
- Cipriano, Palmira (1983), *Templum* (Rome).
- Ciaraolo, Leda and Seidel, Jonathan (eds.) (2002), *Magic and Divination in the Ancient World* (Leiden, Boston, Cologne).
- Citroni Marchetti, Sandra (1982), 'Iuvare mortalem. L'ideale programmatico della *Naturalis Historia* di Plinio nei rapporti con il moralismo stoico-diatribico', *Atene e Roma* 27: 124-48.
- Claasen, Jo-Marie (1996), 'Dio's Cicero and the Consolatory Tradition'. In Cairns and Heath 1996: 29-45.
- Clark, A. C. (1918), *The Descent of Manuscripts* (Oxford).
- Clark, Anna (2007), *Divine Qualities* (Oxford).
- Classen, J. and Steup, J. (eds.) (1900), *Thukydides*, vol. 4 (Berlin).
- Coarelli, F. (1981), 'La doppia tradizione sulla morte di Romolo e gli *auguracula* dell'Arx e del Quirinale'. In *Gli Etruschi e Roma: Incontro di studio in onore di Massimo Pallottino* (Rome): 173-88.
- Coarelli, F. (1983), *Il foro romano. Periodo arcaico* (vol. 1) (Rome).
- Coarelli, F. (1993), 'Auguraculum (Arx)', in Steinby 1993: 142-3.
- Cobet, C. G. (1877), *Observationes Criticae et Palaeographicae ad Dionysii Halicarnassensis Antiquitates Romanas* (Leiden).
- Cohee, P. (1994), 'Instauratio Sacrorum', *Hermes* 122: 451-68.
- Cohee, Peter (1999), 'Review of Stewart, *Public Office in Early Rome: Ritual Procedure and Political Practice*', *Bryn Mawr Classical Review* 1999.11.23.
- Cohen, Benjamin (1984), 'Some Neglected <<ordines>>: The Apparitorial Status-Groups'. In Nicolet 1984: 23-60.
- Coli, Ugo (1951), *Regnum* = 1973 (vol. 1): 323-483.

- Coli, Ugo (1958), *Il diritto pubblico degli umbri e le tavole eugubine* (Milan).
- Coli, Ugo (1973), *Scritti di Diritto Romano*, vol. 1 (Milan).
- Collart, Jean et al. (1978), *Varron. Grammaire antique et stylistique latine* (Paris).
- Collins, John J. (1998), 'The Jewish Transformation of the Sibylline Oracles'. In Colombo and Seppilli 1998: 369-387.
- Colombo, Ileana Chirassi and Seppilli, Tullio (eds.) (1998), *Sibille e Linguaggi oracolari* (Pisa and Rome).
- Colonna, Giovanni (1976), 'Scriba cum rege sedens'. In *L'Italie préromaine et la Rome républicaine*, vol. 1: 187-195.
- Colonna, Giovanni (ed.) (1985), *Santuari d'Etruria* (Milan).
- Connor, W. R. (1988), "'Sacred" and "Secular": *Hiera kai Hosia* and the Classical Athenian Concept of the State', *Ancient Society* 19: 161-188.
- Cook, S. A.; Adcock, F. E.; and Charlesworth, M. P. (eds.), *Cambridge Ancient History*, vol. 8, first edition (Cambridge).
- Corcoran, Thomas H. (ed. and trans.) (1971), *Seneca, Naturales Quaestiones*, vol. 1 (Loeb: Cambridge, Mass.).
- Cornell, T. J. (1976), 'Etruscan Historiography', *Annali della Scuola Normale Superiore di Pisa (Classe di lettere e filosofia)*, Serie 3, 6.1-2: 411-439.
- Cornell, T. J. (1978), 'Principes of Tarquinia. Review of Torelli, *Elogia Tarquiniensia*', *Journal of Roman Studies* 68: 167-173.
- Cornell, T. J. (1982), 'Review of Wiseman, *Clio's Cosmetics*', *Journal of Roman Studies* 72: 203-6.
- Cornell, T. J. (1986), 'The formation of the historical tradition of Early Rome'. In Moxon, Smart, and Woodman 1986: 67-86.
- Cornell, T. J. (1991), 'The tyranny of the evidence: a discussion of the possible uses of literacy in Etruria and Latium in the archaic age'. In Beard et al. 1991: 7-33.
- Cornell, T. J. (1995), *The Beginnings of Rome* (London and New York).
- Cornell, T. J. (1996) 'Hannibal's Legacy: The Effects of the Hannibalic War on Italy'. In Cornell et al. 1996: 97-117.
- Cornell, T. J. (2000), 'Cicero on the Origins of Rome'. In Powell and North 2001: 41-56.
- Cornell, Tim, Rankov, Boris, and Sabin, Philip (eds.) (1996), *The Second Punic War: A Reappraisal* (Bulletin of the Institute of Classical Studies Supplement 67) (London).
- Costa, Giovanni (1910), 'L'augurium salutis e l'auguraculum capitolino', *Bullettino della Commissione archeologica comunale di Roma* 38: 118-140.
- Cotta Ramosino, Laura (2004), *Plinio il Vecchio e la tradizione storica di Roma nella Naturalis Historia* (Alessandria).
- Courtney, Edward (ed.) (1993), *The Fragmentary Latin Poets* (Oxford).
- Crahay, R. (1974), 'La bouche de la vérité'. In Vernant et al. 1974: 201-19.
- Craig, Christopher (2004), 'Audience Expectations, Invective, and Proof'. In Powell and Paterson 2004: 187-213.
- Crake, J. E. A. (1940), 'The Annals of the Pontifex Maximus', *Classical Philology* 35: 375-86.
- Crake, J. E. A. (1963), 'Roman Politics from 215 to 209 B.C.', *Phoenix* 17.2: 123-130.
- Crawford, Jane W. (1984), *M. Tullius Cicero: The Lost and Unpublished Orations* (Hypomnemata 80) (Göttingen).
- Crawford, M. H. et al. (eds.) (1996), *Roman Statutes*, 2 vols. (London).
- Crawford, O. C. (1941), 'Laudatio Funeris', *Classical Journal* 37: 17-27.

- Crehan, Joseph Hugh (trans.) (1956), *Athenagoras, Embassy for the Christians; The Resurrection of the Dead* (London).
- Crifò, G. (1970), ‘In tema di senatus consultum ultimum’, *Studia et Documenta Historiae et Iuris* 36: 1-15.
- Crook, J. A. (1995), *Legal Advocacy in the Roman World* (London).
- Culham, Phyllis (1989), ‘Archives and Alternatives in Republican Rome’, *Classical Philology* 84.2: 100-115.
- Dacier, André (ed.) (1681), *Sex. Pompei Festi et Mar. Verrii Flacci de verborum significatione lib. XX* (Paris).
- Daly, Emily J. (trans.) (1950), *Tertullian, Apology* (The Fathers of the Church, vol. 10) (Washington D.C.).
- Daremberg, Ch.; Saglio, Edm.; and Pottier, E. (eds.) (1877-1919), *Dictionnaire des antiquités grecques et romaines* (Paris).
- Davies, J. (2004), *Rome’s Religious History: Livy, Tacitus and Ammianus on their Gods* (Cambridge).
- de Cazanove, Olivier (2005), ‘Mont et citadelle, temple et « templum » : quelques réflexions sur l’usage religieux des hauteurs dans l’Italie républicaine’, *Archiv für Religionsgeschichte* 7: 62-82.
- de Coppet, D. (ed.) (1992), *Understanding Rituals* (London and New York).
- de Libero, Loretana (1992), *Obstruktion. Politische Praktiken im Senat und in der Volksversammlung der ausgehenden römischen Republik (70-49 v. Chr.)* (Hermes Einzelschriften 59) (Stuttgart).
- de Melo, Wolfgang D. C. (2007), *The Early Latin Verb System* (Oxford).
- De Sanctis, Gaetano (1923), *Storia dei Romani*, vol. 4, part 1 (Turin).
- De Sanctis, Gaetano (1936), ‘Review of Haywood 1933’, *Rivista di filologia e di istruzione classica* 14 (1936): 189-203.
- de Souza, Philip (1997), ‘Romans and Pirates in a Late Hellenistic Oracle from Pamphylia’, *Classical Quarterly* 47.2: 477-81.
- Degrassi, Atilio (ed.) (1937), *Inscriptiones Italiae*, vol. 13, fasc. 3 (*Elogia*) (Rome).
- Degrassi, Atilio (ed.) (1954), *Fasti Capitolini* (Turin).
- della Corte, Francesco (1969), *Catone Censore. La vita e la fortuna*, second edition (Florence).
- den Boer, W. (1972), *Some Minor Roman Historians* (Leiden).
- den Boer, W. (1979), *Private Morality in Greece and Rome. Some Historical Aspects* (Leiden).
- Dench, Emma (2005), *Romulus’ Asylum. Roman Identities from the Age of Alexander to the Age of Hadrian* (Oxford).
- Denniston, J. D. (ed.) (1926), *Orationes Philippicae Prima et Secunda* (Oxford).
- Denyer, Nicholas (1985), ‘The Case against Divination: An Examination of Cicero’s *de Divinatione*’, *Proceedings of the Cambridge Philological Society* 211: 1-10.
- Deroux, Carl (ed.) (1983), *Studies in Latin Literature and Roman History* vol. 3 (Brussels).
- Deroux, Carl (ed.) (2000), *Studies in Latin Literature and Roman History*, vol. 10 (Brussels).
- Derow, Peter S. (1973), ‘The Roman Calendar, 190-168 B.C.’, *Phoenix* 27: 345-356.
- Derow, Peter S. (1976), ‘The Roman Calendar, 218-191 B.C.’, *Phoenix* 30.3: 265-281.

- Derow, Peter S. (1989), ‘Rome, the fall of Macedon and the sack of Corinth’. In Astin, Walbank, and Frederiksen 1989: 290-323.
- Develin, R. (1972), ‘Tradition and the Development of Triumphal Regulations in Rome’, *Klio* 60: 429-438.
- Develin, R. (1977), ‘*Lex Curiata* and the Competence of Magistrates’, *Mnemosyne* 30: 49-65.
- Develin, R. (1979), ‘The Political Position of C. Flaminius’, *Rheinisches Museum für Philologie* 122: 268-277.
- Develin, R. (1985), *The Practice of Politics at Rome 366-167 B.C.* (Brussels).
- Devoto, Jacobo (1940), *Tabulae Iguvinae* (Rome).
- Diels, Hermann (1890), *Sibyllinische Blätter* (Berlin).
- Dihle, Albrecht (1958), ‘M. Verrius Flaccus’, *RE* 8.A2: 1636-1645.
- Dillery, John (1996), ‘Reconfiguring the Past: Thyrea, Thermopylae and Narrative Patterns in Herodotus’, *American Journal of Philology* 117.2: 217-254.
- Dillery, John (2005), ‘Chresmologues and *Manteis*: Independent Diviners and the Problem of Authority’. In Johnston and Struck 2005: 167-231.
- Dixon, Suzanne (1985), ‘Polybius on Roman Women and Property’, *American Journal of Philology* 106.2: 147-170.
- Dorey, A. (ed.) (1971), *Livy* (London).
- Dorey, T. A. and Lydall, C. W. F. (eds.) (1968), *Livy Book XXIX* (Havant).
- Dorey, T. A. and Lydall, C. W. F. (eds.), (1972), *Livy Book XXIII* (London).
- Döring, Klaus (1978), ‘Antike Theorien über die staatspolitische Notwendigkeit der Götterfurcht’, *Antike und Abendland* 24: 43-56.
- Dorival, Gilles (1998), ‘L’apologétique chrétienne et la culture grecque’. In Pouderon and Doré: 423-465.
- Dorival, Gilles and Le Boulluec, Alain (eds.) (1995), *Origeniana Sexta. Origène et la Bible/Origen and the Bible* (Leuven).
- Dowden, Ken (1992), *Religion and the Romans* (Bristol).
- Drews, Robert (1988), ‘Pontiffs, Prodigies, and the Disappearance of the “Annales Maximi”’, *Classical Philology* 83.4: 289-99.
- Drijvers, Jan Willem and MacDonald, Alasdair A. (eds.) (1995), *Centres of Learning. Learning and Location in Pre-Modern Europe and the Near East* (Leiden).
- Drummond, A. (1989), ‘Rome in the Fifth Century II: The Citizen Community’, *Cambridge Ancient History* vol. 7.2, second edition: 172-242.
- Dubourdieu, Annie (1989), *Les origines et le développement du culte des Pénates à Rome* (Coll. de l’École Française de Rome 118) (Rome).
- Dubourdieu, Annie (1993), ‘Denys d’Halicarnasse et Lavinium’, *Pallas* 39: 71-82.
- Dubuisson, Michel (1979), ‘Procédés de la diplomatie romaine: L’annexion de la Sardaigne et le sens de *sugkatabainein*’, *Revue des Études Latines* 57: 114-125.
- Duff, J. D. (ed. and trans.) (1928), *Lucan. The Civil War* (Cambridge, Mass.).
- Dumézil, G. (1970), *Archaic Roman Religion* (2 vols.) (Chicago).
- Dyck, Andrew R. (2004), *A Commentary on Cicero, De Legibus* (Ann Arbor).
- Earl, D. C. (1963), *Tiberius Gracchus. A Study in Politics* (Brussels).
- Easterling, P. E. and Muir, J. V. (eds.) (1985), *Greek Religion and Society* (Cambridge).
- Ebel, Charles (1991), ‘Dum populus senatusque Romanus vellet’, *Historia* 40.4: 437-448.
- Eck, Werner and Heil, Matthäus (eds.) (2005), *Senatores populi Romani. Realität und mediale Präsentation einer Führungsschicht* (Stuttgart).

- Eckstein, Arthur M. (2006), *Mediterranean Anarchy, Interstate War, and the Rise of Rome* (Berkeley and Los Angeles).
- Eder, Walter and Ampolo, Carmine (eds.) (1990), *Staat und Staatlichkeit in der frühen römischen Republik* (Stuttgart).
- Edlund, Ingrid E. M. (1980), 'Livy and Dionysios of Halikarnassos as Roman archaeologists', *Rivista di Archeologia* 4: 26-30.
- Edwards, C. (1993), *The Politics of Immorality in Ancient Rome* (Cambridge).
- Edwards, M. J. (1989), 'Three Exorcisms and the New Testament World', *Eranos* 87: 117-26.
- Edwards, M. J. (ed. and trans.) (2003), *Constantine and Christendom* (Translated Texts for Historians vol. 39) (Liverpool).
- Edwards, M. J., Goodman, Martin, and Price, Simon (eds.) (1999), *Apologetics in the Roman Empire* (Oxford).
- Edwards, M. J. and Swain, Simon (eds.) (1997), *Portraits. Biographical Representation in the Greek and Latin Literature of the Roman Empire* (Oxford).
- Egelhaaf-Gaiser, Ulrike, and Schäfer, Alfred (eds.) (2002), *Religiöse Vereine in der römischen Antike* (Tübingen).
- Eidenow, Esther (2007), *Oracles, Curses, and Risk among the Ancient Greeks* (Oxford).
- van der Eijk, Ph. J.; Horstmanshoff, H. F. J.; and Schrijvers, P. H. (eds.), *Ancient Medicine in its Socio-Cultural Context*, vol. 2 (Amsterdam and Atlanta, GA).
- Eisman, M. (1977), 'Dio and Josephus: Parallel Analyses', *Latomus* 36: 657-73.
- Elm von der Osten, D., Rüpke, J., and Waldner, K. (eds.) (2006), *Texte als Medium und Reflexion von Religion im römischen Reich* (Stuttgart).
- Epstein, D. F. (1987), *Personal Enmity in Roman Politics 218-43 BC* (Beckenham, Kent).
- Ernout, A. (1953), *Morphologie Historique du Latin*, third edition (Paris).
- Ernout, A. (1964), 'La magie chez Plin l'Ancien'. In Renard and Schilling 1964: 190-195.
- Ernout, A. (ed. and trans.) (1952), *Plin l'Ancien. Histoire Naturelle livre VIII* (Paris).
- Ernout, A. (ed. and trans.) (1962), *Plin l'Ancien. Histoire Naturelle livre XXVIII* (Paris).
- Ernout, A. and Meillet, A. (1979), *Dictionnaire Étymologique de la Langue Latine*, fourth edition (Paris).
- Ernout, A. and Pépin, R. (eds.) (1947), *Plin l'Ancien. Histoire Naturelle Livre XI* (Paris).
- Ernout, A. and Thomas, François (1953), *Syntaxe Latine* (Paris).
- Errington, R. M. (1989), 'Rome against Philip and Antiochus'. In Astin, Walbank, and Frederiksen 1989: 244-89.
- Falconer, William A. (ed. and trans.) (1923), *Cicero De Senectute, De Amicitia, De Divinatione* (Loeb: Cambridge, Mass.).
- Fantham, Elaine (1975), 'The Trials of Gabinius in 54 BC', *Historia* 12: 425-443.
- Farney, Gary D. (1997), 'The Fall of the Priest C. Sulpicius Galba and the First Consulship of Marius', *Memoirs of the American Academy in Rome* 42: 23-37.
- Favini, Luciano (2004), 'Su CIL 1', *Maia* 56.2: 273-84.
- Fears, J. Rufus (1975), 'The Coinage of Q. Cornificius and Augural Symbolism on Late Republican Denarii', *Historia* 24.4: 592-602.
- Fears, R. (1977), *Princeps a Diis Electus* (Rome).

- Feeney, Denis (1984), ‘The Reconciliations of Juno’, *Classical Quarterly* 34.1: 179-194.
- Feeney, Denis (1991), *The Gods in Epic* (Oxford).
- Feeney, Denis (1998), *Literature and Religion at Rome* (Cambridge).
- Feeney, Denis (2007), *Caesar’s Calendar. Ancient Time and the Beginnings of History* (Berkeley, Los Angeles, London).
- Fehrle, Rudolf (1983), *Cato Uticensis* (Darmstadt).
- Feldherr, Andrew (1998), *Spectacle and Society in Livy’s History* (Berkeley and Los Angeles).
- Ferguson, John (trans.) (1991) *Clement of Alexandria, Stromateis* (Washington).
- Ferrary, J.-L. (1988), *Philhellenisme et Impérialisme* (Rome).
- Ferrary, J.-L. (1999), ‘À propos de deux passages des *Philippiques* (1,11-13 et 2,110)’, *Archiv für Religionsgeschichte* 1.2: 215-231.
- Fezzi, Luca (1995), ‘Lex Clodia de iure et tempore legum rogandarum’, *Studi Classici e Orientali* 45: 297-328.
- Fezzi, Luca (1999), ‘La legislazione tribunitia di Publio Clodio Pulcro (58 A.C.) e la ricerca del consenso a Roma’, *Studi Classici e Orientali* 47.1: 245-341.
- Finkelstein, J. J. (1963), ‘Mesopotamian Historiography’, *Proceedings of the American Philosophical Society* 107.6: 461-472.
- Flacelière, Robert (ed. and trans.) (1972), *Plutarque. Vies*, vol. 7 (Paris).
- Flach, Dieter (1973), ‘Dios Platz in der kaiserzeitlichen Geschichtsschreibung’, *Anike und Abendland* 18: 130-143.
- Fless, Friederike (1995), *Opferdiener und Kultmusiker auf stadtrömischen historischen Reliefs* (Mainz).
- Flinck, Edwin (1921), *Auguralia und Verwandtes* (Helsinki).
- Flower, H. I. (1995), ‘*Fabulae praetextae* in context: when were plays on contemporary subjects performed in Republican Rome?’ *Classical Quarterly* 45.1: 170-90.
- Flower, H. I. (1996), *Ancestor Masks and Aristocratic Power in Roman Culture* (Oxford).
- Flower, Michael Attyah (2009), *The Seer in Ancient Greece* (Berkeley, Los Angeles, London).
- Fontemoing, Albert (ed.) (1903), *Mélanges Boissier* (Paris).
- Fornara, C. W. (1983), *The Nature of History in Ancient Greece and Rome* (Berkeley).
- Foster, Herbert B. (ed. and trans.) (1914), *Dio’s Roman History* (Loeb: Cambridge, Mass.).
- Fox, Matthew (2007), *Cicero’s Philosophy of History* (Oxford).
- Fraccaro, Plinio (1911), *I processi degli Scipioni* (Pisa).
- Franchet d’Espèrey, Sylvie; Fromentin, Valérie; Gotteland, Sophie; and Roddaz, Jean-Michel (eds.) (2003), *Fondements et crises du pouvoir* (Bordeaux).
- Frank, Tenney (1930), ‘Rome’. In Cook et al. 1930: 357-387.
- Frede, Michael (1999), ‘Eusebius’ Apologetic Writings’. In Edwards, Goodman and Price 1999: 223-50.
- Frederiksen, M. V. (1965), ‘The Republican Municipal Laws: Errors and Drafts’, *Journal of Roman Studies* 55.1/2: 183-98.
- French, Roger and Greenaway, Frenk (eds.) (1986), *Science in the Early Roman Empire: Pliny the Elder, his Sources and Influence* (London and Sydney).
- Freyburger, Marie-Laure and Roddaz, Jean-Michel (eds.) (1994), *Dion Cassius. Histoire Romaine Livres 48 et 49* (Paris).

- Freyburger-Galland, Marie-Laure (1997), *Aspects du vocabulaire politique et institutionnel de Dion Cassius* (Paris).
- Freyburger-Galland, Marie-Laure (1999), 'Les rêves chez Dion Cassius', *Revue des Études Anciennes* 101.3-4: 533-545.
- Freyburger, Marie-Laure (2003), 'Le vocabulaire de la crise du pouvoir chez Dion Cassius'. In Franchet d'Espèrey et al. 2003: 325-336.
- Freyburger, G. (1977), 'La supplication d'action de grâces dans la religion romaine archaïque', *Latomus* 36: 283-315.
- Freyburger, G. and Scheid, J. (eds.) (1992), *Cicéron. De la divination* (Paris).
- Frier, B. W. (1979), *Libri Annales Pontificum Maximorum: The Origins of the Annalistic Tradition* (Rome).
- Frier, B. W. (1985), *The Rise of the Roman Jurists* (Princeton).
- Fromentin, Valérie (1993), 'La définition de l'histoire comme <<mélange>> dans le prologue des *Antiquités Romaines* de Denys d'Halicarnasse (1.8.3)', *Pallas* 39: 177-192.
- Fromentin, Valérie (2004), 'Contribution à l'histoire de la tradition indirecte des <<Antiquités romaines>> de Denys d'Halicarnasse', *Ktema* 29: 175-194.
- Frothingham, A. L. (1917), 'Ancient Orientation Unveiled: I, II', *American Journal of Archaeology* 21.1: 55-76; 21.2: 187-202.
- Fuhrmann, Manfred (ed.) (1977), *Christianisme et formes littéraires de l'antiquité tardive en occident (Entretiens Hardt vol. 23)* (Geneva).
- Gabba, Emilio (1955), 'Sulla Storia Romana di Cassio Dione', *Rivista Storica Italiana* 67.3: 289-333.
- Gabba, Emilio (1957), 'Note sulla polemica anticiceroniana di Asinio Pollione', *Rivista Storica Italiana* 69.3: 317-339.
- Gabba, Emilio (1961), 'Studi su Dionigi da Alicarnasso II. Il regno di Servio Tullio', *Athenaeum* 39: 98-121.
- Gabba, Emilio (1964), 'Un documento censorio in Dionigi d'Alicarnasso 1.74.5'. In Guarino and Labruna 1964: 486-93.
- Gabba, Emilio (1991), *Dionysius and The History of Archaic Rome* (Berkeley).
- Gabba, Emilio (ed.) (1974), *Polybe (Fondation Hardt Entretiens 20)* (Geneva).
- Gabba, Emilio (ed.) (1979), *Ricerche di Storiografia greca di età romana* (Pisa).
- Gagé, J. (1933), 'La théologie de la Victoire impériale', *Revue Historique* 171.1: 1-43.
- Gagé, J. (1955), *Apollon Romain* (Paris).
- Gagliardi, Donato (ed.), (1975), *M. Annaei Lucani. Belli Civilis Liber Septimus* (Florence).
- Galinsky, Karl (ed.) (2005), *The Cambridge Companion to the Age of Augustus* (Cambridge).
- Galsterer, Hartmut (1976), *Herrschaft und Verwaltung im republikanischen Italien. Die Beziehungen Roms zu den italischen Gemeinden vom Latinerfrieden 338 v. Chr. bis zum Bundesgenossenkrieg 91 v. Chr.* (Munich).
- Gardner, R. (ed.) (1958a), *Cicero, Pro Sestio and In Vatinius* (Loeb: Cambridge, Mass.).
- Gardner, R. (ed. and trans.) (1958b), *Cicero. Pro Caelio, De Provinciis Consularibus, Pro Balbo* (Loeb: Cambridge, Mass.).
- Gargola, Daniel J. (1995), *Lands, Laws, & Gods. Magistrates and ceremony in the regulation of public lands in Republican Rome* (Chapel Hill and London).
- Garnsey, P. D. A. and Whittaker, C. R. (eds.) (1979), *Imperialism in the Ancient World* (Cambridge).

- Gauger, Jörg-Dieter (1980), 'Phlegon von Tralleis, *mirab.* III. Zu einem Dokument geistigen Widerstandes gegen Rom', *Chiron* 10: 225-61.
- Geer, Russel M. (1938), 'The Scipios and the Father of the Gracchi', *Transactions and Proceedings of the American Philological Association* 69: 381-88.
- Gehrke, Hans-Joachim (2001), 'Myth, History, and Collective Identity: Uses of the Past in Ancient Greece and Beyond'. In Luraghi 2001: 286-313.
- Gelenius, Sigismund (trans.) (1555), *Dionysii Halicarnaseei Antiquitatum, sive Originum Romanarum, Libri X* (Lyons).
- Gelzer, Matthias (1968), *Caesar. Politician and Statesman*, trans. Peter Needham (Oxford).
- Gelzer, Matthias (2005), *Pompeius*, second edition (Stuttgart).
- Gentz, J. (2005), 'Wang Chongs (27-ca. 100) Divinationskritik', *Cahiers du Centre Gustave Glotz* 16: 259-74.
- Georgii, H. (1912), 'Zur Bestimmung der Zeit des Servius', *Philologus* 71: 518-526.
- Gerschel, Lucien (1952), 'Structures augurales et tripartition fonctionnelle dans la pensée de l'ancienne Rome', *Journal de psychologie normale et pathologique* 45: 47-77.
- Getty, R. J. (ed.) (1992), *Lucan. De bello civili I*, second edition (Bristol).
- Gigon, Olof (1991), 'Senecas Naturales Quaestiones'. In Grimal 1991: 313-339.
- Gildersleeve, Basil (1899), 'Brief Mention', *American Journal of Philology* 20: 350-354.
- Giomini, Remo (ed.) (1975), *M. Tullius Cicero, De Divinatione, De Fato, Timaeus* (Teubner) (Leipzig).
- Giovannini, Adalberto (1998), 'Les livres auguraux'. In Moatti et al. 1998: 103-122.
- Gladigow, Burkhard (1995), 'Anatomia Sacra. Religiös motivierte Eingriffe in menschliche oder tierische Körper'. In van der Eijk et al. 1995: 345-361.
- Glinister, Fay, Woods, Clare, North, J. A. and Crawford, W.H. (eds.) (2007), *Verrius, Festus, and Paul. Lexicography, Scholarship, and Society* (Bulletin of the Institute of Classical Studies Supplement 93) (London).
- Goar, Robert J. (1978), *Cicero and the State Religion* (Amsterdam).
- Goar, Robert J. (1987), *The Legend of Cato Uticensis from the First Century B.C. to the Fifth Century A.D.* (Brussels).
- Goetze, Albrecht (1947), 'Historical Allusions in Old Babylonian Omen Texts', *Journal of Cuneiform Studies* 1: 253-265.
- Goldschmidt, Victor (1969), *Le système stoïcien et l'idée de temps* (Paris).
- Goodman, M. D. and Holladay, A. J. (1986), 'Religious Scruples in Ancient Warfare', *Classical Quarterly* 36.1: 151-171.
- Goold, G. P. (1970), 'Servius and the Helen Episode', *Harvard Studies in Classical Philology* 74: 101-168.
- Gordon, A. E. (1955), 'Veranius', *RE* 8.A1: 937.
- Gordon, Richard (1987), 'Lucan's Erichtho'. In Whitby, Hardie, and Whitby 1987: 231-241.
- Gordon, Richard (1990a), 'From Republic to Principate: Priesthood, Religion and Ideology'. In Beard and North 1990: 179-198. Reprinted in Ando 2003: 62-83.
- Gordon, Richard (1990b), 'Religion in the Roman Empire: the Civic Compromise and its Limits'. In Beard and North 1990: 235-55.
- Gordon, Richard (1990c), 'The Veil of Power: Emperors, Sacrificers and Benefactors'. In Beard and North 1990: 201-31.
- Gotoff, Harold (1993), 'Oratory: The Art of Illusion', *Harvard Studies in Classical Philology* 95: 289-313.

- Goukowsky, Paul (ed. and trans.) (2007), *Appien. Histoire Romaine* vol. 2, book 6 (*L'Ibérique*) (Paris).
- Gowing, Alain M. (1992), *The Triumviral Narratives of Appian and Cassius Dio* (Ann Arbor).
- Gowing, Alain M. (2005), *Empire and Memory. The Representation of the Roman Republic in Imperial Culture* (Cambridge).
- Graf, Fritz (2005), 'Rolling the Dice for an Answer'. In Johnston and Struck 2005: 51-97.
- Graf, Fritz (ed.) (1998), *Ansichten Griechischer Rituale* (Stuttgart).
- Gragg, Douglas L. (2004), 'Old and New in Roman Religion: A Cognitive Account'. In Whitehouse and Martin 2004: 69-86.
- Grainger, J. D. (1995), 'The Campaign of Cn. Manlius Vulso in Asia Minor', *Anatolian Studies* 45: 23-42.
- Grainger, J. D. (2002), *The Roman War of Antiochos the Great* (Leiden).
- Grandazzi, Alexandre (1993), '<<Intermortua iam et sepulta verba>>' (Festus, 242 L). Les mots de la divination chez Verrius Flaccus', *Revue de philologie* 67: 57-73, 263-85.
- Greaves, A. M. (1998), 'Dionysius of Halicarnassus, *Antiquitates Romanae* 2.30 and Herodotus 1.146', *CQ* 48.2: 572-4.
- Green, R. P. H. (ed. and trans.), (1995), *Augustine. De doctrina Christiana* (Oxford).
- Green, Steven J. (2008), 'Save our Cows? Augustan Discourse and Animal Sacrifice in Ovid's *Fasti*', *Greece & Rome* 55: 39-54
- Green, Steven J. (2009), 'Malevolent Gods and Promethean Birds: Contesting Augury in Augustus's Rome', *Transactions of the American Philological Association* 139.1: 147-167.
- Greenidge, A. H. (1893), 'The Repeal of the *Lex Aelia Fufia*', *Classical Review* 7.4: 158-61.
- Greenidge, A. H. (1895), 'The Procedure of the "Provocatio"', *Classical Review* 9.1: 4-8.
- Greenidge, A. H. (1901), *Roman Public Life* (New York).
- Grenade, Pierre (1950), 'Le mythe de Pompée et les Pompéiens sous les Césars', *Revue des Études Anciennes* 52: 28-63.
- Grimal, Pierre (ed.) (1991), *Sénèque et la prose latine* (Entretiens Fondation Hardt 36) (Geneva).
- Gross, Nikolaus (1989), *Senecas Naturales Quaestiones. Komposition, naturphilosophische Aussagen und ihre Quellen* (Stuttgart).
- Grottanelli, C. (2005), 'Sorte Unica pro casibus pluribus enotata. Literary Texts and Lot Inscriptions as Source for Ancient Kleromancy'. In Johnston and Struck 2005: 129-46.
- Gruen, E. S. (1968), *Roman Politics and the Criminal Courts, 149-78 BC* (Cambridge, Mass.).
- Gruen, E. S. (1969), 'The Consular Elections for 53 B.C.'. In Bibauw 1969 (vol. 2): 311-321.
- Gruen, E. S. (1974), *The Last Generation of the Roman Republic* (Berkeley and London).
- Gruen, E. S. (1978), 'The Consular Elections for 216 B.C. and the Veracity of Livy', *California Studies in Classical Antiquity* 11: 61-74.
- Gruen, E. S. (1984), *The Hellenistic World and the Coming of Rome*, 2 vols. (Berkeley).

- Guarino, Antonio and Labruna, Luigi (eds.) (1964), *Syntheleia. Vincenzo Arangio-Ruiz* vol. 1 (Naples).
- Guittard, Charles (1990), ‘Contribution des sources littéraires à notre connaissance de l’*Etrusca Disciplina*: Tarquitiu Priscus et les *arbores infelices*’. In Heres and Kunze 1990: 91-99.
- Guittard, Charles (2004), ‘Reflets étrusques sur la Sibylle. <<Libri Sibyllini>> et <<Libri Vegoici>>’. In Bouquet and Morzadec 2004: 29-42.
- Haack, Marie-Laurence (2002), ‘Haruspices publics et privés: tentative d’une distinction’, *Revue des Études Anciennes* 104.1-2: 111-133.
- Haack, Marie-Laurence (2003a), ‘Le cas des haruspices des colonies et des municipes’. In Cébeillac-Gervasoni and Lamoine 2003: 451-63.
- Haack, Marie-Laurence (2003b), *Les Haruspices dans le monde romain* (Bordeaux).
- Haack, Marie-Laurence (2006), *Prosopographie des Haruspices Romains* (Pisa and Rome).
- Hahn, David E. (1963), ‘Roman Nobility and the Three Major Priesthoods, 218-167 B.C.’, *Transactions and Proceedings of the American Philological Association* 94: 73-85.
- Hahn, E. Adelaide (1928), ‘The *Ab Urbe Condita* Type of Expression in Greek and English’ *Classical Journal* 23.4: 266-274.
- Halbfas, Franz (1910), *Theorie und Praxis in der Geschichtschreibung bei Dionys von Halikarnass* (Diss. Münster) (Münster).
- Hall, Jon (2009), *Politeness and Politics in Cicero’s Letters* (Oxford).
- Hammerstaedt, Jürgen (ed.) (1988), *Die Orakelkritik des Kynikers Oenomaus* (Frankfurt).
- Hampl, F. (1953), ‘Review of Scullard, *Roman Politics 220-150 BC* (1951)’, *Anzeiger für die Altertumswissenschaft* 6: 90-7.
- Hansen, William (ed. and trans.) (1996), *Phlegon of Tralles’ Book of Marvels* (Exeter).
- Harl, K. W. (1990), ‘Sacrifice and Pagan Belief in Fifth- and Sixth-Century Byzantium’, *Past and Present* 128: 7-27.
- Harries, Jill D. (2004), ‘Cicero and the Law’. In Powell and Paterson 2004: 147-163.
- Harries, Jill D. (2006), *Cicero and the Jurists. From Citizens’ Law to the Lawful State* (London).
- Harris, J. Rendel (ed. and trans.) (1893), *The Apology of Aristides on Behalf of the Christians* (Cambridge), with Appendix ‘The Remains of the Original Greek of the Apology of Aristides’ by J. Armitage Robinson.
- Harris, W. V. (1971), *Rome in Etruria and Umbria* (Oxford).
- Harris, W. V. (1979), *War and Imperialism in Republican Rome 327-70 BC* (Oxford).
- Harris, W. V. (1989), ‘Roman expansion in the west’. In Astin et al. 1989: 107-162.
- Harris, W. V. (1990), ‘On Defining the Political Culture of the Roman Republic: Some Comments on Rosenstein, Williamson, and North’, *Classical Philology* 85.4: 288-294.
- Harris, W. V. (2003), ‘Roman opinions about the truthfulness of dreams’, *Journal of Roman Studies* 93: 18-34.
- Harris, W. V. (2009), *Dreams and Experience in Classical Antiquity* (Cambridge, Mass. and London).
- Harrison, S. J. (ed. and trans.) (1991), *Vergil. Aeneid 10* (Oxford).

- Hassall, M. W. C. and Tomlin, R. S. O. (1993), ‘Roman Britain in 1992 (2): Inscriptions’, *Britannia* 24: 310-322.
- Haupt, H. (1881), ‘Dio Cassius. Jahresbericht’, *Philologus* 40: 139-166.
- Haupt, H. (1882), ‘Dio Cassius (Jahresbericht). Forsetzung’, *Philologus* 41: 140-158.
- Haupt, H. (1884), ‘Dio Cassius. Jahresbericht’, *Philologus* 43: 678-701.
- Haury, A. (1966), ‘Une querelle de clocher: Augures contre Haruspices’. In Chevallier 1966: 1623-1633.
- Haywood, R. M. (1933 [1973]), *Studies on Scipio Africanus* (Baltimore).
- Heikkilä, Kai (1993), ‘*Lex non iure rogata*: Senate and the Annulment of Laws in the Late Republic’. In Paananen et al. 1993: 117-142.
- Heintz, Jean-Georges (ed.) (1997), *Oracles et prophéties dans l’antiquité* (Paris).
- Hellholm, David (ed.) (1983), *Apocalypticism in the Mediterranean World and the Near East* (Tübingen).
- Hendrickson, G. L. (1906), ‘Literary Sources in Cicero’s *Brutus* and the Technique of Citation in Dialogue’, *American Journal of Philology* 27: 184-199.
- Heres, Huberta and Kunze, Max (eds.), (1990), *Die Welt der Etrusker (Internationales Kolloquium 24.-26. Oktober 1988 in Berlin)* (Berlin).
- Herrmann, L. (1960), ‘Carmina Marciana’. In *Hommages à Georges Dumézil*: 117-23.
- Heurgon, Jacques (1953), ‘Tarquitiu Priscus et l’organisation de l’ordre des haruspices sous l’empereur Claude’, *Latomus* 12.4: 402-417.
- Heurgon, Jacques (1959), ‘The Date of Vegoia’s Prophecy’, *Journal of Roman Studies* 49: 41-5.
- Heurgon, Jacques (1978), ‘Varron et l’haruspice étrusque Tarquitiu Priscus’. In Collart et al. 1978: 101-4.
- Heuss, Alfred (1982), *Gedanken und Vermutungen zur frühen römischen Regierungsgewalt (Nachrichten der Akademie der Wissenschaften in Göttingen aus dem Jahre 1982, Philologisch-Historische Klasse)*: 375-454.
- Hickson, F. V. (1993), *Roman Prayer Language, Livy and the Aeneid of Vergil* (Stuttgart).
- Hill, Edmund (trans.) (1996), *Teaching Christianity. De Doctrina Christiana* (Hyde Park, New York).
- Hine, Harry M. (ed.) (1981), *An Edition with Commentary of Seneca Natural Questions, Book Two* (New York).
- Hine, Harry M. (ed.) (1996), *L. Annaeus Seneca Naturalium Quaestionum Libros* (Stuttgart and Leipzig).
- Hofmann, J. B. and Szantyr, Anton (1965), *Lateinische Syntax und Stilistik* (Munich).
- Hohti, Paavo (1975), ‘Aulus Caecina the Volaterran’. In Bruun et al. 1975: 409-433.
- Holleaux, M. (1913), ‘Recherches sur l’histoire des négociations d’Antiochos III avec les Romains’, *Revue des Études Anciennes* 15: 1-24.
- Holleaux, M. (1921), *Rome, la Grèce et les Monarchies Hellénistiques* (Paris).
- *Hommages à Georges Dumézil* (1960), Coll. Latomus 45 (Brussels).
- Hopkins, Keith (1978), *Conquerors and Slaves* (Cambridge).
- Hornblower, Simon (1992), ‘The Religious Dimension to the Peloponnesian War, or, What Thucydides Does Not Tell Us’, *Harvard Studies in Classical Philology* 94: 169-97.
- Hornblower, Simon (ed.) (1994), *Greek Historiography* (Oxford).

- Horsfall, N. M. (1987), 'From History to Legend: M. Manlius and the Geese'. In Bremmer and Horsfall 1987: 63-75.
- Horton, R. (1973), 'Lévy-Bruhl, Durkheim and the Scientific Revolution'. In Horton and Finnegan 1973: 249-305.
- Horton, R. and Finnegan, R. (eds.) (1973), *Modes of Thought. Essays on Thinking in Western and Non-Western Societies* (London).
- Hose, Martin (1994), *Erneuerung der Vergangenheit. Die Historiker im Imperium Romanum von Florus bis Cassius Dio* (Stuttgart).
- Howard, Albert A. (1890), 'On the Use of the Perfect Infinitive in Latin with the Force of the Present', *Harvard Studies in Classical Philology* 1: 111-138.
- Hübner, Wolfgang (1970), *Dirae im römischen Epos. Über das Verhältnis von Vogeldämonen und Prodigien* (Hildesheim and New York).
- Huet, Valérie, et al. (2004), 'Les sacrifices dans le monde romain', *Thesaurus Cultus et Rituum Antiquorum* (Los Angeles) vol. 1: 183-235.
- Humphrey, Caroline and Laidlaw, James (1994), *The Archetypal Actions of Ritual* (Oxford).
- Humphrey, Caroline and Laidlaw, James (2007), 'Sacrifice and Ritualization'. In Kyriakidis 2007a: 255-76.
- Hurlet, F. (2001), 'Les auspices d'Octavien/Auguste', *Cahiers du Centre Gustave-Glotz* 12: 155-80.
- Hurst, A. (1982), 'Un critique grec dans la Rome d'Auguste: Denys d'Halicarnasse', *Aufstieg und Niedergang der römischen Welt* 2.30.1: 839-65.
- Hutchinson, G. O. (1998), *Cicero's Correspondence. A Literary Study* (Oxford).
- in Ovid's *Fasti*', *Greece & Rome* 55.1: 39-54.
- Inwood, Brad (2005), *Reading Seneca. Stoic Philosophy at Rome* (Oxford).
- Israelowich, Ido (2008), 'The Rain Miracle of Marcus Aurelius: (re-)construction of Consensus', *Greece & Rome* 55.1: 83-102.
- *L'Italie préromaine et la Rome républicaine: mélanges offerts à Jacques Heurgon* (1976), (Rome).
- Izard, M. and Smith, P. (eds.) (1982), *Between Belief and Transgression*. Trans. John Leavitt (Chicago and London).
- Jackson, B. Darrell (1969), 'The Theory of Signs in St. Augustine's *De doctrina christiana*', *Revue des Études Augustiniennes* 15: 9-49.
- Jacoby, Carl (ed.) (1885), *Dionysi Halicarnasensis Antiquitatum Romanarum quae supersunt* vol. 1 (Teubner) (Leipzig).
- Jaeger, M. (1997), *Livy's Written Rome* (Ann Arbor).
- Jaeger, Werner (1937), 'The Problem of Authority and the Crisis of the Greek Spirit'. In *Authority and the Individual* (Harvard Tercentenary Publications) (Cambridge, Mass.).
- Jahn, Joachim (1970), *Interregnum und Wahldiktatur* (Kallmünz).
- Jaillard, D. (2007), 'Plutarque et la divination: la piété d'un prêtre philosophe', *Revue de l'Histoire des Religions* 224.2: 149-69.
- Jaillard, D. and Waldner, K. (2005), 'La divination dans l'antiquité. Une enquête comparatiste', *Cahiers du Centre Gustave Glotz* 16 (2005): 213-15.
- Jal, P. (1961), 'La propagande religieuse à Rome au cours des guerres civiles', *Antiquité Classique* 30: 395-414.
- Jal, P. (1962), 'Les dieux et les guerres civiles dans la Rome de la fin de la république', *Revue des Études Latines* 40: 170- 200.
- Jal, P. (1965), 'Nature et signification politique de l'oeuvre de Florus', *Revue des Études Latines* 43: 358-383.

- Jal, Paul (ed. and trans.) (1971), *Tite-Live, Histoire Romaine* vol. 31 (Paris).
- Janssen, L. F. (1973), ‘Review of Bredehorn, *Senatsakten in der republikanischen Annalistik*’, *Mnemosyne* 26.1: 91-93.
- Janzer, Dr. Benno (1937), *Historische Untersuchungen zu den Redenfragmenten des M. Porcius Cato* (Würzburg-Aumühle).
- Jocelyn, H. D. (1966), ‘The Roman Nobility and the Religion of the Republican State’, *Journal of Religious History* 4.2: 89-104.
- Jocelyn, H. D. (1972), ‘The Poems of Quintus Ennius’ *Aufstieg und Niedergang der römischen Welt* 1.2: 987-1026.
- Jocelyn, H. D. (1982), ‘Varro’s *Antiquitates Rerum Divinarum* and Religious Affairs in the Late Roman Republic’, *Bulletin of the John Rylands University Library* 65.1: 148-205.
- Johnson, W. R. (1987), *Momentary Monsters. Lucan and his Heroes* (Ithaca and London).
- Johnston, Sarah Iles (2003), ‘Lost in the Shuffle: Roman Sortition and its Discontents’, *Archiv für Religionsgeschichte* 5.1: 146-156.
- Johnston, S. I. and Struck, P. T. (eds.) (2005), *Mantikê. Studies in Ancient Divination* (Leiden).
- Jules-Rosette, Bennetta (1978), ‘The Veil of Objectivity: Prophecy, Divination, and Social Inquiry’, *American Anthropologist* 80.3: 549-570.
- Jolowicz, H. F. (1972), *Historical Introduction to the Study of Roman Law*, third edition (Barry Nicholas) (Cambridge).
- Jones, Frank Pierce (1939), *The Ab Urbe Condita Construction in Greek. A Study in the Classification of the Participle (Language, Journal of the Linguistic Society of America Supplement 15.1)* (Baltimore, Maryland).
- Jones, J. W. (1961), ‘Allegorical Interpretation in Servius’, *Classical Journal* 56.5: 217-226.
- Jones, W. H. S. (ed. and trans.) (1963), *Pliny, Natural History*, vol. 8 (Cambridge, Mass.).
- Juoan, F. (ed.), (1983), *Visages du Destin dans les Mythologies. Mélanges Jacqueline Duchemin* (Paris).
- Kalinowski, M. (2005), ‘Divination et astrologie dans l’empire Han: sources historiographiques et découvertes archéologiques récentes’, *Cahiers du Centre Gustave Glotz* 16: 275-96.
- Kany-Turpin, José (1999), ‘Fonction de la vérité dans un énoncé augural. Le paradoxe du menteur Ateius Capito’. In Baratin and Moussy 1999: 255-266.
- Kaster, Robert A. (1978), ‘Servius and *Idonei Auctores*’, *American Journal of Philology* 99.2: 181-209.
- Kaster, Robert A. (1988), *Guardians of Language: The Grammarian and Society in Late Antiquity* (Berkeley, Los Angeles, London).
- Kaster, Robert A. (ed.) (1995), *C. Suetonius Tranquillus De Grammaticis et Rhetoribus* (Oxford).
- Kearns, Emily (1995), ‘Order, Interaction, Authority. Ways of looking at Greek religion’. In Powell 1995: 511-529.
- Kearsley, Rosalinde (2009), ‘Octavian and Augury: The Years 30-27 B.C.’, *Classical Quarterly* 59.1: 147-166.
- Keaveney, A. (1983), ‘Sulla and the Gods’. In Deroux 1983: 44-79.
- Keller, Otto (ed.) (1877), *Rerum Naturalium Scriptores Graeci Minores*, vol. 1 (Leipzig).

- Kent, Roland G. (ed. and trans.) (1951), *Varro on the Latin Language*, vol. 1 (Loeb: Cambridge, Mass.).
- Ker, Walter C. A. (ed. and trans.) (1926), *Cicero, Philippics* (Loeb) (Cambridge, Mass.).
- Kienast, Dietmar (1954), *Cato der Zensor. Seine Persönlichkeit und seine Zeit* (Heidelberg).
- Kiessling, Adolf (ed.) (1860), *Dionysi Halicarnassensis Antiquitatum Romanarum quae supersunt* (Leipzig).
- Kiessling, Adolf and Prou, Victor (eds.) (1886), *Dionysii Halicarnassensis Antiquitatum Romanarum quae supersunt* (Paris).
- Klees, Hans (1965), *Die Eigenart des griechischen Glaubens an Orakel und Seher* (Stuttgart).
- Klotz, Alfred (1936), ‘Über die Stellung des Cassius Dio unter den Quellen zur Geschichte des zweiten punischen Krieges’, *Rheinisches Museum* 85: 68-96.
- Klotz, Alfred (1940-1941 [1964 reprint]), *Livius und seine Vorgänger*, 3 vols. (Amsterdam).
- Klotz, Reinhold (1844), ‘Review of Meyer (ed.) (1842), *Oratorum Romanorum fragmenta*’, *Neue Jahrbücher für Philologie und Pädagogik* 40: 387-395.
- Klotz, Reinhold (ed.) (1878), *M. Tulli Ciceronis Epistolae ad Quintum fratrem, Q. Ciceronis de petitione consulatus ad M. fratrem liber, eiusdem versus quidam de signis XII, eiusdem, ut fertur, epigramma de amore feminarum* (Leipzig).
- Knox, Peter E. (1997), ‘Savagery in the *Aeneid* and Virgil’s Ancient Commentators’, *Classical Journal* 92.3: 225-233.
- Koch, C. (1960), *Religio. Studien zu Kult und Glauben der Römer* (Nuremburg).
- Kolenkow, Anitra Bingham (1976), ‘A Problem of Power: How Miracle Doers Counter Charges of Magician in the Hellenistic World’, *Society of Biblical Literature Seminar Papers* 1: 105-10.
- Kolenkow, Anitra Bingham (1980), ‘Relationships between Miracle and Prophecy in the Greco-Roman World and Early Christianity’, *Aufstieg und Niedergang der römischen Welt* 2.23.2: 1470-1506.
- Konrad, C. F. (2004b), ‘*Vellere Signa*’. In Konrad 2004a: 169-203.
- Konrad, C. F. (2007), ‘Review of Oakley, *A Commentary on Livy Books VI–X*’, *Classical Review* 57.1: 114-16.
- Konrad, C. F. (ed.) (2004a), *Augusto augurio. Rerum humanarum et divinarum commentationes in honorem Jerzy Linderski* (Stuttgart).
- Köves-Zulauf, Thomas (1972), *Reden und Schweigen. Römische Religion bei Plinius Maior* (Munich).
- Kragelund, P. (2001), ‘Dreams, Religion and Politics in Republican Rome’, *Historia* 50.1: 53-95.
- Kragelund, P. (2002), ‘Historical Drama in Ancient Rome: Republican Flourishing and Imperial Decline?’, *Symbolae Osloenses* 77: 5-105 (including respondents).
- Kragelund, Patrick (2001), ‘Dreams, Religion and Politics in Republican Rome’, *Historia* 50.1: 53-95.
- Kraus, C. S. and Woodman, A. J. (1997), *Latin Historians* (Greece & Rome New Surveys in the Classics 27, Oxford).
- Krause, Karl (1931), ‘Hostia’, *RE Supplement* 5: 236-282.
- Kübler, Bernhard (1925), *Geschichte des römischen Rechts* (Leipzig).
- Kumaniecki, Casimiro (1962), ‘Cicerone e Varrone, storia di una conoscenza’, *Athenaeum* 40.3-4: 221-243.

- Kunkel, Wolfgang (1959), ‘Zum römischen Königtum’. In *Ius et Lex. Festgabe zum 70. Geburtstag von Max Gutzwiller* (Basel): 3-22.
- Kyriakidis, Evangelos (2007b), ‘Finding Ritual: Calibrating the Evidence’. In Kyriakidis 2007a: 9-22.
- Kyriakidis, Evangelos (ed.) (2007a), *The Archaeology of Ritual* (Cotsen Advanced Seminars 3) (Los Angeles).
- Lake, Kirsopp (trans.) (1912), *The Apostolic Fathers (Didache)* vol. 1 (Loeb: Cambridge, Mass.).
- Lake, Kirsopp (trans.) (1913), *The Apostolic Fathers (The Shepherd of Hermas)* vol. 2 (Loeb: Cambridge, Mass.).
- Lamberton, W. A. (ed.) (1905), *Thucydides. Books II and III* (New York, Cincinnati, Chicago).
- Lane Fox, Robin (ed.) (2004), *The Long March. Xenophon and the Ten Thousand* (New Haven and London).
- Lange, Ludwig (1876), *Römische Alterthümer* vol. 3, second edition (Berlin).
- Lange, Ludwig (1887 [first published 1861]), ‘De legibus Aelia et Fufia commentatio’. In 1887: 274-341.
- Lange, Ludwig (1887), *Kleine Schriften aus dem Gebiete der classischen Alterthumswissenschaft*, vol. 1 (Göttingen).
- Last, H. (1943), ‘Review of Haskell 1943’, *Journal of Roman Studies* 33: 93-7.
- Lateiner, Donald (2005), ‘Signifying Names and Other Ominous Accidental Utterances in Classical Historiography’, *Greek, Roman and Byzantine Studies* 45.1: 35-57.
- Latte, K. (1914), ‘Immolatio’, *RE* 9: 1112-1133.
- Latte, K. (1960), *Römische Religionsgeschichte* (Munich).
- Latte, K. (1968 [1936]), ‘Zwei Exkurse zum römischen Staatsrecht’. In 1968: 341-358.
- Latte, K. (1968), *Kleine Schriften zu Religion, Recht, Literatur und Sprache der Griechen und Römer* (Munich).
- Laurand, L. (1914), ‘Deux mots sur les idées religieuses de Cicéron’, *Recherches de Science Religieuse* 5: 70-73.
- Le Glay, Marcel (1982), ‘Remarques sur la notion de *Salus* dans la religion romaine’. In Bianchi and Vermaseren 1982: 426-444.
- Lee, A. D. (2000), *Pagans and Christians in Late Antiquity. A Sourcebook*. (London and New York).
- Lehmann, G. A. (1967), *Untersuchungen zur historischen Glaubwürdigkeit des Polybios* (Münster).
- Leigh, Matthew (1997), *Lucan. Spectacle and Engagement* (Oxford).
- Lenaghan, John O. (1969), *A Commentary on Cicero's Oration De Haruspicum Responso* (The Hague).
- Letta, Cesare (1979), ‘La composizione dell’opera di Cassio Dione: Cronologia e sfondo storico-politico’. In Gabba 1979: 117-189.
- Levene, D. S. (1993), *Religion in Livy (Mnemosyne Suppl. 127)* (Leiden).
- Levick, B. M. (1987), ‘Divination in Roman Public Life’, *International Journal of Moral and Social Studies* 2.3: 225-40.
- Lévy, Carlos (1997), ‘De Chrysippe à Posidonius: variations stoïciennes sur le thème de la divination’. In Heintz 1997: 321-343.
- Lewis, Charlton Thomas and Short, Charles (1900), *A Latin Dictionary* (Oxford).
- Liberman, Gauthier (1998), ‘Les documents sacerdotaux du collège *sacris faciundis*’. In Moatti et al. 1998: 65-74.

- Libourel, Jan M. (1974), ‘An Unusual Annalistic Source Used by Dio Cassius’, *American Journal of Philology* 95.4: 383-393.
- Liebeschuetz, J. H. W. G. (1979), *Continuity and Change in Roman Religion* (Oxford).
- Liebeschuetz, W. (1967), ‘The Religious Position of Livy's History’, *Journal of Roman Studies* 57.1/2: 45-55.
- Liegle, Josef (1942), ‘L. Aemilius Paullus als Augur Maximus im Jahre 160 und das Augurium des Heils’, *Hermes* 77: 249-312.
- Lightfoot, Jane L. (2007), *The Sibylline Oracles: With Introduction, Translation, and Commentary on the First and Second Books* (Oxford).
- Lind, L. R. (1972), ‘Concept, Action, and Character: The Reasons for Rome's Greatness’, *Transactions and Proceedings of the American Philological Association* 103: 235-83.
- Linderski, Jerzy (1965), ‘Constitutional aspects of the consular elections in 59 BC’, *Historia* 14: 423-42.
- Linderski, Jerzy (1971), ‘Römischer Staat und Götterzeichen: zum Problem der obnuntiatio’, *Jahrbuch der Universität Düsseldorf* 1969-1970 [1971]: 309-22. = 1995a: 444-57.
- Linderski, Jerzy (1972), ‘The Aedileship of Favonius, Curio the Younger and Cicero's Election to the Augurate’, *Harvard Studies in Classical Philology* 76: 181-200.
- Linderski, Jerzy (1975), ‘Review of Köves-Zulauf, *Reden und Schweigen*’, *Classical Philology* 70.4: 284-9. = 1995a: 584-9.
- Linderski, Jerzy (1982), ‘“Auspicia et auguria romana... summo labore collecta”: A note on Minucius Felix *Octavius* 26.1’, *Classical Philology* 77: 148-50. = 1995a: 531-3.
- Linderski, Jerzy (1982 [1983] = 1995b), ‘Cicero and Roman Divination’, *La Parola del Passato* 37, fasc. 202: 12-38 = 1995a: 458-84.
- Linderski, Jerzy (1983), ‘A Witticism of Appuleius Saturninus’, *RFIC* 11: 452-9. = 1995a: 534-41.
- Linderski, Jerzy (1984), ‘Review of Torelli et al., *Le délit religieux dans la cité antique*’, *Classical Philology* 79.2: 174-77. = 1995a: 592-5.
- Linderski, Jerzy (1985), ‘The Libri Reconditi’, *Harvard Studies in Classical Philology* 89: 207-34. = 1995a: 496-523.
- Linderski, Jerzy (1986a), ‘The augural law’, *Aufstieg und Niedergang der römischen Welt* 2.16.3: 2146-2312.
- Linderski, Jerzy (1986b), ‘Watching the Birds: Cicero the Augur and the Augural Temples (review of Guillaumont 1984)’, *Classical Philology* 81.4: 330-340. = 1995a: 485-95.
- Linderski, Jerzy (1989), ‘Sannio and Remus’, *Mnemosyne* 42.1-2: 90-3. = 1995a: 527-30.
- Linderski, Jerzy (1990 = 1995c), ‘The Auspices and the Struggle of the Orders’. In Eder and Ampolo 1990: 34-48 = 1995a: 560-74.
- Linderski, Jerzy (1992), ‘Vergil and Dionysius’, *Vergilius* 38: 3-11 = 1995a: 336-44.
- Linderski, Jerzy (1993 = 1995d), ‘Roman Religion in Livy’. In Schuller 1993: 53-70 = 1995a: 608-25.
- Linderski, Jerzy (1995), ‘Review of Bergemann 1992 and de Libero 1992’, *Classical Philology* 90.2: 192-195.
- Linderski, Jerzy (1995a), *Roman Questions. Selected Papers* (Stuttgart).

- Linderski, Jerzy (2007a), *Roman Questions II. Selected Papers* (Stuttgart).
- Linderski, Jerzy (2007b), 'Founding the City: Ennius and Romulus on the Site of Rome'. In 2007a: 3-19.
- Linderski, Jerzy (ed.) (1996), *Imperium Sine Fine: T. Robert S. Broughton and the Roman Republic* (*Historia Einzelschriften* no. 105) (Stuttgart).
- Lindsay, Wallace M. (1913), *Sexti Pompei Festi De Verborum Significatu Quae Supersunt cum Pauli Epitome* (Teubner) (Leipzig).
- Lintott, A. W. (1974), 'Cicero and Milo', *Journal of Roman Studies* 64: 62-78.
- Lintott, Andrew W. (1972), 'Imperial Expansion and Moral Decline in the Roman Republic', *Historia* 21: 626-38.
- Lintott, Andrew W. (1997), 'Cassius Dio and the history of the late Roman Republic', *ANRW* 2.34.3: 2497-2523.
- Lintott, Andrew W. (1999a), *Violence in Republican Rome*, second edition revised (first published 1968) (Oxford).
- Lintott, Andrew W. (1999b), *The Constitution of the Roman Republic* (Oxford).
- Lintott, Andrew W. (2001), 'Review of Stewart, *Public Office in Early Rome: Ritual Procedure and Political Practice*', *Classical Philology* 96.2: 188-192.
- Lintott, Andrew W. (2008), *Cicero as Evidence. A Historian's Companion* (Oxford).
- Liou-Gille, Bernadette (1997), 'Les *leges sacratae*: esquisse historique', *Euphrosyne* 25: 61-84.
- Lisdorf, Anders (2005), 'The Conflict over Cicero's House: An Analysis of the Ritual Element in *De domo sua*', *Numen* 52.4: 445-64.
- Lloyd, G. E. R. (1962), 'Right and Left in Greek Philosophy', *Journal of Hellenic Studies* 82: 56-66.
- Lloyd, G. E. R. (1979), *Magic, Reason and Experience. Studies in the Origins and Development of Greek Science* (Cambridge).
- Lloyd, Robert B. (1961), 'Republican Authors in Servius and the Scholia Danielis', *Harvard Studies in Classical Philology* 65: 291-341.
- Locher, Albrecht and Rottländer, Rolf C. A. (1985), 'Überlegungen zur Entstehungsgeschichte der *Naturalis Historia* des älteren Plinius und die Schrifttäfelchen von Vindolanda'. In *Lebendige Altertumswissenschaft. Festgabe zur Vollendung des 70. Lebensjahres von Hermann Vetters* (Vienna): 140-147.
- Long, A. A. (1982), 'Astrology: arguments pro and contra'. In Barnes et al. 1982: 165-192.
- Lopez y Royo, Alessandra (2007), 'The Reinvention of Odissi Classical Dance as a Temple Ritual'. In Kyriakidis 2007a: 155-181.
- Luce, T. J. (1965), 'The Dating of Livy's First Decade', *Transactions and Proceedings of the American Philological Association* 96: 209-240.
- Luce, T. J. (1977) *Livy: The Composition of his History* (Princeton).
- Luraghi, Nino (ed.) (2001), *The Historian's Craft in the Age of Herodotus* (Oxford).
- Luterbacher, Franz (1904), *Der Prodigien Glaube und Prodigienstil der Römer* (Burgdorf).
- Ma, John (1999), *Antiochus III and the Cities of Western Asia Minor* (Oxford).
- MacBain, B. (1982), *Prodigy and Expiation: A Study in Religion and Politics in Republican Rome* (Coll. Latomus 177) (Brussels).
- MacInnes, Deborah (2000), '*Dirum ostentum*: Bee Swarm Prodigies at Roman Military Camps'. In Deroux 2000: 56-69.
- MacMullen, R. (1981), *Paganism in the Roman Empire* (New Haven and London).

- Madvig, Johan Nikolai (1877), *Opuscula Academica ab ipso iterum collecta, emendata, aucta* (Copenhagen).
- Magdelain, A. (1964a), '<<Auspicia ad patres redeunt>>'. In *Hommages à Jean Bayet* 427-473 = 1990: 341-83.
- Magdelain, A. (1964b), 'Note sur la loi curiate et les auspices des magistrats', *Revue d'Histoire du Droit* 42: 198-203 = 1990: 307-11.
- Magdelain, A. (1968), *Recherches sur l'<<imperium>>. La loi curiate et les auspices d'investiture* (Paris).
- Magdelain, André (1970 [1969]), 'L'auguraculum de l'arx à Rome et dans d'autres villes', *Revue des Études Latines* 47: 253-269.
- Magdelain, André (1977), 'L'inauguration de l'urbs et l'imperium', *Mélanges d'Archéologie et d'Histoire de l'École Française de Rome, Antiquité* 89.1: 11-29.
- Magdelain, A. (1990), *Jus Imperium Auctoritas* (Rome).
- Magnino, Domenico (ed.), *Appiani Bellorum Civilium Liber Quartus* (Como).
- Malcovati, H. (ed.) (1955), *Oratorum Romanorum Fragmenta liberae rei publicae*, second edition (Turin).
- Malone, Caroline and Stoddart, Simon (eds.) (1994), *Territory, Time and State. The archaeological development of the Gubbio Basin* (Cambridge).
- Manacorda, D. (1996), 'Iuppiter Fulgur, Aedificium'. In Steinby 1996: 136-138.
- Manfredi, V. (1982), 'Il confine del Tauro e la marcia di Vulsone'. In Sordi 1982b: 150-8.
- Manuwald, Bernd (1979), *Cassius Dio und Augustus* (Wiesbaden).
- Manuwald, Gesine (2001), *Fabulae praetextae* (Zetemata vol. 108) (Munich).
- Manuwald, Gesine (ed.) (2007), *Cicero, Philippics 3-9*, 2 vols. (Berlin and New York).
- Marbach, E. (1929), 'Spectio', *RE* III A: 1570-1583.
- Marbach, E. (1948), 'Tripudium', *RE* VIIa: 230-233.
- Marchant, E. C. (ed.) (1909), *Thucydides Book III* (London).
- Marcus, Joyce, (2007), 'Rethinking Ritual'. In Kyriakidis 2007a: 43-76.
- Marcus, Ralph and Wikgren, Allen (eds.) (1963), *Josephus. Jewish Antiquities Books XIV-XV* (Loeb: Cambridge, Mass.).
- Marinatos, Nanno (1981), 'Thucydides and Oracles', *Journal of Hellenic Studies* 101: 138-40.
- Marinone, Nino (1970), 'Per la cronologia di Servio', *Atti della Accademia delle Scienze di Torino. Classe di Scienze Morali, Storiche e Filologiche* 104: 181-211.
- Markus, R. A. (1957), 'St. Augustine on Signs', *Phronesis* 2: 60-83.
- Markus, R. A. (1995), 'Signs, Communication, and Communities in Augustine's *De doctrina christiana*'. In Arnold and Bright 1995: 97-108.
- Marquardt, Joachim (1878), *Römische Staatsverwaltung*, vol. 3 (Leipzig).
- Marshall, P. K. (ed.) (1990), *A. Gellii Noctes Atticae* vol. 1 (Oxford).
- Marti, B. M. (1945), 'The Meaning of the *Pharsalia*', *American Journal of Philology* 66: 352-76.
- Martin, J.-P. (1982), *Providentia Deorum* (Coll. De l'École française de Rome 61) (Rome).
- Martin, P. M. (1971), 'La propagande augustéenne dans les *Antiquités romaines* de Denys d'Halicarnasse (Livre I)', *Revue des Études Latines* 49: 162-79.
- Martin, P. M. (1993), 'Le témoignage de Denys d'Halicarnasse sur l'Etrusca disciplina'. In *Les écrivains du siècle d'Auguste et l'Etrusca Disciplina* vol. 2 (Caesarodunum supplement 63) (Tours): 93-114.

- Martin, Th. Henri (1866), ‘La foudre et le feu Saint-Elme dans l’antiquité’, *Revue Archéologique* 13: 168-179.
- Martinelli, Giovanna (1990), ‘Motivi originali nei « discorsi » dell’opera di Cassio Dione’, *Atti della Accademia Ligure di Scienze e Lettere* 46: 411-425.
- Mascov, D. Johann Jakob (1744), *De iure auspicii apud Romanos* (Leipzig).
- Maslakov, G. (1984), ‘Valerius Maximus and Roman historiography. A study of the *exempla* tradition’, *Aufstieg und Niedergang der römischen Welt* 2.32.1: 437-496.
- Mason, Hugh J. (1974), *Greek Terms for Roman Institutions. A Lexicon and Analysis* (Toronto).
- Masters, Jamie (1992), *Poetry and Civil War in Lucan’s Bellum Civile* (Cambridge).
- Mastino, Attilio (ed.) (2005), *Storia della Sardegna antica* (Nuoro).
- Maurach, Gregor (1988), *Der Poenulus des Plautus* (Heidelberg).
- Maurizio, Lisa (1997), ‘Delphic Oracles as Oral Performances: Authenticity and Historical Evidence’, *Classical Antiquity* 16.2: 308-34.
- May, James M. (2002), *Brill’s Companion to Cicero. Oratory and Rhetoric* (Leiden).
- McCauley, Robert N., and Lawson, E. Thomas (2007), ‘Cognition, Religious Ritual, and Archaeology’. In Kyriakidis 2007a: 209-54.
- McDermott, William C. (1972), ‘Cicero’s Publication of His Consular Orations’, *Philologus* 116: 277-284.
- McDonald, William F. (1929), ‘Clodius and the *Lex Aelia Fufia*’, *Journal of Roman Studies* 19: 164-179.
- McDonough, Christopher M., Prior, Richard E., and Stansbury, Mark (eds.) (2004), *Servius’ Commentary on Book Four of Virgil’s Aeneid* (Wauconda, IL).
- McDougall, Iain (1992), ‘The Reputation of Appius Claudius Pulcher, cos. 143 BC’, *Hermes* 120: 452-460.
- McKechnie, Paul (1981), ‘Cassius Dio’s Speech of Agrippa: A Realistic Alternative to Imperial Government?’, *Greece & Rome* 28.2: 150-155.
- Meier, Christian (1965), ‘Populares’, *RE Supplement* 10 (Stuttgart): 549-615.
- Meier, Christian (1966), *Res Publica Amissa* (Wiesbaden).
- Meier, Christian (1969), ‘Review of Magdelain, *Recherches sur l’imperium*’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung* 86: 487-493.
- Meier, Christian (1975), ‘Das Kompromiss-Angebot an Caesar i. J. 59 v. Chr., ein Beispiel senatorischer Verfassungspolitik’, *Museum Helveticum* 32: 197-208.
- Meloni, Piero (1990), *La Sardegna romana*, second edition (Sassari).
- Meyer, E. (1924), *Kleine Schriften* (2 vols.) (Halle).
- Meyer, Eduard (1919), *Caesars Monarchie und das Principat des Pompejus*, second edition (Stuttgart and Berlin).
- Meyer, Jørgen Christian (2002), ‘Omens, Prophecies and Oracles in Ancient Decision-Making’. In Ascani et al. 2002: 173-183.
- Michel, A. and Verdière, R. (eds.) (1975), *Ciceroniana. Hommages à Kazimierz Kumaniecki* (Leiden).
- Michels, Agnes Kirsopp (1967), *The Calendar of the Roman Republic* (Princeton).
- Miles, G. B. (1995), *Livy. Reconstructing Early Rome* (Ithaca and London).
- Millar, Fergus (1961), ‘Some Speeches in Cassius Dio’, *Museum Helveticum* 18: 11-22.
- Millar, Fergus (1964), *A Study of Cassius Dio* (Oxford).
- Millar, Fergus (1998), *The Crowd in Rome in the Late Republic* (Ann Arbor).

- Miller, Patricia Cox (1994), *Dreams in Late Antiquity: Studies in the Imagination of a Culture* (Princeton).
- Mineo, Bernard (ed.) (2003), *Tite-Live. Histoire Romaine*, vol. 22 (*Livre XXXII*) (Paris).
- Mitchell, T. N. (1971), 'Cicero and the *senatus consultum ultimum*', *Historia* 20: 47-61.
- Mitchell, T. N. (1979), *Cicero, the Ascending Years* (New Haven and London).
- Mitchell, T. N. (1986), 'The *Leges Clodiae* and *obnuntiatio*', *Classical Quarterly* 36.1: 172-176.
- Mitchell, T. N. (1991), *Cicero, the Senior Statesman* (New Haven and London).
- Moatti, Claude (1988), *Science juridique, politique et société à Rome, aux deux derniers siècles de la République* (Lille).
- Moatti, Claude (1991), 'La crise de la tradition à la fin de la République Romaine à travers la littérature juridique et la science des antiquaires'. In Pani 1991: 31-45.
- Moatti, Claude et al. (1998), *La mémoire perdue. Recherches sur l'administration romaine* (Rome).
- Moatti, Claudia (1997), *La raison de Rome. Naissance de l'esprit critique à la fin de la République* (Paris).
- Moles, J. (1993), 'Livy's Preface', *Proceedings of the Cambridge Philological Society* 39: 141-68.
- Moles, John (1997), 'Plutarch, Brutus and Brutus' Greek and Latin letters'. In Mossman 1997: 141-168.
- Momigliano, A. (1950), 'Ancient History and the Antiquarian', *Journal of the Warburg and Courtauld Institutes* 13: 285-315 = (1976), *Studies in Historiography* (London), 1-39.
- Momigliano, A. (1965 = 1977), 'Did Fabius Pictor Lie?' = 1977: 99-105.
- Momigliano, A. (1968), 'Praetor maximus e questioni affini', *Studi in onore di Giuseppe Grosso I* (Turin): 161-75 = 1969: 403-17.
- Momigliano, A. (1969), *Quarto contributo alla storia degli studi classici e del mondo antico* (Rome).
- Momigliano, A. (1972 = 1977), 'Tradition and the Classical Historian' = 1977: 161-77.
- Momigliano, A. (1977), *Essays in Ancient and Modern Historiography* (Oxford).
- Momigliano, A. (1984), 'The theological efforts of the Roman upper classes in the first century B.C.', *Classical Philology* 79: 199-211.
- Momigliano, A. (ed.) (1963), *The Conflict Between Paganism and Christianity in the Fourth Century* (Oxford).
- Mommsen, Th. (1859), *Die römische Chronologie bis auf Caesar* (Berlin).
- Mommsen, Th. (1864, 1879), *Römische Forschungen* (2 vols.) (Berlin).
- Mommsen, Th. (1887), *Römische Staatsrecht*, 3 vols., third edition (Leipzig).
- Mora, Fabio (1995), *Il pensiero storico-religioso antico. Autori greci e Roma. I: Dionigi d'Alicarnasso* (Rome).
- Mora, Fabio (2000), 'Verso una tipologia delle religioni classiche', *Kernos* 13: 9-33.
- Morandi, Alessandro (2001), 'Testimonie epigrafiche della più antica Roma', *Studi Romani* 49.1-2: 5-26.
- Moreau, Philippe (1994), 'La mémoire fragile: falsification et destruction des documents publics au I^{er} s. av. J.-C.'. In Nicolet et al. 1994: 121-147.
- Morello, Antonio (1997), *Lucio Munazio Planco* (Venafro, Italy).
- Moretti, L. (1965), 'Epigraphica', *Rivista di filologia e di istruzione classica* 93: 278-87.

- Moretti, Luigi (1982-4), ‘Frammenti vecchi e nuovi del Commentario dei Ludi secolari del 17 A. C.’, *Atti della pontificia accademia Romana di archeologia. Rendiconti* 55-56: 361-79.
- Morford, M. P. O. (1967), *The Poet Lucan. Studies in Rhetorical Epic* (Oxford).
- Morgan, Llewelyn (2000), ‘The Autopsy of C. Asinius Pollio’, *Journal of Roman Studies* 90: 51-69.
- Morgan, M. Gwyn (1990), ‘Politics, Religion and the Games in Rome, 200-150 BC’, *Philologus* 134.1: 14-36.
- Morstein-Marx, Robert (2004), *Mass Oratory and Political Power in the Late Roman Republic* (Cambridge).
- Moscovich, M. James (1988), ‘Dio Cassius on Scipio's return from Spain in 205 B.C.’, *Ancient History Bulletin* 2: 107-110.
- Mossman, Judith (ed.) (1997), *Plutarch and his Intellectual World* (London).
- Most, Glenn W. (ed.) (1997), *Collecting Fragments/Fragmente sammeln* (Göttingen).
- Mouritsen, Henrik (1998), *Italian Unification. A Study in Ancient and Modern Historiography* (London).
- Moxon, I. S.; Smart, J. D.; and Woodman, A. J. (eds.) (1986), *Past Perspectives. Studies in Greek and Roman Historical Writing* (Cambridge).
- Mueller, H. F. (2002), *Roman Religion in Valerius Maximus* (London and New York).
- Müller-Seidel, Ilse (1953), ‘Q. Fabius Maximus Cunctator und die Consulwahlen der Jahre 215 und 214 v. Chr.’, *Rheinisches Museum für Philologie* 96: 241-281.
- Müller, C. F. W. (ed.) (1915), *M. Tulli Ciceronis De Divinatione, Libri de Fato quae manserunt* (Teubner: Leipzig).
- Müller, Karl O. (1828), *Die Etrusker* (Breslau).
- Müller, Karl O. (1877), *Die Etrusker. Vier Bücher*, vol. 2 (Stuttgart).
- Müller, Karl O. (ed.) (1880), *Sexti Pompei Festi De Verborum Significatione quae Supersunt cum Pauli Epitome*, reprinted second edition (Leipzig).
- Münzer, Friedrich (1897), *Beiträge zur Quellenkritik der Naturgeschichte des Plinius* (Berlin).
- Münzer, Friedrich (1898), ‘Caeles Vibenna und Mastarna’, *Rheinisches Museum für Philologie* 53: 596-620.
- Münzer, Friedrich (1920), *Römische Adelsparteien und Adelsfamilien* (Stuttgart). English trans. by Thérèse Ridley 1999 (Baltimore, Maryland).
- Münzer, Friedrich (1921), ‘Servilius’, *RE* II A II: 1759-1822.
- Münzer, Friedrich (1923), ‘Ti. Sempronius Gracchus (53)’, *RE* II A: 1403-1409.
- Murgia, C. E. (1988), ‘Aen. 9.236 - An Unrecognized Vergilian Variation’, *Hermes* 116: 493-9.
- Murgia, C. E. (2003), ‘The Dating of Servius Revisited’, *Classical Philology* 98: 45-69.
- Murphy, Trevor (2004), *Pliny the Elder's Natural History. The Empire in the Encyclopedia* (Oxford).
- Naas, Valérie (2002), *Le projet encyclopédique de Pline l'Ancien* (Rome).
- Naiden, F. S. (2006), *Ancient Supplication* (Oxford).
- Narducci, Emanuele (1979), *La Provvidenza Crudele. Lucano e la distruzione dei miti augustei* (Pisa).
- Narducci, Emanuele (2002), *Lucano. Un' epica contro l'impero. Interpretazione della <<Pharsalia>>* (Rome and Bari).

- Nasse, Christiane (1999), ‘Zum Begriff *hostia consultatoria* (Macr. Sat. 3.5.5)’. In Batsch et al. 1999: 111-124.
- Needham, R. (1972), *Belief, Language, and Experience* (Oxford).
- Nettleship, Henry and Conington, John (eds.) (1881), *P. Vergili Maronis Opera*, vol. 1 (London).
- Nice, Alex (2003), ‘Review of J. Vaahtera, *Roman Augural Lore in Greek Historiography. A Study of the Theory and Terminology*’, *Journal of Roman Studies* 93: 313-14.
- Nice, Alex (2005), ‘Review of Schneider, *Cicero Haruspex*’, *Scholia Reviews* n.s. 14: 47.
- Nicholls, J. J. (1967), ‘The Content of the *Lex Curiata*’, *American Journal of Philology* 88.3: 257-78.
- Nicholson, John (1994), ‘The Delivery and Confidentiality of Cicero’s Letters’, *Classical Journal* 90.1: 33-63.
- Nicolai, Karl (1963), ‘Feiertage und Werktage im römischen Leben, besonders in der Zeit der ausgehenden Republik und in der frühen Kaiserzeit’, *Saeculum* 14: 194-220.
- Nicolet, Claude (1974), ‘Polybe et les institutions romaines’. In Gabba 1974: 209-58.
- Nicolet, Claude (1976), ‘Le Cens Senatorial sous la Republique et sous Auguste’, *Journal of Roman Studies* 66: 20-38.
- Nicolet, Claude (1980), *The World of the Citizen in Republican Rome*, trans. P. S. Falla (London).
- Nicolet, Claude (1991), *Space, Geography, and Politics in the Early Roman Empire* (Ann Arbor).
- Nicolet, Claude (ed.) (1984), *Des ordres à Rome*. (Sorbonne, Sér. Hist. Anc. et Médiév. 13) (Paris).
- Nicolet, Claude et al. (1994), *La mémoire perdue. A la recherche des archives oubliées, publiques et privées, de la Rome antique* (Paris).
- Nippel, Wilfried (1984), ‘Policing Rome’, *Journal of Roman Studies* 74: 20-9.
- Nippel, Wilfried (1995), *Public Order in Ancient Rome* (Cambridge).
- Nisbet, R. G. (ed.) (1939), *M. Tulli Ciceronis De Domo Sua ad Pontifices Oratio* (Oxford).
- Nisbet, R. G. M. (ed.) (1961), *M. Tulli Ciceronis in L. Calpurnium Pisonem* (Oxford).
- Nissen, H. (1863), *Kritische Untersuchungen über die Quellen der vierten und fünften Dekade des Livius* (Berlin).
- Nock, Arthur Darby (1972), ‘Tomb Violations and Pontifical Law’. In Stewart 1972: 527-533 = (1941), *Journal of Biblical Literature* 60: 88-95.
- Norden, Eduard (1939), *Aus altrömischen Priesterbüchern* (Lund).
- North, J. A. (1967), ‘The inter-relation of state religion and politics in Roman public life from the end of the Second Punic War to the time of Sulla’, (D.Phil dissertation, Oxford University, 1967).
- North, J. A. (1975), ‘*Praesens Divus* (Review of Weinstock, *Divus Julius*)’, *Journal of Roman Studies* 65: 171-7.
- North, J. A. (1976), ‘Conservatism and Change in Roman Religion’, *Papers of the British School at Rome* 44: 1-12.
- North, J. A. (1979), ‘Religious Toleration in Republican Rome’ *Proceedings of the Cambridge Philological Society* 25: 85-103.

- North, J. A. (1989), ‘Religion in Republican Rome’, *CAH* vol. 7.2, second edition: 573-624.
- North, J. A. (1990a), ‘Democratic Politics in Republican Rome’, *Past and Present* 126: 3-21.
- North, J. A. (1990b), ‘Diviners and Divination at Rome’. In Beard and North 1990: 51-71.
- North, J. A. (1990c), ‘Politics and Aristocracy in the Roman Republic’, *Classical Philology* 85. 4: 277-287.
- North, J. A. (1998), ‘The Books of the *Pontifices*’. In Moatti et al. 1998: 45-63.
- North, J. A. (2000), ‘Prophet and Text in the Third Century BC’. In Bispham and Smith 2000: 92-107.
- North, J. A. (2000a), *Roman Religion* (Oxford).
- North, J. A. (2007), ‘Why Does Festus Quote What He Quotes?’. In Glinister et al. 2007: 49-68.
- North, J. A. (2008), ‘Restoring Festus from Paul’s Epitome’, *Acta Antiqua Academiae Scientiarum Hungaricae* 48.1-2: 157-170.
- Northwood, S. J. (2000), ‘Livy and the Early Annalists’. In Deroux 2000: 45-55.
- Northwood, S. J. (2008), ‘Cicero *de Oratore* 2.51-64 and Rhetoric in Historiography’, *Mnemosyne* 61.2: 228-44.
- Oakley, S. P. (1997), *A Commentary on Livy, Books VI-X*, vol. 1 (Oxford).
- Oakley, S. P. (2005), *A Commentary on Livy, Books VI-X*, vol. 4 (Oxford).
- Ogden, Daniel (2001), *Greek and Roman Necromancy* (Princeton and Oxford).
- Ogilvie, R. M. (1965), *A Commentary on Livy Books 1-5* (Oxford).
- Oldfather, William Abbott; Canter, Howard Vernon; and Abbott, Kenneth Morgan (1938), *Index Verborum Ciceronis Epistularum* (Illinois).
- Oltramare, Paul (ed. and trans.) (1929), *Sénèque. Questions Naturelles*, vol. 1 (Paris).
- Orlin, Eric M. (1997), *Temples, Religion and Politics in the Roman Republic* (Leiden).
- Paananen, Unto; Heikkilä, Kai; Sandberg, Kaj; Savunen, Liisa; and Vaahtera, Jyri (1993), *Senatus Populusque Romanus. Studies in Roman Republican Legislation* (Acta Instituti Roani Finlandiae 13) (Helsinki).
- Pagnon, B. (1982), ‘Le recit de l’expédition de Cn. Manlius Vulso contre les Gallo-Grecs et des prolongements dans le livre 38 de Tite-Live’, *Les Études Classiques* 50: 115-28.
- Palm, Jonas (1959), *Rom, Römertum und Imperium in der griechischen Literatur der Kaiserzeit* (Lund).
- Palmer, Robert E. A. (1969), *The King and the Comitium* (Wiesbaden).
- Palmer, Robert E. A. (1976), ‘Jupiter Blaze, Gods of the Hills, and the Roman Topography of CIL VI 377’, *American Journal of Archaeology* 80.1: 43-56.
- Palmer, Robert E. A. (1996), ‘The Deconstruction of Mommsen on Festus 462/464L., or The Hazards of Restoration’. In Linderski 1996: 75-101.
- Pani, Mario (1985), ‘La polemica di Seneca contro le *artes* (Ep. 90). Un caso di sconcerto’. In Broilo 1985: 141-150.
- Pani, Mario (ed.) (1991), *Continuità e trasformazioni fra repubblica e principato* (Bari).
- Parke, H. W. (1988), *Sibyls and Sibylline Prophecy in Classical Antiquity* (London and New York).
- Parker, Robert (1985), ‘Greek States and Greek Oracles’. In Cartledge and Harvey 1985: 298-326.

- Parker, Robert (2000), ‘Sacrifice and Battle’. In Van Wees 2000: 299-314.
- Parker, Robert (2004), ‘One Man’s Piety: The Religious Dimension of the *Anabasis*’. In Lane Fox 2004: 131-153.
- Paschall, Dorothy (1936), ‘The Origin and Semantic Development of Latin Vitium’, *Transactions and Proceedings of the American Philological Association* 67: 219-31.
- Pasqui, A. (1910), ‘II. Roma. Nuove scoperte nella città’, *Notizie degli Scavi di Antichità* 1910 fasc. 4: 132-134.
- Patterson, M. L. (1942), ‘Rome’s Choice of Magistrates During the Hannibalic War’, *Transactions and Proceedings of the American Philological Association* 73: 319-40.
- Pease, A. S. (ed.) (1920), *M. Tulli Ciceronis De Divinatione. Liber Primus* (Urbana, Illinois).
- Pease, A. S. (ed.) (1923), *M. Tulli Ciceronis De Divinatione. Liber Secundus* (Urbana, Illinois).
- Pease, A. S. (ed.) (1955), *M. Tulli Ciceronis De Natura Deorum, Liber Primus* (Cambridge, Mass.).
- Pease, A. S. (ed.) (1958), *M. Tulli Ciceronis De Natura Deorum, Libri Secundus et Tertius* (Cambridge, Mass.).
- Pédech, P. (1964), *La méthode historique de Polybe* (Paris).
- Pellegrino, Michele, Hill, Edmund, and Rotelle, John E. (trans.) (1990), *Augustine, Sermons* (Brooklyn, New York).
- Pelling, Christopher (1979), ‘Plutarch’s Method of Work in the Roman Lives’, *Journal of Hellenic Studies* 99: 74-96.
- Pelling, Christopher (1982), ‘Review of Zecchini, *Cassio Dione e la guerra gallica di Cesare*’, *Classical Review* 32.2: 146-8.
- Pelling, Christopher (1983), ‘Review of Manuwald, *Cassius Dio und Augustus*’, *Gnomon* 55: 221-226.
- Pelling, Christopher (1997a), ‘Biographical History? Cassius Dio on the Early Principate’. In Edwards and Swain 1997: 117-144.
- Pelling, Christopher (1997b), ‘Tragical Dreamer: Some Dreams in the Roman Historians’, *Greece and Rome* 44.2: 197-213.
- Penner, H. (1989), *Impasse and Resolution. A Critique of the Study of Religion* (New York).
- Perrin, Bernadotte (ed. and trans.) (1914-1926), *Plutarch’s Lives* (Loeb: Cambridge, Mass.).
- Peruzzi, Emilio (1976), ‘La formula augurale di Varrone LL VII 8’. In *Atti del Congresso Internazionale di Studi Varroniani, Rieti, Settembre 1974* (Rieti): 449-456.
- Peter, Hermann (1965), *Die Quellen Plutarchs in den Biographieen der Römer* (Amsterdam).
- Peter, Hermann (ed.) (1906), *Historicorum Romanorum Reliquiae*, first edition, vol. 2 (Leipzig).
- Peter, Hermann (ed.) (1914-1916), *Historicorum Romanorum Reliquiae*, second edition, vol. 1 (Leipzig).
- Petersen, E. (1909), ‘Lupa Capitolina’, *Klio* 9: 29-47.
- Petzold, Karl-Ernst (1999), *Geschichtsdenken und Geschichtsschreibung* (Stuttgart).
- Pfiffig, Ambros Josef (1964), *Religio Iguvina* (Vienna).
- Pfiffig, Ambros Josef (1975), *Religio Etrusca* (Graz).
- Phillips III, C. R. (1986), ‘The Sociology of Religious Knowledge in the Roman Empire to AD 284’, *Aufstieg und Niedergang der römischen Welt* 2.16.3: 2677-773.

- Phillips, E. John (1974), ‘The Prosecution of C. Rabirius in 63 B.C.’, *Klio* 56.1: 87-101.
- Picone, Giusto (1974), ‘Il problema della datazione del *Liber Prodigiorum* di Giulio Ossequente’, *Pan* 2: 71-77.
- Piganiol, A. (1967), *La Conquête romaine* (Paris).
- Pighi, Giovanni Battista (1949-1950), ‘Tripudium’, *Rendiconto delle sessione della Accademia delle Scienze dell’Istituto di Bologna (Classe di scienze morali)*, serie 5, vol. 3: 145-159.
- Pighi, Giovanni Battista (1965), *De ludis saecularibus populi Romani Quiritium* (Milan).
- Pighi, Giovanni Battista (1967), *La Religione Romana* (Turin).
- Pina Polo, Francisco (1996), *Contra arma verbis. Der Redner vor dem Volk in der späten römischen Republik* (Stuttgart).
- Pina Polo, Francisco (2004), ‘Die nützliche Erinnerung: Geschichtsschreibung, *mos maiorum* und die römische Identität’, *Historia* 53.2: 147-72.
- Pinkster, Harm (1990), *Latin Syntax and Semantics* (trans. Hotze Mulder) (London and New York).
- Pinsent, John (1975), *Military Tribunes and Plebeian Consuls: The Fasti from 444V to 342V* (Historia Einzelschriften 24) (Wiesbaden).
- Pirovano, Carlo (ed.) (1985), *Scrivere Etrusco. Dalla leggenda alla conoscenza* (Milan).
- Plass, Paul (1988), *Wit and the Writing of History. The Rhetoric of Historiography in Imperial Rome* (Madison, Wisconsin and London).
- Platner, Samuel Ball and Ashby, Thomas (1929), *A Topographical Dictionary of Ancient Rome* (Oxford).
- Plaumann, G. (1913), ‘Das sogenannte *senatus consultum ultimum*’, *Klio* 13: 322-386.
- *Plinio il Vecchio sotto il profilo storico e letterario: Atti del convegno di Como 5/6/7 Ottobre 1979 ; atti della Tavola rotonda nella ricorrenza centenaria della morte di Plinio il Vecchio, Bologna 16 Dicembre 1979* (1982) (Como).
- Porretta, Antonio (2005), ‘La polemica sul *lapis niger*’, *Acme* 58.3: 79-106.
- Porte, D. and Néraudau, J.-P. (eds.) (1988), *Hommages à Henri Le Bonniec. Res Sacrae* (Brussels).
- Potter, David S. (1999), ‘Roman Religion: Ideas and Actions’. In Potter and Mattingly 1999: 113-67.
- Potter, David (1994), *Prophets and Emperors* (Cambridge, Mass.).
- Potter, David S. and Mattingly, D. J. (eds.) (1999), *Life, Death, and Entertainment in the Roman Empire* (Ann Arbor).
- Pottier, E. (1903), ‘Sinister’. In Fontemoing 1903: 405-413.
- Poucet, Jacques (1976), ‘Fabius Pictor et Denys d’Halicarnasse: <<Les Enfances de Romulus et de Rémus>>’, *Historia* 25: 201-16.
- Poucet, Jacques (1993), ‘Varron, Denys d’Halicarnasse, Macrobe et Lactance, L’Oracle rendu à Dodone aux Pélasges’, *Pallas* 39: 41-69.
- Pouderon, Bernard and Doré, Joseph (eds.) (1998), *Les apologistes chrétiens et la culture grecque* (Paris).
- Pouillon, J. (1982), ‘Remarks on the Verb “To Believe”’. In Izard and Smith 1982: 1-8.
- Poultney, James Wilson (1959), *The Bronze Tables of Iguvium* (Baltimore).
- Powell, Anton (ed.) (1995), *The Greek World* (London).
- Powell, J. G. F. (ed.) (1988), *Cicero. Cato Maior de Senectute* (Cambridge).

- Powell, J. G. F. and North, J. A. (eds.) (2001), *Cicero's Republic (BICS Supplement 76)* (London).
- Powell, Jonathan and Paterson, Jeremy (eds.) (2004), *Cicero the Advocate* (Oxford).
- Poyton, A. B. (ed.) (1902), *Cicero Pro Milone* (Oxford).
- Préchac, François (ed.) and Noblot, Henri (trans.) (1947), *Sénèque. Lettres à Lucilius*, vol. 2 (Paris).
- Price, S. R. F. (1984), *Rituals and Power. The Roman Imperial Cult in Asia Minor* (Cambridge).
- Price, S. R. F. (1985), 'Delphi and Divination'. In Easterling and Muir 1985: 128-54.
- Price, S. R. F. (1999a), *Religions of the Ancient Greeks* (Cambridge).
- Price, S. R. F. (1999b), 'Latin Christian Apologetics: Minucius Felix, Tertullian, and Cyprian'. In Edwards, Goodman and Price 1999: 105-130.
- Pritchett, W. Kendrick (1979), *The Greek State at War. Part III: Religion* (Berkeley, Los Angeles, London).
- Prosdocimi, Aldo (1984a), 'Rite et sacrifice dans les Tables d'Iguvium'. In *Sodalitas. Scritti in onore di Antonio Guarino* (Naples), vol. 7: 3317-3340.
- Prosdocimi, Aldo (1984b), *Le Tavole Iguvine*, 2 vols. (Florence).
- Puigalli, J. (1984), 'Les démons dans l'histoire romaine de Dion Cassius', *Latomus* 43: 876-883.
- Puiggali, Jacques (1984), 'Rhéa et le démon', *Revue de Philologie, de littérature et d'histoire anciennes* 58: 93-6.
- Puiggali, Jacques (2005), 'Daimon et les mots de la même famille dans les *Antiquités romaines* de Denys d'Halicarnasse', *Latomus* 64.3: 626-30.
- Purcell, N. (1993), 'Atrium Libertatis', *Papers of the British School at Rome* 61: 125-56.
- Purcell, N. (1995), 'Literate Games: Roman Urban Society and the Game of *Alea*', *Past & Present* 147: 3-37.
- Purser, Louis Claude (ed.) (1901-1903), *M. Tulli Ciceronis Epistulae*, vol. 3 (Oxford).
- Quain, Edwin A. (trans.) (1950), *Tertullian, On the Soul* (The Fathers of the Church, vol. 10) (Washington D.C.).
- Questa, Cesare (1957), 'Tecnica biografica e tecnica annalistica nei ll. LIII-LXIII di Cassio Dione', *Studi Urbinati* 31.1-2: 37-53.
- Raaflaub, Kurt A. (ed.) (2005), *Social Struggles in Archaic Rome. New Perspectives on the Conflict of the Orders*, second edition (Oxford).
- Raaflaub, Kurt A. and Toher, Mark (eds.) (1990), *Between Republic and Empire. Interpretations of Augustus and His Principate* (Berkeley, Los Angeles, Oxford).
- Rackham, H. (ed. and trans.) (1967), *Pliny, Natural History*, vol. 3 (Loeb: Cambridge, Mass.).
- Radke, Gerhard (1963), 'Quindecimviri', *RE* 24: 1114-1148.
- Rambaud, Michel (1985), 'L'aruspice Arruns chez Lucain, au livre I de la *Pharsale* (vv. 584-638)', *Latomus* 44: 281-300.
- Rambaud, Michel (1988), 'Présages et *procuratio* au livre I de la *Pharsale* (vv. 522-638)'. In Porte and Néraudau 1988: 373-386.
- Ramsey, John T. (2004), 'Did Julius Caesar temporarily banish Mark Antony from his inner circle?', *Classical Quarterly* 54.1: 161-173.
- Ramsey, John T. (2007), *A Descriptive Catalogue of Greco-Roman Comets from 500 B.C. to A.D. 400* (Iowa City).
- Ramsey, John T. (ed.) (2003), *Cicero Philippics I-II* (Cambridge).

- Rasmussen, Susanne William (2002), ‘*Ars haruspicina and ars nesciendi- Some Reflections on a Sheep’s Liver*’. In Ascani et al. 2002: 165-171.
- Rasmussen, Susanne William (2003), *Public Portents in Republican Rome* (Analecta Romana Instituti Danici, Suppl. 34) (Rome).
- Rawson, Elizabeth (1971), ‘Prodigy Lists and the Use of the *Annales Maximi*’ *Classical Quarterly* 21: 158-69 = 1991: 1-15.
- Rawson, Elizabeth (1972), ‘Cicero the Historian and Cicero the Antiquarian’, *Journal of Roman Studies* 62: 33-45 = 1991: 58-79.
- Rawson, Elizabeth (1973), ‘Scipio, Laelius, Furius and the Ancestral Religion’, *Journal of Roman Studies* 63: 161-174 = 1991: 80-101.
- Rawson, Elizabeth (1974), ‘Religion and Politics in the Late Second Century B.C. at Rome’, *Phoenix* 28.2: 193-212 = 1991: 149-168.
- Rawson, Elizabeth (1978), ‘Caesar, Etruria and the *Disciplina Etrusca*’, *Journal of Roman Studies* 68: 132-52 = 1991: 289-323.
- Rawson, Elizabeth (1983), *Cicero: A Portrait*, second edition (Bristol).
- Rawson, Elizabeth (1985), *Intellectual Life in the Late Roman Republic* (London).
- Rawson, Elizabeth (1986), ‘Cassius and Brutus: the memory of the Liberators’. In Moxon et al. 1986: 101-119. = 1991: 488-507.
- Rawson, Elizabeth (1991), *Roman Culture and Roman Society* (Oxford).
- Regell, Paul (1878), *De Augurum publicorum libris part. 1* (Breslau). Reprinted in *Roman Augury and Etruscan Divination* (1975, Arno Press) (New York).
- Regell, Paul (1882), *Fragmenta Auguralia* (königliches Gymnasium zu Hirschberg 164) (Hirschberg).
- Regell, Paul (1884), ‘Auguralia’. In *Commentationes Philologiae in Honorem Augusti Reifferscheidii* (Breslau): 61-66.
- Regell, Paul (1887), ‘Auguralia’, *Neue Jarbücher für Philologie und Paedagogik* 135, *Jahrbücher für classische Philologie* 33: 489-491.
- Regell, Paul (1888a), ‘Auguralia’, *Neue Jarbücher für Philologie und Paedagogik* 137, *Jahrbücher für classische Philologie* 34: 380-2.
- Regell, Paul (1888b), ‘Zu Dionysios von Halikarnasos’, *Neue Jarbücher für Philologie und Paedagogik* 137, *Jahrbücher für classische Philologie* 34: 544-48.
- Regell, Paul (1893), *Commentarii in librorum auguralium fragmenta specimen* (königliches Gymnasium zu Hirschberg 189) (Hirschberg). Reprinted in *Roman Augury and Etruscan Divination* (1975, Arno Press) (New York).
- Reinhold, M. (1988), *From Republic to Principate: An Historical Commentary on Cassius Dio’s Roman History Books 49-52* (Atlanta).
- Reinhold, M. and Swan, P. M. (1990), ‘Cassius Dio’s Assessment of Augustus’. In Raaflaub and Toher 1990: 155-173.
- Reiter, W. (1988), *Aemilius Paullus: Conqueror of Greece* (London).
- Reitzenstein, Richard (1887), *Verrianische Forschungen*. Reprinted 1966 (Hildesheim).
- Renard, M. and Schilling, R. (eds.) (1964), *Hommages à Jean Bayet* (Coll. Latomus 70) (Brussels).
- Reynolds, J. (1986), ‘The Elder Pliny and his Times’. In French and Greenaway 1986: 1-10.
- Reynolds, L. D. (ed.) (1983), *Texts and Transmission. A Survey of the Latin Classics* (Oxford).
- Rice Holmes, T. (ed.) (1914), *C. Iuli Caesaris Commentarii Rerum in Gallia Gestarum* (Oxford).

- Rich, J. W. (1976), *Declaring War in the Roman Republic in the Period of Transmarine Expansion* (Brussels).
- Rich, J. W. (1989), ‘Dio on Augustus’. In Cameron 1989: 86-110.
- Rich, J. W. (1990), *Cassius Dio, The Augustan Settlement* (Warminster).
- Rich, J. W. (1997), ‘Structuring Roman History: the Consular Year and the Roman Historical Tradition’, *Histos* 1: unpaginated. Online: <http://www.dur.ac.uk/Classics/histos/1997/rich1.html>. Republished, revised, in Chaplin and Kraus 2009: 118-147.
- Rich, J. W. (2005), ‘Valerius Antias and the Construction of the Roman Past’, *Bulletin of the Institute of Classical Studies* 48: 137-161.
- Rich, J. W. (ed.) (1990), *Cassius Dio. The Augustan Settlement (Roman History 53-55.9)* (Warminster).
- Richardson, J. S. (ed. and trans.) (2000), *Appian. Wars of the Romans in Iberia* (Warminster).
- Ridley, R. T. (1983), ‘Falsi triumphi, plures consulatus’, *Latomus* 42: 372-82.
- Ridley, R. T. (2005), ‘The Absent Pontifex Maximus’, *Historia* 54.3: 275-300.
- Riganti, Elisabetta (ed. and trans.) (1978), *Varrone De Lingua Latina, Libro VI* (Bologna).
- Riggsby, Andrew M. (1997), ‘Did the Romans Believe in Their Verdicts?’, *Rhetorica* 15.3: 235-51.
- Riggsby, Andrew M. (2002), ‘The *Post Reditum* Speeches’. In May 2002: 159-195.
- Rigsby, Kent J. (1996), *Asyilia. Territorial Inviolability in the Hellenistic World* (Berkeley).
- Rilinger, Rolf (1976), *Der Einfluß des Wahlleiters bei den römischen Konsulwahlen von 366 bis 50 v. Chr.* (Munich).
- Ritschl, F. (1877), *Opuscula Philologica*, vol. 3 (Leipzig).
- Rives, James (1996), ‘The Piety of a Persecutor’, *Journal of Early Christian Studies* 4.1: 1-25.
- Robertson, Noel (1987), ‘The True Meaning of the “Wooden Wall”’, *Classical Philology* 82.1: 1-20.
- Roessli, J.-M. (2007), ‘Vies et métamorphoses de la Sibylle. Notes critiques’, *Revue de l’histoire des religions* 224.2: 253-71.
- Rogers, Robert Samuel (1953), ‘The Neronian Comets’, *Transactions and Proceedings of the American Philological Association* 84: 237-49.
- Rolfe, John C. (ed. and trans.) (1927), *The Attic Nights of Aulus Gellius* (Loeb) (Cambridge, Mass.).
- Rolfe, John C. (ed. and trans.) (1998), *Suetonius*, vol. 1 (Cambridge, Mass.).
- Rosenberger, V. (1998), *Gezähmte Götter. Das Prodigienwesen der Römischen Republik* (Stuttgart).
- Rosenberger, V. (2005), ‘Prodigien aus Italien: geographische Verteilung und religiöse Kommunikation’, *Cahiers du Centre Gustave Glotz* 16: 235-57.
- Rosenstein, N. S. (1986), “‘Imperatores Victi’: The Case of C. Hostilius Mancinus”, *Classical Antiquity* 5.2: 230-252.
- Rosenstein, N. S. (1990), *Imperatores Victi: Military Defeat and Aristocratic Competition in the Middle and Late Republic* (Berkeley).
- Rosenstein, N. S. (1995), ‘Sorting Out the Lot in Republican Rome’, *American Journal of Philology* 116: 43-75.
- Rosenstein, Nathan and Morstein-Marx, Robert (eds.) (2006), *A Companion to the Roman Republic* (Blackwell, Oxford).
- Rosenzweig, Irene (1937), *Ritual and Cults of Pre-Roman Iguvium* (London).

- Rossbach, Otto (1897), ‘Der prodigiorum liber des Iulius Obsequens’, *Rheinisches Museum für Philologie* 52: 1-12.
- Rossi, Andreaola (2004), ‘Parallel Lives: Hannibal and Scipio in Livy’s Third Decade’, *Transactions of the American Philological Association* 134.2: 359-381.
- Rouse, R. H. (1983), ‘*De natura deorum, De divinatione, Timaeus, De fato, Topica, Paradoxa Stoicorum, Academica priora, De legibus*’. In Reynolds 1983: 124-128.
- Rubin, Z. (1980), *Civil-War Propaganda and Historiography* (Brussels).
- Rubino, J. (1839), *Untersuchungen über römische Verfassung und Geschichte* (Cassel).
- Rüpke, Jörg (1990), *Domi militiae: die religiöse Konstruktion des Krieges in Rom* (Stuttgart).
- Rüpke, Jörg (1995), *Kalender und Öffentlichkeit. Die Geschichte der Repräsentation und religiösen Qualifikation von Zeit in Rom* (Berlin and New York).
- Rüpke, Jörg (2002), ‘*Collegia sacerdotum*: Religiöse Vereine in der Oberschicht’. In Egelhaaf-Gaiser and Schäfer 2002: 41-67.
- Rüpke, Jörg (2005a), ‘Divination et décisions politiques dans la République Romaine’, *Cahiers du Centre Gustave Glotz* 16: 217-33.
- Rüpke, Jörg (2005b), *Fasti sacerdotum. Die Mitglieder der Priesterschaften und das sakrale Funktionspersonal römischer, griechische, orientalischer und jüdisch-christlicher Kulte in der Stadt Rom von 300 v. Chr. bis 499 n. Chr.* 3 vols. (Potsdamer Altertumswissenschaftliche Beiträge 12.1) (Stuttgart).
- Rüpke, Jörg (2005c), ‘Varro’s “tria genera theologiae”: Religious thinking in the Late Republic’, *Ordia prima* 4: 107-129.
- Rüpke, Jörg (2006a), ‘Communicating with the Gods’. In Rosenstein and Morstein-Marx 2006: 215-235.
- Rüpke, Jörg (2006b), ‘Religion in the *lex Ursonensis*’. In Ando and Rüpke 2006: 34-46.
- Rüpke, Jörg (2007), *Religion of the Romans* (trans. Richard Gordon) (Polity Press, Cambridge).
- Rüpke, Jörg (2008), *Fasti Sacerdotum. A Prosopography of Pagan, Jewish, and Christian Religious Officials in the City of Rome, 300 BC to AD 499*, trans. David Richardson (Oxford).
- Russell, D. A. (1963), ‘Plutarch’s Life of Coriolanus’, *Journal of Roman Studies* 53.1-2: 21-28.
- Ryberg, I. S. (1955), *Rites of the State Religion in Roman Art* (Memoirs of the American Academy in Rome 22) (Rome).
- Sachot, Maurice (1991), ‘*Religio/superstitio*. Historique d’une subversion et d’un retournement’, *Revue de l’Histoire des Religions* 208.4: 355-394.
- Sacks, K. S. (1983), ‘Historiography in the rhetorical works of Dionysius of Halicarnassus’, *Athenaeum* 61: 65-87.
- Sacks, K. S. (1994), ‘Diodorus and his Sources: Conformity and Creativity’. In Hornblower 1994: 213-232.
- Sage, Evan T. (ed. and trans.) (1936), *Livy*, vol. 9 (Loeb: Cambridge, Mass.).
- Saglio, Edm. (1877), ‘Augurium Salutis’. In Daremberg and Saglio 1877: 560.
- Sallmann, Klaus Günther (1971), *Die Geographie des älteren Plinius in ihrem Verhältnis zu Varro* (Berlin and New York).
- Sandberg, Kaj (1993), ‘The *concilium plebis* as a Legislative Body during the Republic’. In Paananen et al.: 74-96.

- Santangelo, Federico (2005a), 'The Religious Tradition of the Gracchi', *Archiv für Religionsgeschichte* 7: 198-214.
- Santangelo, Federico (2005b), 'Prodigies at Privernum: A Note on Cicero *Div.* 1.97', *Ancient Society* 35: 167-173.
- Santangelo, Federico (2008), 'The Fetials and their *ius*', *Bulletin of the Institute of Classical Studies* 51: 63-93.
- Santangelo, Federico (2006), 'Sulla and the Senate: A Reconsideration', *Cahiers du Centre Gustave-Glotz* 17: 7-22.
- Santini, Carlo (1988), 'Letteratura prodigiale e « sermo prodigialis » in Giulio Ossequente', *Philologus* 132.2: 210-226.
- Santini, Carlo (2002), 'Dimensione pragmatica, nuclei semantici, verifiche lessicali e stilistiche nel *Vaticinium Vegoiae*', *Paideia* 57: 428-447.
- Sblendorio Cugusi, Maria Teresa (ed.) (1982), *M. Porci Catonis Orationum Reliquiae* (Turin).
- Scanlon, T. (1987) *Spes Frustrata* (Heidelberg).
- Schanz, Martin and Hosius, Carl (1927), *Geschichte der römischen Literatur*, vol. 1; (1935), vol. 2 (Munich).
- Schäublin, Christoph (1986), 'Ementita Auspicia', *Wiener Studien* N. S. 20: 165-81.
- Schäublin, Christoph (ed.) (1991), *Marcus Tullius Cicero, Über die Wahrsagung (De divinatione)* (Munich and Zurich).
- Scheid, John (1978), 'Les prêtres officiels sous les empereurs julio-claudiens', *Aufstieg und Niedergang der römischen Welt* 2.16.1: 610-654.
- Scheid, John (1981), 'Le délit religieux dans la Rome tardo-républicaine'. In Torelli 1981: 117-171.
- Scheid, John (1985a), 'Numa et Jupiter ou les dieux citoyens de Rome', *Archives de Sciences Sociales de Religion* 59: 41-53.
- Scheid, John (1985b), *Religion et piété à Rome* (Paris).
- Scheid, John (1987-9), 'La parole des dieux. L'originalité du dialogue des Romains avec leurs dieux', *Opus* 6-8: 125-36.
- Scheid, John (1989-1990), '<<Hoc anno immolatum non est>>. Les aléas de la *voti sponsio*', *Scienze dell' antichità* 3-4: 773-783.
- Scheid, John (1990), *Romulus et ses frères. Le collège des frères arvaies, modèle du culte public dans la Rome des empereurs* (Rome).
- Scheid, John (1994), 'Les archives de la piété. Réflexions sur les livres sacerdotaux'. In Nicolet et al. 1994: 173-185.
- Scheid, John (1998), 'Les livres sibyllins et les archives des quindécemvirs'. In Moatti et al. 1998: 11-26.
- Scheid, John (1999), 'Auguste et le grand pontificat. Politique et droit sacré au début du Principat', *Revue historique de droit français et étranger* 77: 1-19.
- Scheid, John (2003a), *Introduction to Roman Religion*, trans. Janet Lloyd (Edinburgh).
- Scheid, J. (2003b), 'Religion romaine et spiritualité', *Archiv für Religionsgeschichte* 5.1: 198-209.
- Scheid, John (2005a), 'Augustus and Roman Religion: Continuity, Conservatism and Innovation'. In Galinsky 2005: 175-193.
- Scheid, John (2005b), *Quand faire, c'est croire* (Paris).
- Scheid, John (2005c), 'Les sénateurs et le religieux: obligations publiques et convictions privées'. In Eck and Heil 2005: 271-282.
- Scheid, John (2007), 'Sacrifices for Gods and Ancestors'. In Rüpke 2007: 263-271.

- Schepens, Guido (1997), 'Jacoby's *FGrHist*: Problems, Methods, Prospects'. In Most 1997: 144-172.
- Schiavone, Aldo (1987), *Giuristi e nobili nella Roma repubblicana. Il secolo della rivoluzione scientifica nel pensiero giuridico antico* (Rome and Bari).
- Schiavone, Aldo (1991), '<<Rivoluzione scientifica>> e memoria del passato nel pensiero giuridico tardo-repubblicano'. In Pani 1991: 267-274.
- Schilling, R. (1962 = 1979), 'A Propos des <<Extā>>: L'extispicine étrusque et la <<litatio>> romaine' = 1979: 183-90.
- Schilling, R. (1969), 'The Roman Religion'. In Bleeker and Widengren 1969: 442-494.
- Schilling, R. (1972 = 1979), 'Le Romain de la fin de la République et du début de l'Empire en face de la religion' = 1979: 71-93.
- Schilling, R. (1979), *Rites, Cultes, Dieux de Rome* (Paris).
- Schlag, Ursula (1968), *Regnum in senatu. Das Wirken römischer Staatsmänner von 200 bis 191 v. Chr.* (Stuttgart).
- Schlesinger, Alfred C. (1959), *Livy*, vol. 14 (Loeb: Cambridge, Mass.).
- Schmidt, Moritz (ed.) (1867), *Hesychii Alexandrini Lexicon* (Jena).
- Schmidt, Peter Lebrecht (1968), *Iulius Obsequens und das Problem der Livius-Epitome* (Wiesbaden).
- Schnegg-Köhler, Bärbel (2002), 'Die augusteichen Säkularspiele', *Archiv für Religionsgeschichte* 4.
- Schofield, M. (1986), 'Cicero for and against Divination', *Journal of Roman Studies* 76: 47-65.
- Schreiber, Th. (1895), *Atlas of Classical Antiquities* (ed. W. C. F. Anderson) (London and New York).
- Schuller, Wolfgang (ed.) (1993), *Livius. Aspekte seines Werkes* (Konstanz).
- Schulten, Adolf (1933), *Geschichte von Numantia* (Munich).
- Schultze, Clemence (1986), 'Dionysius of Halicarnassus and his audience'. In Moxon, Smart, and Woodman 1986: 121-41.
- Schur, W. (1927), *Scipio Africanus und die Begründung der römischen Weltherrschaft* (Leipzig).
- Schwartz, (1887), 'Cassius Dio Coccaeanus (40)', *RE* 3: 1684-1722.
- Schwegler, A. (1853), *Römische Geschichte im Zeitalter der Könige*, vol. 1 (Tübingen).
- Scullard, H. H. (1930), *Scipio Africanus in the Second Punic War* (Cambridge).
- Scullard, H. H. (1970), *Scipio Africanus: Soldier and Politician* (London).
- Scullard, H. H. (1973), *Roman Politics 220-150 BC*, second edition (Oxford).
- Scullard, H. H. (1989), 'The Carthaginians in Spain', *CAH* VIII, second edition, 17-43.
- Seager, Robin (1979), *Pompey. A Political Biography* (Oxford).
- Seager, Robin (1981), 'The Freedom of the Greeks of Asia: From Alexander to Antiochus', *Classical Quarterly* 31.1: 106-112.
- Sedley, David (1997), 'The Ethics of Brutus and Cassius', *Journal of Roman Studies* 87: 41-53.
- Seguin, R. (1974), 'La religion de Scipion l'Africain', *Latomus* 33 (1974): 3-21.
- Seidl, Erwin (1935), 'Morbus comitalis', *RE* XVI: 277-8 (Stuttgart).
- Serafini, Angela Ruta (ed.) (2007), *Este preromana: una città e i suoi santuari* (Treviso).

- Sfameni Gasparro, G. (1995), ‘Ispirazione delle scritture e divinazione pagana. Aspetti della polemica fra Origene e Celso’. In Dorival and Le Boulluec 1995: 287-302.
- Shackleton Bailey, D. R. (1977b), ‘Brothers or Cousins?’, *American Journal of Ancient History* 2.2: 148-9.
- Shackleton Bailey, D. R. (ed. and trans.) (1965), *Cicero’s Letters to Atticus*, vols. 1 and 2 (Cambridge).
- Shackleton Bailey, D. R. (ed.) (1977a), *Cicero: Epistulae ad Familiares*, 2 vols. (Cambridge).
- Shackleton Bailey, D. R. (ed.) (1980), *Cicero: Epistulae ad Quintum fratrem et M. Brutum* (Cambridge).
- Shackleton Bailey, D. R. (ed. and trans.) (2003), *Statius Thebaid, Books 1-7* (Cambridge, Mass.).
- Shatzman, Israel (1971), ‘The Egyptian Question in Roman Politics (59-54 B.C.)’, *Latomus* 30: 363-369.
- Sherck, Robert K. (1969), *Roman Documents from the Greek East* (Baltimore).
- Sherwin-White, A. N. (1966), *The Letters of Pliny. A Historical and Social Commentary* (Oxford).
- Shipley, Frederick W. (ed.) (1924), *Velleius Paterculus Compendium of Roman History* (Loeb: Cambridge, Mass.).
- Shuckburgh, Evelyn S. (ed.) (1896), *C. Suetoni Tranquilli Divus Augustus* (Cambridge).
- Shuckburgh, Evelyn S. (trans.) (1904-1905), *The Letters of Cicero: the whole extant correspondence in chronological order*, second edition (New York).
- Simon, Helmut (1962), *Roms Kriege in Spanien, 154-133 v. Chr.* (Frankfurt am Main).
- Simpson, Adelaide D. (1938), ‘The Departure of Crassus for Parthia’, *Transactions and Proceedings of the American Philological Association* 69: 532-41.
- Sini, Francesco (1983), *Documenti sacerdotali di Roma antica I. Libri e commentarii* (Sassari).
- Skutsch, Otto (1968), *Studia Enniana* (London). ‘Enniana IV’ (62-85) = *Classical Quarterly* 55 (1961): 252- 267.
- Smith, Christopher and Powell, Anton (eds.) (2009), *The Lost Memoirs of Augustus and the Development of Roman Autobiography* (Swansea).
- Smith, J. Z. (2004), ‘Here, There, and Anywhere’. In *Relating Religion: Essays in the Study of Religion* (Chicago): 323-39.
- Smith, Jonathan Z. (1978), ‘Towards Interpreting Demonic Powers in Hellenistic and Roman Antiquity’, *Aufstieg und Niedergang der römischen Welt* 2.16.1: 425-439.
- Smith, Martin F. (ed.) (1992), *Diogenes of Oinoanda: The Epicurean Inscription* (Naples).
- Smith, Nicholas D. (1989), ‘Diviners and Divination in Aristophanic Comedy’, *Classical Antiquity* 8.1: 140-158.
- Smith, P. (1982), ‘Aspects of the Organization of Rites’. In Izard and Smith 1982: 103-28.
- Smith, W. C. (1979), *Faith and Belief* (Princeton).
- Smith, William (1875), ‘Augur, Augurium’. In *A Dictionary of Greek and Roman Antiquities* (London): 174-179.
- Snyder, Walter (1940), ‘Public Anniversaries in the Roman Empire’, *Yale Classical Studies* 7: 225-317.

- Sordi, M. (1982a), ‘Il confine del Tauro e dell’Halys e il sacrificio in Ilio’. In Sordi (ed.) 1982: 136-49.
- Sordi, M. (1993), ‘La <<Costituzione di Romolo>> e le critiche di Dionigi di Alicarnasso alla Roma del suo tempo’, *Pallas* 39: 111-120.
- Sordi, M. (ed.) (1975), *Storiografia e propaganda (Contributi dell’Istituto di storia antica 3)* (Milan).
- Sordi, M. (ed.) (1982b), *Politica e religione nel primo scontro tra Roma e l’Oriente* (Milan).
- Sourvinou-Inwood, C. (2000a), ‘What is *Polis* Religion?’. In Buxton 2000: 13-37 = O. Murray and S. Price (eds.) (1990), *The Greek City from Homer to Alexander* (Oxford): 295-322.
- Sourvinou-Inwood, C. (2000b), ‘Further Aspects of *Polis* Religion’. In Buxton 2000: 38-55 = *Annali dell’ Istituto Universitario Orientale di Napoli, Sezione di Archeologia e Storia Antica* 10 (1988): 259-74.
- Stadter, P. A. (1975), ‘Plutarch’s Comparison of Pericles and Fabius Maximus’, *Greek, Roman and Byzantine Studies* 16: 77-85.
- Stahl, J. M. (1907), *Kritisch-Historische Syntax des griechischen Verbuns der klassischen Zeit* (Heidelberg).
- Stambaugh, J. E. (1978), ‘The Functions of Roman Temples’, *Aufstieg und Niedergang der römischen Welt* 2.16.1: 554-608.
- Stangl, Thomas (ed.) (1964), *Ciceronis Oratorum Scholiastae* (Hildesheim) (reprint of 1912 edition).
- Starr, Raymond J. (2007), ‘Roman Literary Chronology: a Teacher in His Classroom’, *Latomus* 66.4: 959-964.
- Staveley, E. Stuart (1955), ‘Provocatio during the Fifth and Fourth Centuries B.C.’, *Historia* 3.4: 412-428.
- Staveley, E. Stuart (1956), ‘The Constitution of the Roman Republic 1940-1954’, *Historia* 5: 74-122.
- Steel, C. E. W. (2001), *Cicero, Rhetoric, and Empire* (Oxford).
- Stefaniw, B. (2007), ‘Reading Revelation: Allegorical Exegesis in Late Antique Alexandria’, *Revue de l’histoire des religions* 224.2: 231-51.
- Steinby, Eva Margareta (ed.) (1993-), *Lexicon Topographicum Urbis Romae* (Rome).
- Steinby, T. (1958), ‘A Pontifical Document’, *Arctos* n.s. 2: 143-151.
- Stewart, Roberta (1998), *Public Office in Early Rome. Ritual Procedure and Political Practice* (Ann Arbor).
- Stewart, Zeph (ed.), *Essays on Religion and the Ancient World* (Oxford).
- Stockton, David (1962), ‘Cicero and the *Ager Campanus*’, *Transactions of the American Philological Association* 93: 471-489.
- Stockton, David (1971), *Cicero. A Political Biography* (Oxford).
- Strasburger, Hermann (1938), *Caesars Eintritt in die Geschichte* (Munich).
- Strasburger, Hermann (1977), ‘Umblick im Trümmerfeld der griechischen Geschichtsschreibung’ = *Studien zur alten Geschichte*, vol. 3: 167-218 (Hildesheim and New York).
- Struck, P. T. (2005), ‘Divination and Literary Criticism?’. In Johnston and Struck 2005: 147-65.
- Strzelecki, Ladislaus (1932), *Quaestiones Verrianae* (Warsaw).
- Sumner, G. V. (1963), ‘Lex Aelia, Lex Fufia’, *American Journal of Philology* 84: 337-58.
- Sumner, G. V. (1975), ‘Elections at Rome in 217 BC’, *Phoenix* 29 (1975): 250-9.

- Swan, Peter Michael (1987), ‘Cassius Dio on Augustus: A Poverty of Annalistic Sources?’, *Phoenix* 41.3: 272-91.
- Swan, Peter Michael (2004), *The Augustan Succession. An Historical Commentary on Cassius Dio’s Roman History Books 55-56 (9 B.C.- A.D. 14)* (Oxford).
- Sweek, Joel (2002), ‘Inquiring for the State in the Ancient Near East: Delineating Political Location’. In Ciruolo and Seidel 2002: 41-56.
- Syme, Ronald (1939), *The Roman Revolution* (Oxford).
- Syme, Ronald (1957), ‘The Origin of the Veranii’, *Classical Quarterly* 7.3/4: 123-5.
- Syme, Ronald (1959), ‘Livy and Augustus’, *Harvard Studies in Classical Philology* 64: 27-87 = *Roman Papers* vol. 1: 400-54.
- Syme, Ronald (1964) *Sallust* (Berkeley and London).
- Szemler, G. J. (1971), ‘Religio, Priesthoods and Magistracies in the Roman Republic’, *Numen* 18.2: 103-131.
- Szemler, G. J. (1972), *The Priests of the Roman Republic* (Brussels).
- Szemler, G. J. (1999), ‘Tethered Gods [Review of Rosenberger 1998]’, *Classical Review* N.S. 49.2: 447-449.
- Szymanski, Theodorus (1908), *Sacrificia Graecorum in Bellis Militaria* (Diss. Marburg) (Marburg).
- Tatum, W. Jeffrey (1990a), ‘Cicero and the Bona Dea Scandal’, *Classical Philology* 85.3: 202-8.
- Tatum, W. Jeffrey (1990b), ‘Cicero’s Opposition to the Lex Clodia de Collegiis’, *Classical Quarterly* 40.1: 187-194.
- Tatum, W. Jeffrey (1992), ‘Review of Rosenstein 1990’, *AJPh* 113.4: 637-641.
- Tatum, W. Jeffrey (1999a), *The Patrician Tribune Publius Clodius Pulcher* (Chapel Hill).
- Tatum, W. Jeffrey (1999b), ‘Roman Religion: Fragments and Further Questions’. In Byrne, Shannon N. and Cueva, Edmund P. (eds.) *Veritatis Amicitiaeque Causa. Essays in Honor of Anna Lydia Motto and John R. Clark* (Wauconda, Illinois): 273-291.
- Tatum, W. Jeffrey (2006), ‘The Final Crisis (69-44)’. In Rosenstein and Morstein-Marx 2006: 190-211.
- Taylor, Lily Ross (1939), ‘Cicero’s Aedileship’, *American Journal of Philology* 60.2: 194-202.
- Taylor, Lily Ross (1944), ‘Symbols of the Augurate on Coins of the Caecilii Metelli’, *American Journal of Archaeology* 48.4: 352-6.
- Taylor, Lily Ross (1946), ‘The Date of the Capitoline Fasti’, *Classical Philology* 41.1: 1-11.
- Taylor, Lily Ross (1949), *Party Politics in the Age of Caesar* (Berkeley).
- Taylor, Lily Ross (1951), ‘On the chronology of Caesar’s first consulship’, *American Journal of Philology* 72: 254-68.
- Taylor, Lily Ross (1951b), ‘New Indications of Augustan Editing in the Capitoline Fasti’, *Classical Philology* 46.2: 73-80.
- Taylor, Lily Ross (1962), ‘Forerunners of the Gracchi’, *Journal of Roman Studies* 52: 19-27.
- Taylor, Lily Ross (1966), *Roman Voting Assemblies from the Hannibalic War to the Dictatorship of Caesar* (Ann Arbor).
- Taylor, Lily Ross and Broughton, T. R. S. (1949), ‘The order of the consuls’ names in the yearly lists’, *Memoirs of the American Academy in Rome* 19: 1-14.
- Taylor, Lily Ross and Broughton, T. R. S. (1968), ‘The order of the consuls’ names in official Republican lists’, *Historia* 17: 166-72.

- Taylor, Rabun (2000), ‘Watching the Skies: Janus, Auspication, and the Shrine in the Roman Forum’, *Memoirs of the American Academy in Rome* 45: 1-40.
- Taylor, Rabun (2002), ‘Temples and Terracottas at Cosa’, *American Journal of Archaeology* 106.1: 59-83.
- Temkin, Owsei (1971), *The Falling Sickness. A History of Epilepsy from the Greeks to the Beginnings of Modern Neurology*, second edition, revised (Baltimore and London).
- Thommen, L. (1989), *Das Volkstribunat der späten römischen Republik* (Stuttgart).
- Thouvenot, R. (1940), *Essai sur la province romaine de Bétique* (Paris).
- Thulin, C. O. (1906a, 1909), *Die etruskische Disciplin*, 3 vols. (Göteborg).
- Thulin, C. O. (1906b), *Scriptorum Disciplinae Etruscae Fragmenta* (Berlin).
- Thulin, C. O. (1910), ‘Haruspices’, *RE* 7: 2431-68.
- Timpanaro, Sebastiano (ed.) (1998) *Cicerone, Della divinazione*, second edition (Milan).
- Torelli, Mario (1966), ‘Un *templum augurale* d’età repubblicana a Bantia’, *Atti della Accademia Nazionale dei Lincei, Rendiconti* (series 8) 21.7-12: 293-315.
- Torelli, Mario (1969a), ‘Contributi al supplemento del *CIL IX*’, *Atti della Accademia Nazionale dei Lincei, Rendiconti* (series 8) 24.1-2: 9-48.
- Torelli, Mario (1969b), ‘Senatori etruschi della tarda repubblica e dell’impero’, *Dialoghi di Archeologia* 3: 285-363.
- Torelli, Mario (1975), *Elogia Tarquiniensia* (Florence).
- Torelli, Mario (1976), ‘Glosse etrusche: qualche problema di trasmissione’. In *L’Italie préromaine et la Rome républicaine: 1001-1008*.
- Torelli, Mario (ed.) (1981), *Le délit religieux dans la cité antique* (Coll. de l’École française de Rome 48) (Rome).
- Toynbee, Arnold J. (1965), *Hannibal’s Legacy*, 2 vols. (Oxford).
- Tränkle, H. (1971), *Cato in der vierten und fünften Dekade des Livius* (Abhandlungen der Geistes- und Sozialwissenschaftlichen Klasse 4) (Mainz).
- Treggiari, Susan (2007), *Terentia, Tullia and Publilia, the Women of Cicero’s Family* (London and New York).
- Tromp, Sebastian (1921), *De Romanorum Piaculis* (Leiden).
- Turcan, Robert (1976), ‘Enore la prophétie de Végoia’. In *L’Italie préromaine et la Rome républicaine*, vol. 2: 1009-1019.
- Turcan, Robert (2000), *The Gods of Ancient Rome. Religion in Everyday Life from Archaic to Imperial Times* (trans. Antonia Nevill) (Edinburgh). (First published 1998, Hachette).
- Twyman, Briggs L. (1984), ‘The Consular Elections for 216 B.C. and the *Lex Maenia de Patrum Auctoritate*’, *Classical Philology* 79.4: 285-294.
- Ullman, B. L. (1942), ‘History and Tragedy’, *Transactions and Proceedings of the American Philological Association* 73: 25-53.
- Ullmann, R. (1927), *La Technique des Discours dans Salluste, Tite Live et Tacite* (Oslo).
- Ulrich, Roger B. (1994), *The Roman Orator and the Sacred Stage: The Roman Templum Rostratum* (Brussels).
- Unger, Dominic J. (trans.) (1992), *St. Irenaeus of Lyons, Against the Heresies Book I* (Ancient Christian Writers no. 55) (New York).
- Vaahtera, Jyri (1993), ‘On the Religious Nature of the Place of Assembly’. In Paananen et al. 1993: 97-116.
- Vaahtera, Jyri (2000), ‘Roman Religion and the Polybian *politeia*’. In Bruun 2000a: 251-64.

- Vaahtera, Jyri (2001), *Roman augural lore in Greek historiography: a study of the theory and terminology* (Stuttgart).
- Vaahtera, Jyri (2002), 'Livy and the Priestly Records: à propos ILS 9338', *Hermes* 130: 100-108.
- Valetton, I. M. J. (1889), 'De modis auspicandi Romanorum I, II', *Mnemosyne* 17: 275-325, 418-52.
- Valetton, I. M. J. (1890), 'De modis auspicandi Romanorum II, III', *Mnemosyne* 18: 208-63, 406-56.
- Valetton, I. M. J. (1891a), 'De iure obnuntiandi comitiis et conciliis', *Mnemosyne* 19: 75-113, 229-70.
- Valetton, I. M. J. (1891b), 'De inaugurationibus Romanis caerimoniarum et sacerdotum', *Mnemosyne* 19: 405-460.
- Valetton, I. M. J. (1895), 'De templis Romanis', *Mnemosyne* 23: 15-79.
- Vallet, G. (1964), 'Caius Terentius Varron ou l'expression d'une antipathie chez Tite-Live'. In Renard and Schilling 1964: 707-17.
- Valvo, Alfredo (1988), *La <<Profezia di Vegoia>>. Proprietà fondiaria e aruspicina in Etruria nel I secolo a.C.* (Rome).
- van den Bruwaene, Martin (1937), *La théologie de Cicéron* (Louvain).
- van der Blom, Henriette (2010), *Cicero's Role Models* (Oxford).
- van der Meer, L. B. (1987), *The Bronze Liver of Piacenza. Analysis of a Polytheistic Structure* (Amsterdam).
- van der Meer, L. B. (2007), *Liber Linteus Zagrabienensis* (Louvain).
- van Hooff, A. J. L. (1977), 'Polybius' Reason and Religion. The Relations between Polybius' Casual Thinking and His Attitude towards Religion in the *Studies of History*', *Klio* 59.1: 101-28.
- Van Wees, H. (ed.) (2000), *War and Violence in Ancient Greece* (London).
- Vasaly, Ann (1993), *Representations. Images of the World in Ciceronian Oratory* (Berkeley).
- Vermaseren, M. J. (ed.) *Studies in Hellenistic Religions* (Leiden).
- Vernant, J. P. (1974), 'Parole et signes muets'. In Vernant et al. 1974: 9-25.
- Vernant, J. P. et al. (1974), *Divination et Rationalité* (Paris).
- Vernière, Y. (1983), 'Masques et Visages du destin dans les <<Vies>> de Plutarque'. In Jouan 1983: 111-19.
- Versnel, H. S. (1970), *Triumphus* (Leiden).
- Vervaet, F. J. (2008), 'Review of Beard, *The Roman Triumph*', *BMCR* 2008.09.39. Available online: <http://bmcr.brynmawr.edu/2008/2008-09-39.html>.
- Veyne, Paul (1986), 'Une évolution du paganisme gréco-romain, injustice et piété des dieux, leurs ordres ou « oracles »', *Latomus* 45: 259-283.
- Veyne, Paul (1990), 'La Providence stoïcienne intervient-elle dans l'Histoire?', *Latomus* 49: 553-574.
- Veyne, Paul (2005), *L'empire gréco-romain* (Paris).
- Vigourt, A. (2001), *Les Présages Impériaux d'Auguste à Domitien* (Paris).
- Vine, Brent (1993), *Studies in Archaic Latin Inscriptions* (Innsbruck).
- Vishnia, Rachel Feig (1996), 'The transitio ad plebem of C. Servilius Geminus', *Zeitschrift für Papyrologie und Epigraphik* 114: 289-298.
- Vitali, Daniele, 'L'acropoli di Marzabotto'. In Colonna 1985: 88-92.
- Vitali, Daniele; Brizzolara, Anna Maria; and Lippolis, Enzo (2001), *L'acropoli della città etrusca di Marzabotto* (Bologna).
- Vogt, Joseph (1935), *Ciceros Glaube an Rom* (Stuttgart).
- von Domaszewski, Alfred (1896), 'Auguratorium (2)', *RE* II (Stuttgart), col. 2313.

- von Lübtow, Ulrich (1952), ‘Die lex curiata de imperio’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung* 69: 154-171.
- von Ungern-Sternberg, J. (1970), *Untersuchungen zum spätrepublikanischen Notstandsrecht. Senatus consultum ultimum und hostis-Erklärung* (Munich).
- von Ungern-Sternberg, J. (1971), ‘Review of Bredehorn, *Senatsakten in der republikanische Annalistik*’, *Gnomon* 43.3: 369-74.
- von Ungern-Sternberg, J. (2005), ‘The End of the Conflict of the Orders’. In Raaflaub 2005: 312-332.
- Vrind, Gerard (1923), *De Cassii Dionis Vocabulis quae ad ius publicum pertinent* (The Hague).
- Wachsmuth, C. (ed.) (1897), *Ioannis Laurentii Lydi Liber de Ostentis et calendaria Graeca omnia* (Leipzig).
- Wachter, Rudolf (1987), *Altlateinische Inschriften* (Bern, Frankfurt, New York, Paris).
- Waiblinger, Franz Peter (1977), *Senecas Naturales Quaestiones. Griechische Wissenschaft und römische Form* (Zetemata 70) (Munich).
- Walbank, F. W. (1957-1979), *A Historical Commentary on Polybius* (Oxford).
- Walbank, F. W. (1966), *Speeches in Greek Historians* (Oxford).
- Walbank, F. W. (1967), ‘The Scipionic Legend’, *Proceedings of the Cambridge Philological Society* 13: 54-69.
- Walbank, F. W. (1971), ‘The Fourth and Fifth Decades’. In Dorey 1971: 47-72.
- Walbank, F. W. (1973), *Philip V of Macedon* (Hamden, Conn.).
- Walbank, F. W. (2002), *Polybius, Rome and the Hellenistic World* (Cambridge).
- Waldner, K. (2007), ‘Les martyrs comme prophètes. Divination et martyre dans le discours chrétien des I^{er} et II^e siècles’, *Revue de l’Histoire des Religions* 224.2: 193-209.
- Wallace-Hadrill, Andrew (1983), *Suetonius. The Scholar and his Caesars* (London).
- Wallace-Hadrill, Andrew (1987), ‘Time for Augustus. Ovid, Augustus and the Fasti’. In Whitby et al. 1987: 221-30.
- Wallace-Hadrill, Andrew (1990), ‘Pliny the Elder and Man’s Unnatural History’, *Greece & Rome* 37: 80-96.
- Wallace-Hadrill, Andrew (2008), *Rome’s Cultural Revolution* (Cambridge).
- Walser, Gerold (ed.) (1957), *Der Briefwechsel des L. Munatius Plancus mit Cicero* (Basel).
- Walsh, P. G. (1961), *Livy: his Historical Aims and Methods* (Cambridge).
- Walsh, P. G. (1974), *Livy* (Greece and Rome, New Surveys in the Classics, no. 8) (Oxford).
- Walsh, P. G. (1996b), ‘Making a Drama out of a Crisis: Livy on the Bacchanalia’, *Greece & Rome* 43.2: 188-203.
- Walsh, P. G. (ed.) (1973), *Livy Book XXI* (London).
- Walsh, P. G. (ed.) (1990), *Livy Book XXXVI* (Warminster).
- Walsh, P. G. (ed.) (1993), *Livy Book XXXVIII* (Warminster).
- Walsh, P. G. (ed.) (1994), *Livy Book XXXIX* (Warminster).
- Walsh, P. G. (ed.) (1996a), *Livy Book XL* (Warminster).
- Warde Fowler, W. (1911), *The Religious Experience of the Roman People* (London).
- Wardle, D. (ed. and trans.) (1998), *Valerius Maximus. Memorable Deeds and Sayings, Book I* (Oxford).
- Wardle, D. (ed. and trans.) (2006), *Cicero: On Divination, Book I* (Oxford).
- Wardman, Alan (1982), *Religion and Statecraft Among the Romans* (London).

- Warmington, E. H. (ed. and trans.) (1936), *Remains of Old Latin*, vol. 2 (Loeb) (Cambridge, Mass.).
- Warrior, V. M. (1996), *The Initiation of the Second Macedonian War. An explication of Livy Book 31* (Historia Einzelschriften 97) (Stuttgart).
- Watkins, Thomas H. (1997), *L. Munatius Plancus. Serving and Surviving in the Roman Revolution* (Atlanta, Georgia).
- Watt, W. S. (ed.) (1958), *M. Tulli Ciceronis Epistulae* vol. 3 (Oxford).
- Weber, G. (2000), *Kaiser, Träume und Visionen in Prinzipat und Spätantike* (Stuttgart).
- Weinrib, E. J. (1970), ‘Obnuntiatio: Two Problems’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (Romanistische Abteilung)* 87: 395-425.
- Weinstock, Stefan (1937a), ‘Clodius and the Lex Aelia Fufia’, *Journal of Roman Studies* 27.2: 215-22.
- Weinstock, Stefan (1937b), ‘Obnuntiatio’, *RE* XVII.2: col. 1726-1735.
- Weinstock, Stefan (1937c), ‘Olenus’, *RE* 17: 2445-2451.
- Weinstock, Stefan (1951), ‘Libri Fulgurales’, *Papers of the British School at Rome* 19: 122-153.
- Weinstock, Stefan (1971), *Divus Julius* (Oxford).
- Weiss, Michael (2010), *Language and Ritual in Sabellic Italy. The Ritual Complex of the Third and Fourth Tabulae Iguvinae* (Leiden).
- Weissenborn, Wilhelm (H. J. Müller, ed.) (1896), *T. Livi Ab Urbe Condita Libri*, books 3 and 4 (Berlin).
- Welch, Kathryn (2009), ‘Alternative Memoirs: Tales from the ‘Other Side’ of the Civil War’. In Smith and Powell 2009: 195-223.
- Welch, Kathryn E. (1995), ‘Antony, Fulvia, and the Ghost of Clodius in 47 B.C.’, *Greece & Rome* 42.2: 182-201.
- Welles, C. Bradford (1934), *Royal Correspondence in the Hellenistic Period* (New Haven).
- Wesenberg, Albert Sadolin (ed.) (1880), *Marci Tullii Ciceronis Epistolae*, vol. 1 (Leipzig).
- Whitby, Michael; Hardie, Philip; and Whitby, Mary (eds.) (1987), *Homo Viator. Classical Essays for John Bramble* (Bristol).
- White, Horace (ed.) (1913), *Appian’s Roman History* (Loeb: Cambridge, Mass.).
- Whitehouse, Harvey and Martin, Luther H. (eds.) (2004), *Theorizing Religions Past: Archeology, History, and Cognition* (Walnut Creek, CA).
- Whittaker, Molly (ed. and trans.) (1982), *Tatian, Oratio ad Graecos and Fragments* (Oxford).
- Wiedemann, T. (1986), ‘The Fetiales: A Reconsideration’, *Classical Quarterly* 36.2: 478-90.
- Wiesen, David S. (1968), *Saint Augustine, the City of God Against the Pagans* (7 vols.) (Loeb: Cambridge, Mass.).
- Wikander, Örjan (1993), ‘Senators and Equites V. Ancestral Pride and Genealogical Studies in Late Republican Rome’, *Opuscula Romana* 19: 77-90.
- Wildfang, R. L. (2000), ‘The Propaganda of Omens: Six dreams involving Augustus’. In Wildfang and Isager 2000: 43-55.
- Wildfang, R. L. and Isager, J. (eds.) (2000), *Divination and Portents in the Roman World* (Odense).
- Wilkins, John B. (1994), ‘The Iguvine Tables: problems in the interpretation of ritual text’. In Malone and Stoddart 1994: 152-172.

- Will, Edouard (1972), ‘Rome et les Séleucides’, *Aufstieg und Niedergang der römischen Welt* 1.1: 590-632.
- Williams, Richard S. (1985), ‘Rei Publicae Causa: Gabinius’ Defense of His Restoration of Ptolemy Auletes’, *Classical Journal* 81.1: 25-38.
- Williamson, G. A. (ed. and trans.) (1966), *Eusebius, the History of the Church from Christ to Constantine* (New York).
- Winkler, Lorenz (1995), *Salus. Vom Staatskult zur politischen Idee* (Heidelberg).
- Wiseman, T. P. (1969), ‘The Census in the First Century B.C.’, *Journal of Roman Studies* 59.1/2: 59-7-5.
- Wiseman, T. P. (1974a), *Cinna the Poet and other Roman essays* (Leicester).
- Wiseman, T. P. (1974b), ‘The Go-Between’ = 1974a: 138-146.
- Wiseman, T. P. (1974c), ‘Legendary Genealogies in Late-Republican Rome’, *Greece and Rome* 21.2: 153-164.
- Wiseman, T. P. (1974d), ‘The Two Worlds of Titus Lucretius’ = 1974a: 11-43.
- Wiseman, T. P. (1979), *Clio’s Cosmetics* (Leicester).
- Wiseman, T. P. (1987), *Roman Studies* (Liverpool).
- Wiseman, T. P. (1992), ‘Lucretius, Catiline, and the Survival of Prophecy’, *Ostraka* 1.2: 275-286.
- Wiseman, T. P. (1994), ‘Caesar, Pompey and Rome, 59-50 BC’, *Cambridge Ancient History* vol. 9 (second edition): 368-423.
- Wiseman, T. P. (1994a), *Historiography and Imagination. Eight Essays on Roman Culture* (Exeter).
- Wiseman, T. P. (1995), *Remus* (Cambridge).
- Wiseman, T. P. (1998), *Roman Drama and Roman History* (Exeter).
- Wiseman, T. P. (2009), ‘Augustus, Sulla and the supernatural’. In Smith and Powell 2009: 111-123.
- Wissowa, Georg (1896a), ‘Augures’, *RE* 2: col. 2313-2343.
- Wissowa, Georg (1896b), ‘Auspicium’, *RE* 2: col. 2580-2587.
- Wissowa, Georg (1904), ‘Echte und falsche “Sondergötter” in der römischen Religion’. In G. Wissowa, *Gesammelte Abhandlungen sur römischen Religions- und Stadtgeschichte* (Munich).
- Wissowa, Georg (1912), *Religion und Kultus der Römer*, second edition (Munich).
- Wissowa, Georg (1927), ‘Litatio’ *RE* 13: 740-2.
- Woodman, A. J. (1988), *Rhetoric in Classical Historiography* (London and Sydney).
- Woolf, Gregory (1997), ‘Polis-Religion and its alternatives in the Roman Provinces’. In Cancik and Rüpke 1997: 71-84.
- Wülker, Ludwig (1903), *Die geschichtliche Entwicklung Prodigienwesens bei den Römern* (Leipzig).
- Yakobson, Alexander (1999), *Elections and Electioneering in Rome* (Stuttgart).
- Yavetz, Z. (1962), ‘The Policy of C. Flaminius and the Plebiscitum Claudianum’, *Athenaeum* 40: 325-344.
- Zecchini, Giuseppe (1978), *Cassio Dione e la guerra gallica di Cesare* (Milan).
- Zecchini, Giuseppe (1982), ‘Cn. Manlio Vulsone e l’inizio della corruzione a Roma’. In Sordi 1982b: 159-178.
- Zehnacker, Hubert (1981), ‘Tragédie prétexte et spectacle romain’. In *Théâtre et spectacles dans l’antiquité* (Amsterdam): 31-48.
- Zeitlyn, David (1990), ‘Professor Garfinkel Visits the Soothsayers: Ethnomethodology and Mambila Divination’, *Man* 25.4: 654-666.

- Zetzel, James E. G. (1984), *Latin Textual Criticism in Antiquity* (reprint) (Salem, New Hampshire).
- Ziolkowski, Adam (1992), *The Temples of Mid-Republican Rome and their Historical and Topographical Context* (Rome).
- Zucca, Raimondo (1996), *La Corsica romana* (Oristano).