Homines Religiosi?
Expectations and Evaluations of Roman *Sacerdotes* in the Late Republic and Early Empire

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ABSTRACT

***Homines Religiosi*? Expectations and Evaluations of Roman *Sacerdotes* in the Late Republic and Early Empire**

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This thesis asserts the importance and distinctiveness of *sacerdotes* and *sacerdotia* of the Roman republic, drawing principally on late republican and early imperial evidence to elucidate the value and worth of such positions. In focusing on the behaviours, virtues and morals ascribed to these important figures and their *collegia*, it is demonstrated that being a *sacerdos* was perceived – by *sacerdotes* themselves, and by contemporaries, historians, and moralists – to have had an intrinsic importance and distinctiveness which demands identification and explication. This recognition, that being a *sacerdos* meant more than its political currency, allows us to gain a richer perspective on the worth of these important public figures than is currently appreciated.

This thesis consists of two parts. The first part examines how expectations of various *sacerdotes* were framed in a variety of ancient texts, and considers whether there were points of commonality between ancient authors in their expressions of expectations of the virtues, behaviours, and roles of various *sacerdotes*. The second part analyses the evaluations of various *sacerdotes* by three authors – Cicero, Livy, and Valerius Maximus. In these case studies, I consider the ways in which these writers evaluated contemporary and historical *sacerdotes*, and articulated their importance and distinctiveness. In contrast to existing, largely indeterminate approaches, I assert that there were perceptions of the value, worth, and distinctiveness for Roman *sacerdotes* of the late republic and early empire. It is demonstrated that becoming a *sacerdos* was perceived as not merely the possession of yet another *honor*, such as the holding of a magisterial position. Rather, it is shown that there was something special, even unique, about being a Roman *sacerdos*.

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LIST OF ABBREVIATIONS

Journal abbreviations follow *L'Année Philologique*, and other abbreviations follow the conventions of the *Oxford Classical Dictionary*[4] with the following additions and changes:

Cic. *Consol.*	Cicero *consolatio ad se*
FRL	G. Manuwald (ed.) (2019) *Fragmentary Republican Latin.* Cambridge, Mass.: Harvard University Press.
FS	J. Rüpke (2008) *Fasti Sacerdotum: A Prosopography of Pagan, Jewish, and Christian Religious Officials in the City of Rome, 300 BC to AD 499.* Transl. D.M.B. Richardson. Oxford: Oxford University Press.
Obseq.	Iulius Obsequens *liber prodigiorum*
Plut. *Mor. cap. in. ut.*	Plutarch *de capienda ex inimicis utilitate*
Plut. *Mor. con. prae.*	Plutarch *coniugalia praecepta*
Plut. *Mor. cur.*	Plutarch *de curiositate*
Plut. *Q.G.*	Plutarch *Quaestiones Graecae*
Plut. *Q.R.*	Plutarch *Quaestiones Romanae*
Plut. *Q.Conv.*	Plutarch *Quaestiones conuiuales*
Sen. *Ira.*	Seneca *de ira*
Sen. *Marc.*	Seneca *de consolatione ad Marciam*
Sen. *Polyb.*	Seneca *de consolatione ad Polybium*
Varro, *ant. rer. div.*	Varro *Antiquitates rerum diuinarum*

Quotations are taken from the most recent edition in the Oxford Classical Texts series, except for the following:

E.H. Alton, D.E.W. Wormell and E. Courtney (eds) (1985) *P. Ovidi Nasonis: Fastorum Libri Sex.* Leipzig: Teubner.

F.C. Babbitt (ed.) (1928) *Plutarch. Moralia, Volume II: How to Profit by One's Enemies. On Having Many Friends. Chance. Virtue and Vice. Letter of Condolence to Apollonius. Advice About Keeping Well. Advice to Bride and Groom. The Dinner of the Seven Wise Men. Superstition.* Cambridge, Mass.: Harvard University Press.

F.C. Babbitt (ed.) (1936) *Plutarch. Moralia, Volume IV: Roman Questions. Greek Questions. Greek and Roman Parallel Stories. On the Fortune of the Romans. On the Fortune or the Virtue of Alexander. Were the Athenians More Famous in War or in Wisdom?*. Cambridge, Mass.: Harvard University Press.

J. Briscoe (ed.) (1986) *Titi Livi: Ab Urbe Condita. Libri XLI-XLV.* Stuttgart: Teubner.

J. Briscoe (ed.) (1998) *Valeri Maximi Facta et Dicta Memorabilia.* 2 Vols. Stuttgart: Teubner.

H. Caplan (ed.) (1954) *Cicero. Rhetorica ad Herennium.* Cambridge, Mass.: Harvard University Press.

E. Cary (ed.) (1937) *Dionysius of Halicarnassus: Roman Antiquities. Vol. 1. Books 1-2.* Cambridge, Mass.: Harvard University Press.

A. Cooley (ed.) (2009) *Res Gestae Divi Augusti: Text, Translation, and Commentary.* Cambridge: Cambridge University Press.

J. Hellegouarc'h (ed.) (1982) *Velleius Paterculus: Histoire Romaine.* 2 Vols. Paris: Les Belles Lettres.

H.M. Hubbell (ed.) (1949) *Cicero: On Invention. The Best Kind of Orator. Topics.* Cambridge, Mass.: Harvard University Press.

H. Le Bonniec and A. Le Bœuffle (eds) (1972) *Pline l'Ancien: Histoire Naturelle. Livre XVIII.* Paris: Les Belles Lettres.

G. Manuwald (ed.) (2007) *Cicero*, Philippics *3-9. Edited with Introduction, Translation and Commentary.* Berlin/New York: de Gruyter.

W.D.C. de Melo (2019) (ed.) *Varro: De Lingua Latina. Introduction, Text, Translation, and Commentary.* 2 Vols. Oxford: Oxford University Press.

S.J. Heyworth (ed.) (2019) *Ovid. Fasti, Book 3.* Cambridge: Cambridge University Press.

A.S. Pease (ed.) (1920-1923) *M. Tulli Ciceronis De Divinatione.* 2 Vols. Illinois: The University of Illinois.

A.S. Pease (ed.) (1955-1958) *M. Tulli Ciceronis De Natura Deorum.* 2 Vols. Cambridge, Mass.: Harvard University Press.

D.R. Shackleton Bailey (ed.) (1965-1970) *Cicero's Letters to Atticus.* 7 Vols. Cambridge: Cambridge University Press.

D.R. Shackleton Bailey (ed.) (1977) *Cicero Epistulae ad Familiares: Volume II: 47-43 B.C.* Cambridge: Cambridge University Press.

M. Winterbottom (ed.) (1974) *Seneca the Elder: Declamations, Vol. 1: Controversiae, Books 1-6.* Cambridge, Mass.: Harvard University Press.

K. Ziegler (ed.) (1960-1998) *Plutarchi: Vitae Parallelae.* 4 Vols. Lipsiae: Teubner.

For editions of fragments, I use the following:

J. Blänsdorf (ed.) (2011) *Fragmenta Poetarum Latinorum Epicorum et Lyricorum: Praeter Enni Annales et Ciceronis Germanicique Aratea*. Germany: de Gruyter.

F.P. Bremer (ed.) (1896) *Iurisprudentiae Antehadrianque quae Supersunt.* Lipsiae: Teubner.

B. Cardauns (ed.) (1976) *M. Terentius Varro Antiquitates Rerum Divinarum. Teil I: Die Fragmente.* Mainz: Franz Steiner.

T.J. Cornell (ed.) (2013) *The Fragments of the Roman Historians.* 3 Vols. Oxford: Oxford University Press.

J.W. Crawford (ed.) (1944) *M. Tullius Cicero: The Fragmentary Speeches. An Edition with Commentary.* Atlanta: Scholars Press.

F. Haase (ed.) (1886) *L. Annaei Senecae Opera Quae Supersunt: Recognovit et Rerum Indicem Locupletissimum Adiecit.* Vol. 3. Lipsiae: Teubner.

A. Laks, and G.W. Most (eds) (2016) *Early Greek Philosophy.* 9 Vols. Cambridge, Mass.: Harvard University Press.

W.M. Lindsay (ed.) (1903) *Nonii Marcelli de conpendiosa doctrina.* Lipsiae: Teubner.

W.M. Lindsay (ed.) (1913) *Sexti Pompei Festi: De Verborum Significatu Quae Supersunt cum Pauli Epitome.* Stuttgart/Lipsiae: Teubner.

G. Manuwald (ed.) (2019) *Fragmentary Republican Latin.* Cambridge, Mass.: Harvard University Press.

P. Mirsch (ed.) (1882) *De M. Terenti Varronis Antiquitatum Rerum Humanarum.* Leipzig: Hirzel.

C.F.W. Mueller (ed.) (1898) *M. Tulli Ciceronis: Scripta Quae Manserunt. Omnia. Pt. 4. Vol. 3.* Lipsiae: Teubner.

S.A. Naber (ed.) (1867) *Cornelii Frontonis et M. Aurelii Imperatoris Epistulae.* Lipsiae: Teubner.

O. Skutsch (ed.) (1985) *The Annals of Quintus Ennius.* Oxford: Oxford University Press.

H. Usener (ed.) (1869) *Scholia in Lucani Bellum Civile: Pars Prior, Commenta Bernensia.* Lipsiae: Teubner.

E.H. Warmington (ed.) (1936) *Livius Andronicus, Naevius, Pacuvius, Accius. Remains of Old Latin, Volume II.* Cambridge, Mass.: Harvard University Press.

For consistency, Latin has been regularised with *u* rather than *v*.

References to Cicero's *epistulae* follow traditional numbering, rather than the chronological numbering of Shackleton Bailey or Tyrrell and Purser.

All translations are my own, except where otherwise indicated.

All dates are taken to be BCE unless otherwise specified.

Single quotation marks around names are used to stress the distance between historical figures, and the imagined interlocutors of the ancient writers.

CHAPTER 1: INTRODUCTION

In 221, Q. Caecilius Metellus gave a *laudatio funebris* for his father, L. Caecilius Metellus.[1] Preserved in the Elder Pliny's *Naturalis Historia*, it is the earliest extant piece of Latin oratory:

> *scriptum reliquit decem maximas res optimasque, in quibus quaerendis sapientes aetatem exigerent, consummasse eum: uoluisse enim primarium bellatorem esse, optimum oratorem, fortissimum imperatorem, auspicio suo maximas res geri, maximo honore uti, summa sapientia esse, summum senatorem haberi, pecuniam magnam bono modo inuenire, multos liberos relinquere et clarissimum in ciuitate esse; haec contigisse ei nec ulli alii post Romam conditam* (Q. Caecilius Metellus fr. 2 (*FRL*) = Plin. *HN.* 7.139-140).

Although Pliny reminds us that L. Caecilius had been a *pontifex*,[2] none of the ten aristocratic virtues that Quintus claims his father had attained related specifically to his position as *sacerdos*.[3] The impression is that many of the virtues to which L. Caecilius aspired were those either bestowed by a political or military career, or concerned his wealth, status, and offspring.[4] This list of attainments has been seen as a typical ethical prescription; these were the elements that a Roman aristocrat should strive for.[5] As Malcovati emphasises, this fragment of oratory is one 'che splendidamente lumeggia l'ideale etico del cittadino romano'.[6] Flower has stressed the role of the *laudatio funebris* of a Roman senator in the perpetuation and imitation of a 'Roman vocabulary of virtues', and has emphasised that such speeches set an exemplary standard of excellence to which all Roman men should aspire.[7]

In giving preference to these ideals, the son's *laudatio* ignores his father's deeds as *pontifex maximus*, which had an extraordinary afterlife in the pages of later writers.[8] Yet as we

[1] For the identification of Q. Metellus as L. Metellus' son: esp. Malcovati (1965, 211-213). Q. Metellus also became *pontifex* in 216: *FS* 979.
[2] Plin. *HN.* 7.139. It is well attested elsewhere that Caecilius became *pontifex maximus*: *FS* 978.
[3] Rosenstein (2006, 377). For '*sacerdos*' and '*sacerdotium*' rather than 'priest' and 'priesthood': *infra* § 1.2.
[4] Esp. Flower (1996, 136-142); Hölkeskamp (2011, 24; 2018, 464).
[5] Cf. Humm (2007, esp. 110-112) for the influence of Greek rhetoric and philosophy.
[6] Malcovati (1965, 212). Similarly: Hölkeskamp (2000, 215-216).
[7] Flower (1996, 139-141, quote: 141). Similarly: Cebrián (2006, 158); Rosenstein (2006, esp. 368-372); Covino (2011, esp. 72-74).
[8] Szemler (1972, 84) acknowledges Metellus' pre-eminence as *pontifex maximus*, but only insofar as his 'strength and traditional conviction' reflected his military excellence.

shall see, L. Caecilius Metellus becomes an exemplary *pontifex maximus*, a worthy precursor even for Augustus. Although the actions and virtues associated with Metellus' sacerdotal position are absent from Quintus' *laudatio*, we shall discover that there is a plethora of contexts in which importance was ascribed specifically to the holding of a sacerdotal position, even for those who held other civic offices. To conscript Flower's phrase, in this thesis I investigate the potential for a 'vocabulary of virtues' (or vocabularies of virtues) that could be associated with Roman *sacerdotes*. Despite Quintus' speech, I contend that the behaviour of Roman *sacerdotes* had its own currency that was not wholly reliant on political and military achievements, nor simply their wealth and status. Although this vocabulary was not *unique*, and it necessarily overlapped with that used to describe senators and other prominent Romans, I demonstrate that various *uirtutes* were expected of *sacerdotes*, and that they had specific nuances and resonances for *sacerdotes*. In asserting both that such a vocabulary existed and the various ways in which *sacerdotes* were evaluated against such criteria, we are able to gain a richer perspective than has previously been acknowledged on the worth of these important public positions to both *sacerdotes* themselves, and in the eyes of contemporaries, historians and moralists.

1.1 The Value of *Sacerdotes*

Underpinning the study of Roman *sacerdotes* in this regard is the long-recognised tension between Roman and modern conceptual categories of 'priest' and 'magistrate'. Our understanding of these offices is complicated by the difficulty in applying modern sociological ideas of 'priest' and 'priesthood' to the variety of positions and offices that we categorise as sacral or focused in some way on *res diuinae*.[9] Unlike Judeo-Christian conceptions of the term, Rome's 'priests' did not provide moral instruction or spiritual guidance.[10] Instead, they

[9] E.g. Beard (1990, 25-27); Rüpke (1996a). Cf. Szemler (1986, 2317-2318).

[10] E.g. Liebeschuetz (1979, esp. 5, 39-40); Beard and North (1990, esp. 1). Whilst we must not judge *sacerdotes* on Judeo-Christian understandings of what a 'priest' is, or should be, we should also not entirely dismiss the possible intersections between them. Thus, scholars challenge the rejection of 'belief' as a way of thinking about Roman 'religion': Feeney (1998, 12-46); Bendlin (2000, 125-131); King (2003); Champion (2017); Davies (2019, esp. 34, 53). Similarly, whilst some would separate 'morality' from discussions of Roman *sacerdotes* – e.g. Jocelyn

possessed many traits that we might think of as belonging more readily to Roman magistrates, a problem compounded by the fact that Rome's 'priests' were drawn from the same senatorial class that provided magistrates; most 'priests' were also magistrates.[11] Similar problems of definition plague us for Roman magistrates. Many seemed to perform tasks that appear 'priestly': they performed sacrifices, took auguries, and expiated prodigies.[12] This difficulty in defining the distinctions between 'priest' and magistrate also speaks to wider dilemmas. Can we define Roman 'religion(s)', and if so, what were the boundaries of 'religion' and 'politics'?[13] Are our existing conceptual frameworks deficient in appreciating the indistinct ways in which these concepts (at least as we understand them) may have overlapped and interrelated?[14] Whilst we lack the conceptual frameworks to describe such distinctions,[15] it appears that Romans could, at the very least, delineate a category of roles that were separate from magistrates, as the conceptual framework underpinning the use of the terms *sacerdos* and *sacerdotia* can attest.[16] Even so, the perceived overlap between the categories of 'priest' and 'magistrate', alongside our incapacity to define and demarcate Roman 'religion' and Roman 'politics', help to fuel the assumption that there was principally only a 'political' importance in obtaining sacerdotal office.

(1966, 92); Bendlin (2001, 198-199); Lisdorf (2005, 454-456); Gildenhard (2011, 349) – others recognise the importance of *mores* and *sacerdotes*: Goar (1972, 52, 55); Liebeschuetz (1979, 48-54); Tatum (1993a, esp. 19-20; 1998, 280, 283); Dyck (2004, 243). A relationship between 'religion' and 'morality' is more readily accepted from the Flavian era onwards: Shochat (1985); Várhelyi (2010, 165-166).

[11] Esp. Taylor (1949, esp. 90-91); Hahm (1963, esp. 79); Lippold (1963, esp. 299); Earl (1967, 21-22); Szemler (1971, esp. 103, 108, 125; 1972, esp. 6, 24, 79; 1974, 83-84; 1986, esp. 2314-2316); Gordon (1990a, 196-197); North (1990a, 65; 1990b); Beard (1994, esp. 730); Bendlin (2000, 119); Rüpke (2011b, esp. 34); Goldberg (2015, 334).

[12] Esp. Szemler (1972, 6, 79; 1986, 2314-2315); Gordon (1990a, 196); Scheid (2003, 129); Pina Polo (2011, esp. 57). Another reason for this tension is that Roman *sacerdotes* seem to have had no formal training, specialisation, or calling to the role: e.g. Rüpke (1996a, 252).

[13] On defining or conceptualising Roman 'religion(s)': esp. Beard, North and Price (1998, 1: x-xi); Feeney (1998, esp. 12-13, 79-80, 140-141); Bendlin (2000, 125); Davies (2004, esp. 7-9, 12); North (2013b). Cf. Rüpke (2015, 347).

[14] Esp. Beard (1989, esp. 41, 44, 52, 57; 1994, 731); Beard and North (1990, esp. 8); Beard, North and Price (1998, 1: 27-29); Clark (2011, 347-348).

[15] *Contra* Scheid (esp. 1984), who, following the constitutional distinctions of Mommsen, is convinced that 'il existait toujours une séparation très nette, même à l'intérieur d'un même homme, entre sa function religieuse et sa function publique' (269); Scheid (1985, 47-51). More recently: Thomas (2005).

[16] *Infra* § 1.2.

One predominant narrative has been to conceptualise *sacerdotes* and *sacerdotia* simply as extensions of magisterial power: that acquiring a Roman sacerdotal position was considered important only for its ability to elevate a Roman man through his *cursus honorum*,[17] or was conceived as crowning a 'successful political career'.[18] Such perspectives are primarily based on the assumption that élite Roman men sought, above all else, the consulship, and that all their pursuits were in service of this goal.[19] Thus, the worth of being a *sacerdos* is conceived of as either adding to one's political capital, so that one's goal of gaining the consulship could be realised, or rounding off one's already successful career, so as to affirm that political capital. Based on this assumption, conclusions have been drawn about the value of *sacerdotes* and *sacerdotia*.

Earl, for instance, understands priesthoods as only useful for 'enhancing a politician's dignity and prestige'.[20] As A. Kuhn has emphasised, when we talk of 'prestige' we are likely invoking a range of related concepts: primarily *dignitas*, *honor*, *fama*, *auctoritas*, *maiestas*, *gloria*, and *existimatio*.[21] There is evidence to suggest that a sacerdotal position enhanced various elements of the 'prestige' of a *sacerdos* after selection or election. Many sacerdotal positions were lifelong appointments, and guaranteed (at least to some degree) public visibility extending beyond a magistrate's year-long tenure.[22] Whilst Rüpke rightly insists that '[w]e

[17] Broughton (1951, 1: x); Hahm (1963, 82, 84); Lippold (1963, esp. 299-300); Jocelyn (1966, 93); Szemler (1972, esp. 84, 172; 1974, esp. 73; 1986, 2316, 2230); Scullard (1981, 28); Wardman (1982, esp. 18-19); Feig Vishnia (1996, 120); Osborne (2009, 125); Goldberg (2015, esp. 334). The *rex sacrorum*, *salii*, and *flamines* are often explicitly excluded and, because of their perceived lack of political value, spoken of as second-prizes or decorative remnants of a bygone era: esp. Wissowa (1912, 71); Szemler (1972, esp. 95); Wardman (1982, 18); Palmer (1996, 84 n.28); Goldberg (2015, esp. 351).

[18] Rüpke and Santangelo (2017, 29). Also: Cic. *Fam.* 15.4; Wardman (1982, esp. 19). Cf. Hahm (1963, 82). 'Politicising' assumptions sometimes go hand-in-hand with assumptions that religion was a tool for political dominance (élite-instrumentalism): e.g. Taylor (1949, 76-90); Brunt (1978, esp. 165-168). The assumption of élite-instrumentalism is still prevalent, but is being eroded: see esp. Morgan (1990); Feeney (1998, 3); Richardson and Santangelo (2011, 21); Champion (2017).

[19] For the desire to become consuls: esp. Hölkeskamp (1993, 16).

[20] Earl (1967, 22). Similarly: Jocelyn (1966, 97); Szemler (1972, 21; 1986, 2325); Gordon (1990a, 182); Rüpke (2018a, 122).

[21] Kuhn (2015, 9). Also: Hölkeskamp (2011, 21, 26).

[22] Rüpke (2005; 2018b) contrasts the high public visibility of *flamines* – restricted from fully performing some magistracies – with *augures* and *pontifices*, whose public-facing roles were lesser, but could be held alongside magisterial office. Also: Linke (2013, 304).

should not imagine that the importance of these priesthoods was limited to their potential to advance one's political career',[23] he nevertheless stresses that *sacerdotes* must be considered within the Roman 'economy of prestige'.[24] The collegiate atmosphere of *sacerdotia* is, for Rüpke, fundamental to our understanding of *sacerdotes*. Roman men enhanced their prestige through association and conversation with other prominent Roman men within those colleges, often during lavish feasts such as that commemorating the inauguration of L. Cornelius Lentulus Niger as *flamen Martialis*.[25] In a rather inelegant analogy intended to evoke this collegiate atmosphere, Rüpke casts the priestly *collegia* as 'social clubs, Rotary avant la lettre'.[26]

Indeed, being a *sacerdos* and gaining access to a *sacerdotium* could be conceptualised as *honores* enhancing one's 'prestige', placed alongside other highly prized *honores*.[27] In the *pro Rabirio Postumo*, Cicero speaks of *sacerdotia* as an *amplissimus ciuitatis gradus*, alongside the right to the *sella curulis* and the *fasces*, the holding of *imperium* and *prouinciae*, and the celebration of triumphs.[28] So too, in a letter of 49 to Atticus, in which Cicero deliberates whether to flee Rome, the city that had granted him *summi honores* and *imperia*, he describes his augurate as *amplissimus*.[29] Similarly, Sallust's 'C. Memmius' talks of *sacerdotia* as an

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[23] Rüpke (2016a, 36).

[24] Rüpke (2011b, 34). Similarly: Rüpke (1996b, 270; 2016a, 105); Rüpke and Santangelo (2017, 29). Approaches that conceptualise the rewards of priesthood as 'social' capital are similar – esp. Gordon (1990a, esp. 184); Berthelet (2015, 19); Goldberg (2015, esp. 340). Borrowing the term from Bourdieu (1977, 194-196), they suggest that priests gave up economic capital in exchange for symbolic capital, which is somewhat indistinctly defined as the formation of social obligations, personal loyalties, and prestige. While social capital is a useful lens to understand *sacerdotia* for the municipal élite, especially in their contributions of *summa honoraria*, there is no evidence of *summa honoraria* for Rome's *sacerdotia* – Santangelo (2016, 370) – and thus, the metaphor of social capital for Roman *sacerdotes* falls apart. For criticism of Bourdieu's theory of social capital: Urban (2003, esp. 360-362).

[25] Macrob. *Sat.* 3.13.11-12; Rüpke (2002; 2011b, 35; 2012c, 45, 83; 2016a, 105; 2018b, 95). Also: Rüpke and Santangelo (2017, 29). Lentulus: *FS* 1351.

[26] Rüpke (2011b, 35). Emphasis removed. Similarly, under the early empire, Scheid (1978, 645): 'comme les célèbres *Colleges* d'Eton ou d'Oxford, les fonctions citées n'étaient une pépinière de grands hommes d'Etat que parce qu'elles se recrutaient – à des rares exceptions près – dans les milieux qui pouvaient prétendre aux carrières brillantes'.

[27] Cf. Hölkeskamp (1993, 26) for the relationship between *honores*, *dignitas*, and *auctoritas*.

[28] Cic. *Rab. Post.* 16, with Siani-Davies (2001, 158-160). Similarly: Liv. 34.7.8 for *sacerdotia* as one of the *honores* unavailable to Roman women. Cf. Val. Max. 8.14.6.

[29] Cic. *Att.* 8.3.2, with Hutchinson (1998, 153); Vaahtera (2001, 64). Also: Cic. *Fam.* 3.10.9, *Phil.* 13.8. Cicero: *FS* 3290. There is a persistent belief in the existence of *sacerdotum quattuor amplissima collegia* as a defined group of 'major colleges' – the *pontifices*, *augures*, (*quin*)*decemuiri sacris faciundis*, and *tresuiri* (later *septemuiri*)

honor equivalent to the achievement of consular status and the right to triumph.[30] Ovid represents Augustus' position as *pontifex maximus* as the *honor pontificalis*.[31]

Szemler emphasises that in choosing or electing a *sacerdos*, no unique criteria were ever considered, and reference was only ever made to the same set of 'aristocratic' virtues that secured the election of élite men into civic positions.[32] Whilst we have little direct evidence for the sorts of virtues that might have been considered relevant for the election of *sacerdotes* after the *lex Domitia* of 104,[33] there are some instances which would tend to confirm Szemler's suspicion. Valerius Maximus, for instance, suggests that Cn. Domitius Ahenobarbus was not only elected as *pontifex maximus*, but also consul and censor, due to his reputation and his other *uirtutes*.[34] In Valerius' estimation, Ahenobarbus gained an honest reputation whilst tribune of the *plebs* for not rapaciously prosecuting M. Scaurus when one of Scaurus' slaves was willing to inform on his master.[35] Unfortunately, Valerius does not name the other *uirtutes* that he believed gained Ahenobarbus his civic career. Yet, at the very least in the estimation of this Tiberian moralist, a positive reputation and other *uirtutes* justified his election both to civic

epulonum: Szemler (1972, esp. 21); Scheid (1984, 276; 1993, 63); van Haeperen (2002, 69); Stepper (2003, 108 and n.18); Bollan (2013, 48). On different groupings, or evolution of the term: Beard (1990, 44); Cohee (2001, 95). Whilst Scheid (1984, 276; 1993, 63) argues that this grouping came into being from the passage of the *lex Domitia* due to *sacerdotes*' new quasi-magisterial status, it must be stressed that the phrase appears only in Augustus' *res gestae* (9.1), cf. its Greek version, on which: Reichmann (1943, 23); Wigtil (1982, 190-192); Cooley (2009, 146), also Cass. Dio 53.1.5; Suet. *Aug.* 100.2, *Vit.* 5.1; App. *B Civ.* 5.72, with Vaahtera (2001, 63-64). Rüpke (2011b, 26-27) insists, however, that such perspectives inappropriately turn *amplissimus* into a mere mechanical invocation that a *sacerdotium* thus referred to simply belonged to a distinct category of colleges which were only considered *amplissima* because their members were, after the *lex Domitia*, elected. Rather, as Rüpke insists, Cicero uses *amplissimus* as a loose honorific, to emphasise the importance of certain *sacerdotia* at particular moments: esp. Cic. *Phil.* 13.8-9, 13.43, *Fam.* 3.10.9, *Att.* 8.3.2, *Verr.* 2.4.108. Similarly: Liv. 10.8.1. This does not preclude the possibility for a shift in the use of the term under Augustus, that the *sacerdotia* of which Augustus sought membership became *amplissima* by virtue of his *auctoritas* in joining those *collegia*.

[30] Sall. *Iug.* 31.10, the *honores* are not 'won' but handed out as plunder. Cf. Sall. *Cat.* 21.2; Ramsey (2007, 124); Drummond (2008, esp. 378).

[31] Ov. *Fast.* 3.420, with Heyworth (2019, 165-166). Also: Val. Max. 4.2.1 for M. Aemilius Lepidus' positions as consul and *pontifex maximus* as *splendores honorum* (*FS* 507).

[32] Szemler (1971, 115, 117, cf. 1972, 31-32). For *dignitas* and worthiness for civic office: e.g. Hölkeskamp (1987, 212); Tatum (2018, 20); Yakobsen (2018).

[33] Sulla nullified the *lex Domitia*'s requirement for election to *sacerdotia*, a requirement reinstated by the *lex Labiena* of 63. On these *leges*: Cic. *Leg. agr.* 2.17-19; Cass. Dio 37.37; Suet. *Ner.* 2.1; Scheid (1984, 275-277); North (1990b, 531; 2011); Santangelo (2013a, 761-762), and on sacerdotal elections more widely: Delgado Delgado (1999).

[34] *FS* 1475.

[35] Val. Max. 6.5.5, with Cic. *Deiot.* 31.

office and a sacerdotal position. We might also consider Plutarch and Suetonius' estimations of the election of 63, in which Iulius Caesar was elected *pontifex maximus*.[36] Plutarch suggests that Q. Lutatius Catulus, having proven himself over his long career, was of 'greater worth' (μείζονος ἀξίας) than his opponent, P. Servilius Vatia Isauricus, and was thus more worthy of becoming *pontifex maximus*.[37] Suetonius similarly stresses that both of Caesar's *competitores* surpassed him in *aetas* and *dignitas*, and thus that both were more worthy of the position than he, but that neither could compete with the lavishness of his bribery.[38]

Recent research, especially that by Santangelo, has demonstrated that one aspect of 'prestige', namely *auctoritas*, was perceived to have had importance for *sacerdotes* outside of its potential political currency.[39] As Moatti defines it, *auctoritas* encapsulated 'un pouvoir de direction et de conseil',[40] which, in the words of David, allowed an individual 'être cru quand il parlait non pas parce que ce qu'il disait était vrai mais parce que sa position dans la cité interdisait qu'il en fût autrement'.[41] This social persuasiveness was, at least in the late republic, a fundamental element of the performative context of Roman public life.[42] Bollan advances the thesis that successive *pontifices maximi* – from P. Cornelius Scipio Nasica Serapio to Augustus – used 'their own personal *auctoritas* to legitimise courses of action' which reshaped both the perception of the role of *pontifex maximus* and augmented the scope of the position itself.[43] Bollan interrogates *auctoritas* as the means by which the position of *pontifex maximus* evolved from being simply the head of the college of *pontifices* to that of 'chief priest', with ultimate authority over divine matters in Rome, and jurisdiction over the sacerdotal *collegia*: a status

[36] *FS* 2003.
[37] Plut. *Vit. Caes.* 7.2, with Pelling (2011, 159). Cf. Cass. Dio 37.37.
[38] Suet. *Iul.* 13.
[39] Santangelo (2013a). Also Bollan (2013).
[40] Moatti (2003, 318).
[41] David (1992, 426-427). Cf. definitions of Balsdon (1960); Bollan (2013, 25); Santangelo (2013a, 745, 749; 2016, 353).
[42] David (2006, esp. 421).
[43] Bollan (2013, 13). Nasica: *FS* 1380; Augustus: *FS* 1012.

exemplified by Augustus and his successors.[44] Although *auctoritas* is undoubtedly a fundamental marker of 'political' worth, Bollan's conception of *auctoritas* is instructive in conceptualising the ways in which different contexts of virtue-language could be applied to *sacerdotes* and non-*sacerdotes*. Bollan posits that there were divisible elements of *auctoritas* that could all be attached to a single figure, accumulated from different sources, and that each of these sources and elements could potentially be drawn out and considered separately. Thus, he perceives that these men possessed a 'personal' *auctoritas*, divisible from the *auctoritas* they gained from holding the office of *pontifex maximus*, and that this personal *auctoritas* came to 'stick' to the office through the actions they performed whilst in the role.[45] Bollan conceptualises *auctoritas* in a way that suggests that Roman men were able to distinguish the separate roles that they performed – consul, *imperator*, *pontifex maximus* – and that they (and others who interacted with them) were able to pigeonhole the values associated with those positions, even if those values had the same name.

Whilst Bollan recognises the importance of the *auctoritas* that could be gained through sacerdotal office, his conception of *auctoritas* is nonetheless reliant on fundamentally political conceptions of its worth. He posits that one reason why the office of *pontifex maximus* was able to increase in scope was because the position was essentially a quasi-magistracy. Unlike most magistracies which granted *imperium* for only a year, the *pontifices maximi* held *auctoritas* for the rest of their lives.[46] Bollan blurs the distinctions between *auctoritas* and *imperium* by emphasising that the *pontifex maximus* 'had a refined species of *auctoritas* which could easily, to the untrained eye, be confused with the *imperium* of the chief magistrates'.[47]

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[44] Bollan (2013, esp. 22, 35, 250-251).

[45] Bollan (2013, esp. 13-14, 26).

[46] Bollan (2013, esp. 13, 56-57, 62, 78). Similarly: Gordon (1990a, 182); Berthelet (2020). Cf. Hölkeskamp (1993, 35).

[47] Bollan (2013, 78). Whilst Bollan appears beholden to Scheid's belief that *pontifices* became quasi-magistrates after the *lex Domitia*, he conceptualises the distinctions between *auctoritas* and *imperium*, and thus between *sacerdos* and magistrate, as being more fluid than Scheid's strict demarcation of *imperium* for magistrates to the exclusion of *sacerdotes*: Scheid (1984, 267, 275-277; 1985, 47; 1993, 63, 70). Cf. Bleicken (1957a); Drogula (2007). I am not convinced of the potential for casual slippages between *auctoritas* and *imperium*, especially if we subscribe to Bollan's otherwise strong argument that sources of *auctoritas* could readily be identified within the

By contrast, Santangelo more readily accepts the worth of *auctoritas* for *sacerdotes* outside purely 'political' contexts. Santangelo also recognises the role of personal *auctoritas*, and thus also that varying levels of *auctoritas* could 'coexist and interact'.[48] He argues that *sacerdotes* were – at least in the written sources of the late republic and early empire – 'first and foremost' recognised for their *auctoritas* due to their sacerdotal status and not the personal *auctoritas* they brought to the role.[49] Santangelo not only establishes the importance of 'priestly *auctoritas*' – as he labels it – but demonstrates how the *auctoritas* of individual *sacerdotes* intersected with the *auctoritas* of sacerdotal *collegia*, and how this *auctoritas* could interact among individual members of a sacerdotal *collegium*. Santangelo thus recognises the importance of carving out space for virtue-language that applied directly to *sacerdotes* in their own right. Although this virtue-language drew on a vocabulary that was most commonly adduced in the context of members of the Roman senate, these terms were also important for *sacerdotes* in understanding the value of their own positions, and for others in understanding those roles.

Following Santangelo's lead, in this thesis I explore contexts in which *uirtutes* were ascribed to *sacerdotes* in their own right, rather than in ways which presume that the worth of a *sacerdotium* was only to bolster the prestige of a Roman senator in their progression through the *cursus honorum*, or to consolidate their prestige at the pinnacle of their political career. Whilst it is possible to conceptualise *sacerdotes* in terms of their political currency, to consider them *only* in this light is, I posit, highly restrictive, and imposes a blinkered perspective on the worth of these positions. There is much more to be gained by widening our understanding of the various ways in which the value of *sacerdotia* was conceptualised.

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same individual. Cf. Cic. *Sen.* 64 in which *auctoritas* – informing precedence in debate – is categorised by *aetas* rather than precedence of *honores* or *imperium*, thus implying that whilst *imperium* could inform *auctoritas*, it was not confused with it.

[48] Santangelo (2013a, 744).

[49] Santangelo (2013a, 745).

There have been partial attempts to recognise the wider value of being a *sacerdos*. Scheid, for instance, identifies something different about being a 'priest' – '[ê]tre prêtre, agir en tant que prêtre, c'est autre chose, c'est quelque chose de plus' – yet defines this quality, this 'autre chose', as merely a 'qualité sacerdotale' gained through their behaviours, gestures, and competence in sacral traditions.[50] North uses similarly indeterminate terminology when he considers that 'priesthoods conferred *special status* on those who achieved them'.[51] Whilst both attempt to identify something particular about being a *sacerdos* beyond simply pursuing a civic career, both struggle to identify what made sacerdotal positions different. Thus, in this thesis I seek to provide a richer discussion of Roman *sacerdotes* that gives more clarity than existing indeterminant articulations.

I propose to identify and explore those qualities which were perceived to differentiate *sacerdotes*, by considering both sacerdotal *expectations* and *evaluations*. Premised on the assumption that the ancient texts preserve mere fragments of wider conversations regarding the importance and position of *sacerdotes*, I intend first, in **PART 1**, to investigate a broad variety of ***expectations*** that were asserted as having relevance to various *sacerdotes*. I seek to determine what expectations were perceived and of which *sacerdotes* – i.e. the Vestal Virgins, *flamines*, *pontifices* and *augures* – and the potential for such expectations to have been more widely held, surveying a broad range of evidence across time and genre. In this latter approach, I consider the extent to which these sources were actively defining expectations or were reflecting or responding to views that were more widely held. Here, I am not concerned with the minutiae of what various *sacerdotes* were expected to do in the rituals in which they participated. Rather, **CHAPTER 2** considers expectations of specific *uirtutes*, namely *castitas*, *pietas*, and *sanctitas*, being *sacer* and *religiosus*, and which concerned physical perfection, bodily integrity, birth, and status. **CHAPTER 3** is concerned with expectations of the functions or roles of *sacerdotes*

[50] Scheid (1984, 266-267).
[51] North (2011, 42). Emphasis added. Cf. Beard (1990, 39 n.59).

in specific contexts. By contrast, in **PART 2**, my intention is to reveal some of the ways in which specific *sacerdotes* were ***evaluated*** by ancient authors. To do so, I examine the specific representations of *sacerdotes* by considering three case studies – Cicero, Livy, and Valerius Maximus[52] – and interrogate how and why these three writers evaluated contemporary and historical *sacerdotes*. These case studies have been chosen for three main reasons. First and foremost, they provide a more substantial corpus of evaluations of various *sacerdotes* than their contemporaries, such as Sallust, Dionysius of Halicarnassus, and Velleius Paterculus. Second, the shared language of their work makes comparisons between these writers easier, especially in their shared use of virtues and virtue-language. Third and finally, these authors provide a temporal sequence – late republican, Augustan, Tiberian – from which tentative conclusions about development over time can be drawn (with due caution), and from which we can cautiously examine the potential impact of the principate on such evaluations. Although the potential for comparison between the three is complicated by the fact that their various 'mode[s] of representation' differed significantly,[53] compelling insights can be drawn by limiting – at least in a preliminary study of this nature – the analysis to these texts. This should provide strong foundations for future research. The chapters of **PART 2** proceed chronologically, considering Cicero (**CHAPTER 4**), Livy (**CHAPTER 5**), and Valerius Maximus (**CHAPTER 6**) in turn. This division seeks to make the differences in evaluation between these writers more pronounced. Its chronological progression allows for potential development over time to be identified, and for deliberate reshaping of earlier material to be recognised. In thus giving preference to the representations of the sources, *Quellenforschung* necessarily plays a role, as

[52] Historically, Valerius has been accused of stealing material from earlier sources, and thus has been perceived to lack value: Teuffel (1891, 2: 20); Wight-Duff (1927, 76-81); Carter (1975, 38-48); Vessey (1982, 501-502); Fantham (1996, 132-133). Whilst Klotz (1909; 1942) and Bosch (1929) posited that Valerius' *exempla* were mechanically taken from a lost Ciceronian or Augustan handbook of rhetorical *exempla*, Helm (1939); Bloomer (1992, esp. 64-77) and Wardle (1998, 15-16) have shown this to be false. On the rehabilitation of Valerius' reputation, and his active input in crafting these *exempla*: e.g. Wardle (1998); Mueller (2002); Welch (2013); Langlands (2004; 2006; 2011; 2018); Morgan (2007, esp. 6, 128-129); Lawrence (2016, 245-246).

[53] Although Beard, North and Price (1998, 1: 119) use the term to distinguish Cicero from Livy, it is equally useful in differentiating Valerius Maximus from the aforementioned. As these issues are most acute in their attempt to reconstruct a holistic narrative, they will be less injurious to my reconstruction of expectations and evaluations.

it is crucial to ask *whose* representations we are able to detect in the written sources.[54] In tracing the evaluations of *sacerdotes*, it is fundamental to my approach to ask whether the representations made by the ancient writers can be attributed to their own impetus and perspective, or whether we can detect earlier authorial voices.

With this two-pronged approach, whereby I consider expectations in **PART 1** and evaluations in **PART 2**, I am necessarily making an artificial distinction. In considering the evaluations of Cicero, Livy, and Valerius Maximus, I inevitably question the extent to which these writers were *defining* expectations, or were contributing to and drawing upon more commonly held beliefs. Nevertheless, it is essential to begin with a broad approach, which seeks to consider the resonances of specific thematic expectations across a range of evidence, before undertaking the granular analysis of the following case studies. It is fundamental to an understanding of these case studies to appreciate the distance (or lack thereof) between the specific preoccupations of these writers and the expectations that were perceived and expressed more generally. This approach allows me to best illuminate how and why *sacerdotes* were perceived to have been important and distinctive.

1.2 *SACERDOTES* AND IDENTITY

I avoid using 'priest' and 'priesthood' as general terms with which to frame my analysis. Various conceptual problems with what these terms imply about the position, role and importance of Roman sacral offices have already been considered.[55] Whilst it might be *possible* to use them with a critical awareness of their pitfalls, there is also a potential for these loaded and anachronistic terms to inappropriately ascribe Judeo-Christian values and virtues to the Roman context.[56] The potential to be misled by these terms is compounded by the heavy focus

[54] It is unacceptable to use *Quellenforschung* in its traditional mode, whereby inappropriate value-judgments have been made of ancient writers based on their acceptance, reworking, or confusion of earlier material. Instead, my conclusions based on *Quellenforschung* will be neutral. For its utility, in awareness of its shortcomings: Rawson (1973, 343); Richardson (2015, 186); Most (2016).

[55] *Supra* § 1.1.

[56] Esp. Beard and North (1990, 3); Rüpke (1996a, 241, 252); Rüpke and Santangelo (2017, 18).

of this thesis on attempting to understand Latin virtue-language whose English equivalents are heavily reliant on Christian adaptation, e.g. *sacer*/sacred, *sanctitas*/sanctity and *castitas*/chastity. The case must be made for the use of the Latin terms *sacerdos* and *sacerdotium* instead.

There is evidence to suggest that the terms *sacerdos* and *sacerdotium* were used – at the very least by the late republic[57] – as general and generic words to refer to a cluster of public positions reserved for the Roman élite which concerned aspects of the *res diuinae*.[58] Cicero, for example, extols Varro's *Antiquitates rerum diuinarum* for casting fresh light on all of Rome's civic and sacred institutions, including its *sacerdotes*.[59] Further, 'Marcus' in the *de legibus* commonly uses *sacerdos* when he is thinking of no position in particular, and where he very generally expounds expectations for those mandated by the virtue of their positions to approach the gods in certain ways.[60] This can also be glimpsed in Cicero and Livy's references to the various *leges* which affected the composition of a cluster of positions and the selection of suitable candidates for them, especially the *lex Ogulnia* of 300,[61] the failed *lex Licinia* of 145,[62] the *lex Domitia* of 104,[63] and the *lex Iulia* of 47.[64] It can also be seen in Livy's annalistic accounts, where the historian lists the *sacerdotes* (qualified as *publici*) who had died, including *pontifices* (and *pontifices maximi*), *augures*, *decemuiri*, the *flamines Dialis*, *Martialis* and

[57] *Infra* 17 on the use of these terms before the late republic.

[58] Fugier (1963, 24); Scheid (1986, 214); Szemler (1986, 2323-2325); Rüpke (1996a, 254; 2011b, 26); Cohee (2001); Rüpke and Santangelo (2017, 15, 18). Cf. Beard (1990, 44). In addition to the examples given, also: Cic. *Acad.* 2.121, *Dom.* 105, *Phil.* 12.12, *Rab. Post.* 16, *Pis.* 48; Caes. *BCiv.* 3.82; Prop. 4.9.51; Sall. *Cat.* 21.2, *Iug.* 31.10; Verg. *G.* 3.489, *Aen.* 6.660-1, 12.169; Liv. 1.20, 1.33, 2.39, 4.4, 5.52, 7.20, 10.6-8, 29.38, 34.7; Val. Max. 3.2.7, 3.4.2, 3.14.6, 5.4.1, 8.14.6; *Per.* 2.49; Vell. Pat. 2.10, 2.100, 2.124, 2.127. The *haruspices* are excluded from this thesis as they were never described as *sacerdotes*.

[59] Cic. *Acad.* 1.9.

[60] Dyck (2004, 302); e.g. Cic. *Leg.* 2.19, 2.20, 2.21 – although cf. Dyck (2004, 305) – 2.22 (with 2.37), 2.25. Cicero appears to model his laws on established Roman practice: *infra* § 2.1 and Cic. *Leg.* 2.23; Rawson (1973); Powell (2001, 32-33); Lintott (2008, 437); North (2013a, 68). Cf. Liebeschuetz (1979, 48); van der Blom (2010, 20-21).

[61] Liv. 10.6-8.

[62] Cic. *Amic.* 96.

[63] Cic. *Leg. agr.* 2.18, *Ad Brut.* 1.5.3, 1.14.1. Also: Vell. Pat. 2.13.2.

[64] Cic. *Ad Brut.* 1.5.

Quirinalis, *reges sacrorum*, the *curio maximus*, *epulones*, and the *rex sacrificulus*.[65] In this light, *sacerdos* and *sacerdotium* functioned as catch-all terms, expansive enough to cover a range of Roman positions all perceived to have concerned the relationship between the divine and human spheres.[66] This generic nature meant that they were also used to describe a variety of positions that concerned the divine from outside of the Roman historical context, and those offices that existed in Romano-Italian or Greek myth and prehistory.[67]

In the Roman context, the terms are also used specifically to describe particular Roman offices and their *collegia*, namely the *augures*,[68] *(quin)decemuiri*,[69] *pontifices*,[70] *flamines*,[71] *uirgines Vestales*,[72] the *curio maximus*,[73] the *rex sacrorum*,[74] and *epulones*.[75] Varro, aiming at precise classification, writes of the *sacerdotes* universally (*uniuersi*), before breaking down specific etymologies for *pontifices*, *curiones*, *flamines*, *Luperci*, *fratres Aruales*, *sodales Titii* and the *fetiales*. His implication is that he has classified these positions generally as *sacerdotes*.[76] By contrast, Cicero defines *sacerdos* and *sacerdotium* more restrictively in the *de*

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[65] Liv. 25.2.2, 26.23.7-8, 27.6.15-16, 27.36.5-6, 29.38.6-7, 33.42.1, 33.44.3, 39.45.9, 40.42, 41.21, 42.28, 43.11, 45.44.3, 44.18.

[66] This is pronounced in Augustan and later poetic contexts: e.g. Ov. *Fast.* 1.127, 1.610, 1.719, 2.26, 2.363, 3.391, 4.339, *Met.* 4.4, 7.593, *Trist.* 2.1.305, *Pont.* 2.2.123, *Ib.* 97; Verg. *Aen.* 8.179, 8.821; Hor. *Epist.* 1.10.10; Luc. *Phar.* 3.424; Mart. 10.92.17.

[67] E.g. Plaut. *Erig.* 322; Caes. *BCiv.* 3.105, *BGall.* 7.33; Cic. *Div.* 1.76, 1.95, *Fam.* 15.4.6, *Fin.* 5.87, *Har. resp.* 28, 29, *Sest.* 56, *Tusc.* 1.113, *Verr.* 2.2.128-129, 2.4.111, 2.5.21; Liv. 1.24, 5.1, 5.22, 7.17, 10.38, 23.24, 29.14.11, 31.14, 31.17-18, 31.44; Ov. *Met.* 5.109, 8.707, 10.693, 13.475, 13.640, 13.703, 15.676, 16.681, *Am.* 3.13.3, 3.13.30, *Trist.* 3.2.4, 4.4.77, *Pont.* 3.2.73; Verg. *Aen.* 3.373, 4.483, 4.498, 4.509, 5.760, 6.645, 7.86, 7.750, 11.768; Vitruv. 8.pr.1.3, 8.pr.4.7, 10.16.7; Val. Max. 1.1.1, 8.7(ext.)2-3; Juv. *Sat.* 6.544, 15.141; [Anon.] *Bellum Alexandrinum*, 66.5; Nep. *Them.* 2, 4, *Alc.* 4, 6, *Lys.* 3; Hyg. *Poet. astr.* 2.28.1; Luc. *Phar.* 5.145; Curt. 4.7.24, 25, 27, 28. Cf. Rives (1995, 210-211).

[68] E.g. Cic. *Att.* 8.3.2, *Brut.* 127-128, *Div.* 1.89, *Dom.* 37-38, *Fam.* 3.10.9, 15.4, *Part. Or.* 6, *Phil.* 2.80-81; Liv. 1.18, 1.36, 32.41.1-4; Val. Max. 8.2.1, 8.13.3. Cf. Cic. *Att.* 2.9.2.

[69] E.g. Cic. *Dom.* 103, *Har. resp.* 9, *Verr.* 2.4.108; Ov. *Fast.* 4.257; Tib. 2.5.1; Val. Max. 1.8.2.

[70] E.g. Cic. *Dom.* 37-38, 135, 139, *Fam.* 2.7, *Phil.* 13.8, *Sen.* 30, 61; Caes. *BCiv.* 3.83; Liv. 10.8, 30.26, 32.41.1-4; Ov. *Fast.* 3.425, 3.699, 5.573, *Met.* 15.778; Val. Max. 6.9.13; Varro, *Ling.* 6.21, 6.23-24; Vell. Pat. 2.43, 2.59.

[71] E.g. Cic. *Rab. perd.* 27; Liv. 1.19, 1.20, 5.52, 27.8; Ov. *Fast.* 1.587, 6.231; Val. Max. 1.1.5, 9.12.5.

[72] E.g. Cic. *Dom.* 136, 144; Fabius Pictor fr. 1 (Bremer) = Gell. *NA.* 1.12.14, with cf. Rüpke (2008, 677 col 1. n.5); MacRae (2016, 174 nn.15-16); DiLuzio (2011, 39 n.106) on the ascription of this fragment; Hor. *Carm.* 3.3; Juv. *Sat.* 4.10; Liv. 1.20, 1.4.3, 5.39-40, 5.50-52; Luc. *Phar.* 1.597; Ov. *Am.* 3.7.21, *Fast.* 3.9, 6.457; Sall. *Cat.* 15.1; Tib. 2.5.51; Verg. *Aen.* 1.273, 7.659; Val. Max. 8.1(absol.)5.8. Other *sacerdotes* in Rome: Cic. *Har. resp.* 27; Hor. *Carm.* 1.16.6; Liv. 9.29, 39.10, 39.13-14, 39.17-18; Tib. 1.6.43-44; *CIL* 10.104.

[73] Liv. 27.8.1-3.

[74] Liv. 2.2.2.

[75] Cic. *Har. resp.* 21.

[76] Varro, *Ling.* 5.83-85, cf. 5.155, 6.16, 7.44, *ant. rer. div.* fr. 9 (Cardauns).

legibus. 'Marcus' decrees that *diuisque ⟨alii⟩ aliis sacerdotes* [...] *sunto* before dividing this category, suggesting that all the gods have the *pontifices*, whilst individual gods have the *flamines*.[77] A few lines later, 'Marcus' breaks down the category of *publici sacerdotes* into three constituent parts:[78] those who were to be in charge of the *caerimoniae* and *sacra*, presumably the *pontifices*,[79] those who were to interpret *fatidicorum et uatium effata incognita*, presumably the *quindecemuiri*,[80] and those who were to be the *interpretes* [...] *Iouis Optimi Maximi*, specifically labelled as the *publici augures*.[81]

The existence of this general category, and words to describe that category, suggest that there were ways in which commonalities between these offices could be conceived. Varro's attempt at an etymology hints at his conception of their connection. In the *de lingua Latina*, he suggests that the *sacerdotes* were named *a sacris*,[82] thus suggesting that they were all linked by a relationship with these objects.[83] Fugier's investigation into the etymology of *sacerdos* arrives at a similar conclusion, but also stresses the connection between *sacerdotes* and being *sacer*, and suggests that being *sacer* was a fundamental element of the shared identity of *sacerdotes*.[84] The potential resonances for *sacerdotes* of this expectation are explored in **CHAPTER 2**.[85] Here it is worth acknowledging that expectations of the acts that were performed (in relation to the *sacra*) and of the values they represented (such as *sacer*) are some potential ways in which commonalities between these various offices could be conceptualised in the late republic, and

[77] Cic. *Leg.* 2.20, with 2.29. Dyck (2004, 300): 'the *sacerdotes* form the genus, the *pontifices* and *flamines* the species'.

[78] There is no scholarly consensus on whether Cicero breaks down the *sacerdotes publici* into three main parts (*genera sunto tria*) or two (*duo*), e.g.: Dyck (2004, 302-303); Cohee (2001, 96-99). For my purposes, whether Cicero wrote *tria* or *duo* is irrelevant, as Cicero intended the *augures* (the potential third *genera*) to sit under the category of *sacerdotes publici*. At 2.30, 'Marcus' describes all three *genera* in his descriptions for *sacerdotes*. Also: *infra* § 3.4.

[79] Cic. *Leg.* 2.20, cf. 2.30.

[80] Cic. *Leg.* 2.20, cf. 2.30. Powell's (2006) text is defended by Dyck (2004, 302-303).

[81] Cic. *Leg.* 2.20, cf. 2.30, with Dyck (2004, 543).

[82] Varro, *Ling*. 5.83. Cf. Isid. *Orig.* 7.12.17.

[83] Sabbatucci (1951-1952, 99); Fugier (1963, 22-24); Szemler (1986, 2324). Cf. de Melo (2019, 723) who suggests the connection between *sacerdos* and *sacrum*, which he defines as 'sacrifice'. Fugier (1963, 22-24) and de Melo (2019, 723) both emphasise the ending *-dos-* as putting, or giving, something in relation to the *sacra*.

[84] Fugier (1963, 20-24).

[85] *Infra* § 2.6.

how some in the late republic and early empire could speak of them through the use of uniting, generic terms. That writers could perceive commonalities between these offices also speaks to the possibility that there were perceptions of negative boundaries as well – criteria by which some perceived that certain sacral offices were also unworthy of being known as *sacerdotes*.[86]

Whilst the evidence supports the use of *sacerdos* and *sacerdotium* as generic terms with which to generally describe a handful of offices in the late republic and early empire, this has limitations. First, although it is essential to have generic terminology, it would be wrong to suggest that all those known as *sacerdotes* were viewed in the same ways. Whilst the existence of a general category would suggest that common threads could be perceived by some to have linked them, we must be alert to moments where the analysis specifically concerns particular positions (*pontifex*, *augur*, etc). In using these generic terms, I do not intend to suggest that all offices contained within the category of *sacerdos* and *sacerdotium* were subject to the same expectations and evaluations. Every effort is made to distinguish the expectations and evaluations of specific offices, and of specific holders of those offices, but also to note moments of similarity between them.

Second, my use of the general and abstract terms *sacerdos* and *sacerdotium* is inevitably going to be artificially imposed upon the source material. Even where ancient authors speak in exactly these terms, their precise conceptions of the boundaries and implications of these terms must have been fluid. The passages previously cited from Varro and Cicero are good examples.[87] Whilst both appreciated wide definitions of the term *sacerdos* in various contexts to include a variety of sacral offices, in these specific instances they intended only to refer to smaller subsections of that larger grouping. While they were, on these occasions, explicit about referring only to a narrower subsection, it is possible that these writers, and others, may have used *sacerdos* implicitly to refer to narrower subsections in ways that we cannot distinguish.

[86] For example, whilst Varro (*Ling.* 5.85) classified the *Luperci* as *sacerdotes*, Cicero appears unwilling to do so: *infra* § 4.2.
[87] Varro, *Ling.* 5.83; Cic. *Leg.* 2.20.

We must also consider the temporal dimension of the use of the terms. Whilst the terms were used generally by the late republic, we must be alert to the potential evolution of such usage. Cohee has posited that there was an evolution in the use of *sacerdos* to describe augurs, seeing it as a 'deliberate legal innovation' of the late republic.[88] Further, Beard has suggested that it was not until the very late republic that *sacerdos* was used as a general term, before which it was only used to describe specific offices, usually held outside of Rome.[89] The *sacerdotes* of Ceres or of Iuppiter in Sicily are the best known examples.[90] As Bendlin *et al.* have noted, Beard's theory 'is as difficult to prove as it is to disprove'.[91] Nevertheless, we must be open to and aware of, the possibility that general uses of the term were not in common parlance until the late republic, where we have clear evidence of general use. Thus, it is potentially an artificial imposition to speak generally of *sacerdotes* and *sacerdotia*, especially in the mid-republic. If there was an evolution of the term, we must acknowledge the dangers of imposing a generalising term before generalisations of these offices potentially existed. Ultimately, whilst the terms *sacerdos* and *sacerdotium* are used due to a need for generalising terms that carry less baggage than 'priest' and 'priesthood', they are invoked with an awareness of the dangers of doing so.

The offices within the category of *sacerdos* and *sacerdotium* are restricted to those of the Roman élite. A thesis which examines only the Roman élite might seem to go against a current trend in Roman cultural studies which directs attention towards the role and importance of non-élites; groups that have been traditionally under-represented and relegated to the

[88] Cohee (2001, 90, 95).

[89] Beard (1990, 46).

[90] For *sacerdotes* of Ceres: e.g. Cic. *Verr.* 2.4.99, 2.4.100, 2.4.110, cf. *Balb.* 55; of Iuppiter: e.g. Cic. *Verr.* 2.2.126-127, 2.4.137. Also: Plaut. *Bacch.* 307, *Rud.* 329, 350, 404, 430, 440, 644, 646, 655, 671; [Anon.] *Bellum Alexandrium* 66.5; Cic. *Nat. D.* 3.49; Varro, *Ling.* 6.14; Verg. *Aen.* 2.319, 3.80, 6.35 (with 6.41, 6.244, 6.321, 6.544), 6.628, 7.419, 10.537. Cf. Plaut. *Rud.* 285; Verg. *Aen.* 2.201. *Sacerdos* came to have a solidified meaning in the context of emperor worship: Cohee (2001, 88-89); Fishwick (1987, 132, 165, 166 n.109; 2002, 220-229). Fishwick's distinctions between *flamines* and *sacerdotes* of emperor worship is important, if in need of revision due to his unyielding determination to find standardisation where there need not be.

[91] Bendlin *et al.* (1993, 85).

periphery.[92] The work produced under the *Lived Ancient Religion* project has recently drawn attention to the need to elevate the religious experiences and specialities of peripheral religious agents (e.g. prophets, magicians, and 'religious' assistants) and has urged us not to limit our investigations merely to élite *sacerdotes*.[93] Yet my focus on élites is necessitated by the nature of the evidence. Literary evidence, which provides our most detailed exploration of the applicability of virtue-language to *sacerdotes*, is by its nature largely preoccupied with the Roman élite. Thus, for this preliminary exploration of the applicability of virtue-language to *sacerdotes*, the literary evidence is the most profitable place to begin. For the relationships of lower social strata towards the gods, we are more reliant on epigraphic sources. Whilst virtue-language frequently appears in epigraphic contexts, especially in honorific or funerary contexts, the brevity of these attestations makes it almost impossible to appreciate the employment of these terms without having already understood the fuller context of their use. Thus, whilst this study is confined to understanding virtue-language as it applies to the Roman élite, these insights will, I hope, enrich further study which can widen the scope to more 'marginal' players.

This study nevertheless benefits from the approach of *Lived Ancient Religion* in its focus on understanding individuation and identity.[94] A key idea I seek to test is that Romans were capable of conceiving of sacerdotal roles as unique and divisible parts of their identities, and that they could separate the experience of being a *sacerdos* from other roles or positions that they held.[95] As Woolf emphasises, the performance of a particular role could potentially be seen as contributing to the 'ongoing transformation of a participant's personal biography'.[96] In

[92] For such trends, generally: Champion (2017, xx). While Amiri (ed., 2016) included élite Roman women as marginalised groups in religious experiences, the last two decades of scholarship have affirmed that they were fundamental to the 'core' of Roman public 'religion': esp. Schultz (2006); Flemming (2007); Hemelrijk (2009); DiLuzio (2016). As Padilla Peralta (2017) stresses, this was the result of the 'embrace of Scheid', who claimed 'sacrificial incapacity' for Roman women: esp. Scheid (1991; 1992; 1993; 2003, 131-132). Cf. Pailler (1995).

[93] Esp. Rüpke (2016a, 5-6); Gordon, Petridou and Rüpke (2016, 6); Albrecht *et al.* (2018, 570). Similarly: Wendt (2016).

[94] Esp. Rüpke (2011a; 2013a, 3-6; 2013b). Rüpke advocates for such approaches to fill the gap left by 'civic' or 'polis' religion approaches: esp. Woolf (1997); Ando (2013, 86-87); Scheid (2016).

[95] For different types of individuality in Roman religion, cf. North (2013a, 78); Woolf (2013).

[96] Woolf (2013, 149).

accumulating roles, the person could anchor his or her persona and identity to externally defined roles.[97] On a superficial level, this is perhaps most easily seen in a letter in which Ser. Sulpicius Rufus seeks to comfort the grieving Cicero by emphasising that Tullia would have seen him as *patrem suum, praetorem, consulem, augurem*.[98] While Sulpicius' rhetoric is unlikely to reflect Tullia's actual attitudes towards her father, at the very least it hints at public elements of one's character with which Cicero could be expected to anchor and define his identity. As Gildenhard stresses, '[r]ole differentiation was highly developed in ancient Rome', as Roman élite men could define and act upon the demands of each specific role, 'adjusting their views and values accordingly'.[99] In different ways, both Scheid and Thomas also recognise that Romans were able to make meaningful distinctions in their performance of individual roles, and thus differentiate the demands of being a magistrate from those of a *sacerdos*.[100]

Yet Woolf struggles to find examples where a 'priestly role' became 'central to the perception of a given individual', suggesting that 'sacerdotal identity' is best exemplified by Augustus.[101] I agree that it is difficult, before Augustus, to find examples where someone's identity can be *defined* by their 'sacerdotal' role, as 'sacerdotal' identity often formed only one element of a complex intersection of other identities and roles. Yet that is not to say that some Romans could not deconstruct and pigeon-hole the behaviours and gestures of certain individuals onto their performance of specific roles, including sacerdotal ones. Consider, for example, Cicero's depiction of M. Popillius Laenas, the consul of 359 and *flamen Carmentalis*.[102] Robed in the *laena* of his flaminate, Cicero tells us, Laenas persuaded the people not to revolt.[103] As Santangelo astutely suggests, Cicero deliberately emphasises the performative quality of Laenas' *laena*, and 'implies that this detail crucially corroborated his

[97] Woolf (2013, 154), giving the specific examples of senator, father, or judge.
[98] Cic. *Fam.* 4.5.5, with Baltussen (2013, 79-80).
[99] Gildenhard (2011, 307).
[100] Thomas (2005, esp. 127, 132, 135); Scheid (esp. 1984, 269; 2003, 130).
[101] Woolf (2013, 146). Cf. Rüpke (2018a, 122; 2018b).
[102] *FS* 2807.
[103] Cic. *Brut.* 56. On the *laena* and its potency, more recently: Morgan (2020, esp. 194-195).

auctoritas and determined his ability to persuade the audience'.[104] It was (partly) the *auctoritas* of his sacerdotal role, publicly visible and understood through his *laena*, that allowed Laenas to win the day (at least for Cicero).

When considering individuation in the Roman context, Rüpke has emphasised that we should not believe that Romans desired to be 'different'. Rather, we should look for ways in which Romans attempted to prove themselves exceptional within acceptable parameters – within a pre-existing language of competition for distinctiveness.[105] Within this, we must consider the broader discourse of exemplarity that forms the cornerstone of our understanding of Roman competitive culture. In striving for distinctiveness, Romans competed for a place within historical consciousness, and endeavoured for their deeds to become exemplary standards to be handed down and imitated by future Romans.[106] In this, however, lies a possible tension between the performance of sacerdotal roles and the desire for distinctiveness. If we conceive of Roman orthopraxy as the demand for scrupulously repeated rituals which maintain the delicate relationship between men and the gods,[107] where is the scope for individuality?[108] As we shall see, this tension between individuality and scrupulousness is fundamental to the ways in which *sacerdotes* were evaluated.

1.3 Virtues and Virtue-Language

Discussions of *uirtutes* form a key part of Roman historiography and the moral and ethical framework in which Romans evaluated the exemplary actions of past individuals to inform their present behaviours.[109] The word *uirtus* provides the clearest indication that a core aspect of

[104] Santangelo (2013a, 754). Cf. Linderski (2002, 351); Habinek (2005, 243); Berthelet (2020, 137).
[105] Rüpke (2013a, 10).
[106] While Rüpke (2013a, 12-13) differentiates *representative* individuality (the desire to become exemplary) and *competitive* individuality (part of the 'aristocratic struggle for distinctiveness'), in practice, the parameters between them are blurred and it would be impractical to separate them. For Roman exemplarity generally: *infra* n.109.
[107] Esp. Ando (2003, esp. 11, 14; 2008, esp. ix, xvii, 13); Linder and Scheid (1993, esp. 49-50).
[108] Cf. Woolf (2013, 147-148).
[109] On the moral and ethical framework of exemplarity: esp. Liebeschuetz (1979); Chaplin (2000; 2015); Roller (2004; 2009; 2018); Gowing (2005); Langlands (2006; 2018); Bell (2008); van der Blom (2010); Balmaceda (2017, 7).

Roman virtue in early and mid-republican contexts was masculine and warlike: the qualities associated with being a *uir*.[110] Although the manliness of *uirtus* remained an ethical ideal throughout the republican period and into the empire, the concept widened during the republican period to encompass an individual's achievements and moral standards.[111] Most often these *uirtutes* were informed by action taken on behalf of the state, in the service of the *res publica*.[112] It has been well argued that personal *mores* – or at least the perception of moral rectitude – could be a boon in the advancement of a Roman man's career or could be wielded as a weapon against them.[113] As the *laudatio* of Metellus quoted at the beginning of this chapter demonstrates, martial valour became only one of the qualities aspired to by the Roman senator, and these *uirtutes* included political and military achievements, alongside their position and standing. Yet, as we have already seen, Metellus' actions and virtuous qualities as *pontifex maximus* are absent from that *laudatio*.

Nonetheless, scattered evidence from the mid-republic hints at a developing understanding of the potential worth and value of some of these positions, and how those positions reflected upon the bearer's personal *mores*. Sempronius Asellio (as preserved in Gellius) provides a literary *laudatio* of the *pontifex maximus* of the late 130s, P. Licinius Crassus Dives Mucianus.[114] While its model may have been Caecilius' *laudatio*,[115] it hints at a recognition of something distinct about being a *pontifex maximus*:

> *is Crassus* [...] *traditur habuisse quinque rerum bonarum maxima et praecipua: quod esset ditissimus, quod nobilissimus, quod eloquentissimus, quod iurisconsultissimus, quod pontifex maximus* (Sempronius Asellio, *FRHist* 20 F13 = Gell. *NA.* 1.13.10-13).

[110] Rosenstein (2006, 268); Balmaceda (2017). Classic views on the bellicose character of *uirtus*: Harris (1979, 10-41); McDonnell (2006).
[111] Lind (1972, esp. 236); Hölkeskamp (1987, 208); Balmaceda (2017, 16).
[112] Lind (1972, 236); Hölkeskamp (1987, 208, 212).
[113] Esp. Earl (1967, 17, 19-20); Edwards (1993, 26); Haimson Lushkov (2015, 6). Edwards (26) makes a more subtle use of social capital in this connection (cf. *supra* n.24), suggesting that '[j]ust as a man might boast of his wealth, his military achievements or his ancestry in his attempts to secure power and influence, so too he might parade his moral rectitude as a form of "symbolic capital"'. Cf. Hellegouarc'h (1972).
[114] *FS* 2236.
[115] Covino (2011, 72).

Asellio associates the position of *pontifex maximus* with exaggerated superlatives of wealth, birth, eloquence, and training in law. As Rosenstein suggests, the *laudatio* of Mucianus suggests a shift in the evolution of aristocratic norms and values. He emphasises that not only is Mucianus lauded despite his lack of military achievement and thus lack of martial valour, but also that it evinces – potentially for the first time – a recognition of the importance of the position of *pontifex maximus* in the estimation of worth, and as a fundamental element of his personal identity.[116] Yet the contrast Asellio creates between the aristocratic virtues presented in superlatives – *ditissimus, nobilissimus, eloquentissimus* – with the somewhat jarring *pontifex* ***maximus*** inherently suggests that Asellio lacked a specific vocabulary of virtues which could describe or quantify Crassus' position as *pontifex maximus*. Rosenstein suggests that this importance was rooted in the growing perception that being a *pontifex* allowed one to gain 'religious knowledge', and this was becoming a 'distinct category of aristocratic attainment'.[117] As we shall see, there are various contexts in the late republic and early empire where relationships between being a *pontifex* and 'religious knowledge' were positively evaluated, and where the virtues associated with gaining such knowledge were recognised.[118]

We might be able to perceive something similar in an epigraphic context for the position of *flamen Dialis*, namely in the much debated *elogium* of a P. Cornelius Scipio from the tomb of the Cornelii Scipiones on the uia Appia,[119] written in Saturnian meter:[120]

> *quei apice(m) insigne(m) Dial[is fl]aminis gesistei | mors perfec[it] tua ut essent omnia | breuia honos fama uirtusque | gloria atque ingenium quibus sei | in longa licu[i]set tibe utier uita | facile facteis superases gloriam | maiorum qua re lubens te in gremiu(m) | Scipio recipit terra Publi | prognatum Publio Corneli* (*CIL* 6.1288).

Momentarily ignoring the questions that persist about this *elogium*, it is worth considering the epitaph at face value. As Etcheto stresses, 'l'épitaphe évoque la mémoire d'un jeune homme

[116] Rosenstein (2006, 375-377). *FRHist* 1: 277, 3: 283 suggest a humorous undertone to this *laudatio*, although is not sure whether the humour – if it exists – was Asellio's, or was later introduced by Gellius or his source.
[117] Rosenstein (2006, 377).
[118] *Infra* §§ 4.4, 5.2, 6.1.
[119] For the tomb generally: e.g. Coarelli (1972; 1988); Richardson (1992, 359-360); Flower (1996, 159-184).
[120] van Sickle (1987); Kruschwitz (2002, no. 4).

que seule une mort prématurée priva de l'accomplissement d'une vie chargée d'honneurs et d'une carrière digne de celles de ses aînés'.[121] With a focus on the virtues of *honos*, *fama*, *uirtus*, *gloria* and *ingenium*,[122] the writer of this *elogium* suggests that this Scipio would have, if not for his premature death, pursued a career filled with the same virtues as his ancestors who had achieved *gloria*.[123] The achievement of the position of *flamen Dialis*, the *insignis apex* which Scipio wore, appears – again at face value – to have represented the first *honor* achieved by Scipio at a young age before his life was cut short, and which proved that he was destined for greater virtues in later life. Due to his shortened career, the worth of this position as *flamen Dialis* is directly attested but was expressed simply as an *honor* which proved that he was destined for other *uirtutes*.[124]

Yet we must recognise the ways in which these face value assumptions have been questioned. First, scholars have recognised that the first line – the only one that attests to his flaminate – was written in smaller letters, potentially as a later addition to the main body of the text.[125] It has been advanced that the line was added by Scipio Aemilianus during a remodelling of the entire tomb,[126] and thus that the reference to the flaminate was introduced (and invented) to give distinction to an otherwise short and undistinguished career.[127] Scholars have readily accepted that it was a later addition based on the standard interpretation of the position of *flamen Dialis*. The restrictions on holding political office demanded by the position mean that it is often thought of as a political cul-de-sac, only held by élite Romans who could not hope to succeed in the *cursus honorum*, or that it was imposed upon political rivals to deprive them of

[121] Etcheto (2012, 243).
[122] See e.g. Tatum (1988, 254); Flower (1996, 168); Massaro (2008, 69-70).
[123] Tatum (1988), *contra* Moir (1986, 266), shows that the *gloria* to which Scipio aspired was not that of 'of a potentially great writer'. On the epitaphs inculcating virtues within the *gens*: Lamoine (1999-2000, 366); Harrison (2013, 223-224); Hölkeskamp (2018, 462).
[124] Massaro (2008, 66).
[125] Broughton (1951, 1: 407 n.6); Szemler (1972, 142); Tatum (1988, 255-256); Flower (1996, 167); Kruschwitz (2002, 74); Massaro (2008, 66-67); Etcheto (2012, 241).
[126] Coarelli (1972, 94-95; 1988, esp. 28); Tatum (1988, 256); Flower (1996, 167). The remodelling of the tomb: Hölkeskamp (2018, 458); esp. in the context of increased self-advertisement of the *gens*: van der Blom (2011, 50-51).
[127] Tatum (1988, 256); Flower (1996, 167).

a successful career.[128] If this Scipio's civic career had been terminated prematurely by the assumption of the flaminate, how could the writer of the epitaph believe that he could have won the enumerated civic virtues? On that basis, it is assumed that it must have been a clumsy later addition.[129] Yet, as Etcheto recognises, there were (albeit limited) innovations to the ways in which *flamines Dialis* could engage in civic life if they so desired,[130] and thus, it is reasonable for the first line to be roughly or entirely contemporaneous with the rest of the inscription. Given that the flaminate does not necessarily stand at odds with civic virtues, we might imagine ways in which the flaminate was not only an *honor*,[131] but could have informed and bolstered the virtues attested in the *elogium*. It is worth stressing that there is no evidence that definitively proves that the first line was not contemporaneously inscribed, or that Scipio Aemilianus recast the narrative of the *elogium*.[132] Kruschwitz has even made a persuasive case for the contemporaneity of this line with the rest of the inscription.[133]

Second, scholars disagree as to which P. Cornelius Scipio the *elogium* was intended for. Many consider this Scipio to have been the son of Scipio Africanus,[134] attested as being of weak health and feeble constitution and therefore incapable of a career in war and politics.[135] Given a modern belief that the position of *flamen Dialis* was a political dead-end, the attribution of a flaminate to the apparent 'weakling' son of Scipio Africanus is seen as fitting. As Flower suggests, '[t]he office of *flamen Dialis* would have suited an invalid as it was subject to numerous restrictions which made a normal career impossible'.[136] Yet this identification is flawed. Not only was the position of *flamen Dialis* not necessarily as restrictive as is frequently

[128] Esp. Wissowa (1912, 71); Szemler (1972, esp. 95); Wardman (1982, 18); Palmer (1996, 84 n.28); Goldberg (2015, esp. 351).
[129] E.g. Moir (1986, 265); Flower (1996, 168); Massaro (2008, 66).
[130] After the innovations of *flamen Dialis*, C. Valerius Flaccus (*FS* 3393): Etcheto (2012, 244-245).
[131] Cf. *CIL* 6.1293: epitaph of Cn. Cornelius Scipio Hispanus (*FS* 1378), where his position as *decemuir sacris faciundis* is implied as one of the *honores* which 'ennobled' (*nobilitauit*) his *stirpem*; *ILLRP* 1247a: epitaph of P. Cornelius Scapula *pont(i)fex max(imus)* (*FS* 1369).
[132] Moir (1988, 258); Kruschwitz (1999, 262).
[133] Kruschwitz (2002, 74-75).
[134] Coarelli (1988, 20); Moir (1988, 258-259); Flower (1996, 167-168).
[135] Cic. *Off.* 1.121, *Brut.* 77-78, *Sen.* 35; Vell. Pat. 1.10.3-5.
[136] Flower (1996, 168).

conceptualised, but there are also ways in which an identification of this epitaph as referring to the son of Scipio Africanus presents insurmountable contradictions. First, Livy ascribes an augurate to the son of Scipio Africanus,[137] and, as it is unlikely that he would have been both augur and *flamen Dialis*, it is a disservice to Livy's sources to suggest that the historian was merely wrong.[138] Second, the inscription itself rebuts this identification. The *elogium* suggests that, were it not for his premature death, Scipio had an illustrious public-facing career ahead of him, whereas the literary record suggests that the son of Scipio Africanus, given his health-defects, was never destined for such achievements.[139] Whereas the son of Africanus is not said to have died prematurely but lived a weakened life, the early death of the Scipio of the epitaph is assured in the inscription. Tatum disregards these problems as being injurious to the traditional identification, suggesting instead that these inaccuracies were intentionally misleading for 'the original inscription was not meant as an accurate record of the facts of Publius' life'.[140] There is always a potential for distortion of reality and literary exaggeration, but the contradictions seem overwhelming enough that this cannot simply be an attempt to recast the life of an otherwise unremarkable member of a remarkable family. The simplest solution is to posit that the epitaph refers instead to a P. Scipio otherwise unattested in the literary record.[141] The silence of the literary record as to this Scipio is likely the consequence of his short-lived life.[142] Ultimately, while there can be few certainties when considering this *elogium*, I posit that its writer wished, especially in light of Scipio's premature death, to stress that his position as *flamen Dialis* was not only an *honor*, but proved his capacity for further

[137] Liv. 40.42.13.

[138] On the augurate: Broughton (1951, 1: 407 n.6); Massaro (2008, 43); Etcheto (2012, 243).

[139] Moir (1986, 265); Tatum (1988, 257-258); Massaro (2008, 43-44); Etcheto (2012, 243).

[140] Tatum (1988, 258).

[141] Etcheto (2012, 181, 245-246); Kruschwitz (2002, 76). Various possibilities are proposed, namely that it was the son or grandson of P. Scipio Asina (cos. 221), or an otherwise unknown son or grandson of Scipio Africanus: Sumner (1973, 36-37); Etcheto (2012, 246). Cf. Szemler (1972, 142). Moir (1988, 258) suggests an alternative, that Scipio Aemilianus confused the Scipio of the epitaph with an otherwise unknown Cn. Cornelius Scipio who was *flamen Dialis* in 174, as attested by Liv. 41.28.7. Rüpke (2008, 642 col. 1 esp. n.1) accepts this suggestion, judging it 'more economical to assume the confusion of a *P* with a *Cn*'.

[142] Etcheto (2012, 245).

uirtutes. In thus being prepared to move beyond mere political conceptions of the apparent worth (or, rather, perceived lack thereof) of the position of *flamen Dialis*, we are able to gain a clearer picture of how such a position might have been conceived at the time, and thus of its potential worth and distinctiveness.

Although it might be dangerous to rely on such slight evidence, it is possible that these scattered instances hint at an emerging understanding of the worth of holding such a position. The glimpses we are given are too few for us to know whether the virtues, worth, and distinctiveness ascribed in later literary sources to those positions that came to be known as *sacerdotes* were the attributions of contemporaries, or whether later writers merely inserted these qualities into their narratives. The ascription of *uirtutes* to the *exempla* of the past is, of course, a characteristic trend of many writers of the late republic and early empire.[143] Particularly in historiography, an in-depth understanding of the *mores* of particular individuals – their habits, dispositions, and attitudes – was 'essential in illustrating and making sense of the past'.[144] Nonetheless, whether as a reflection of pre-existing ideas or as a result of their own insertion, late republican and early imperial sources ascribed importance and distinctiveness to particular *sacerdotes*, and it is to those conceptualisations of *sacerdotes* that I now turn.

[143] On *exempla uirtutis*: e.g. Lind (1979, 12, 14).
[144] Balmaceda (2017, 9).

PART 1: EXPECTATIONS

In this **PART**, I consider a broad variety of expectations that have been asserted to have been of relevance to *sacerdotes*, either by ancient sources or in the estimations of modern scholars. In so doing, I distinguish between expectations that concerned their *uirtutes*, to which **CHAPTER 2** is devoted, and those expectations which concerned their roles or functions, which are discussed in **CHAPTER 3**. By broadly and thematically considering various expectations of *sacerdotes*, I seek to inform the case studies that constitute **PART 2** of this thesis. Thus, here I elucidate generally some of the ways in which we might perceive the differences between *sacerdotes* and other important public figures, namely magistrates and senators, before turning, in the latter **PART**, to specific writers who reflected upon, and contributed to, the shaping of these differences and distinctions.

In analysing such expectations, we must be particularly cognisant of how ancient sources might have either been actively defining expectations of *sacerdotes* or responding to more widely held views. In thus searching for points of commonality, from which I might posit shared expectations, I do not wish to suggest that there was a unified or consistent set of expectations of *sacerdotes*. The evidence considered in this **PART** shows only that some ancient sources, at various times in the late republic and early empire, conceptualised or advocated for expectations for various *sacerdotes* and that there were some similarities in such expectations. Thus, throughout this **PART**, I test whether the expectations expressed by the ancient authors might be the echoes of more widely perceived attitudes, or whether we are only able to see moments where ancient writers are positing, challenging, teasing out, or hypothesising various expectations based on preconceptions and assumptions.

CHAPTER 2: EXPECTATIONS INVOLVING *UIRTUTES*

> *hoc auctore tam casto, tam religioso, tam sancto, tam pio potestis, pontifices, non commoueri, cum suis dicat se manibus domum ciuis optimi euertisse et eam isdem manibus consecrasse?* (Cic. *Dom.* 105).

Cicero's attempts to shatter the authority of his rival P. Clodius Pulcher include sarcastically describing the latter as '*sacerdos*'; as if Clodius were pontificating to the *pontifices* on matters on which they alone had authority.[1] With mock sincerity, Cicero boasts of the qualities of this '*sacerdos*': *tam castus, tam religiosus, tam sanctus, tam pius*. The list of qualities Cicero here attests is a useful springboard for understanding sacerdotal expectations more broadly. Thus, this chapter primarily considers whether, and to what extent, there were expectations for a *sacerdos* to have been *castus*, *religiosus*, *sanctus* or *pius*.

2.1 *CASTUS* AND *CASTITAS*

Almost sixty years ago, Fugier considered *castitas* to be a defining feature for Roman *sacerdotes*:

> La castitas répond ainsi, quand il s'agit du prêtre, à ce qu'est pour le guerrier la magnanimitas […] elle apparaît en d'autres termes comme la vertu propre du sacerdos et pour ainsi dire sa marque constitutionelle […] bref, le Romain concevrait mal un sacerdos qui ne fût pas castus.[2]

For Fugier, to be a *sacerdos* meant being *castus*. *Castitas* is most commonly translated as 'chastity', thus associated primarily with sexual purity. Yet as we shall see, the term had a much wider applicability, referring more broadly to moral and physical purity, especially when approaching the gods.[3] In this way *castitas* informed one's *puritas*,[4] and was potentially likened to ἁγνεία.[5] Nevertheless, the principal association of *castitas* with 'chastity' can be explained as a result of its connection to the Vestal Virgins.

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[1] On which, further *infra* § 4.8.
[2] Fugier (1963, quote: 24-25, also: 20-21).
[3] Fehrle (1910, 207); Langlands (2006, 30).
[4] Linke (2013, 305).
[5] Fehrle (1910, 208); Arbesmann (1929, 11). For ἁγνεία as synonym of Vestal *castitas*: Dion. Hal. *Ant. Rom.* 2.66.4.

It is incontestable that the lives of Vestals were heavily restricted by what was expected of them. The vast proportion of ancient – and modern – treatments of Vestals primarily concern the ways in which their lives were circumscribed by their service at the hearth of Vesta, and when they were deemed to have transgressed against such circumscription.[6] In modern considerations of the Vestals, *castitas* is often entirely synonymous with *uirginitas*. That *uirginitas* was expected of the Vestals is beyond dispute. The embeddedness of *uirginitas* for the Vestals is most palpably seen in their names. They are referred to as the *uirgines Vestales*,[7] or simply, as the *uirgines*.[8] In describing the innovations of Numa Pompilius, Livy links the Vestals with *uirginitas* from their very foundation: *uirginitate aliisque caerimoniis uenerabiles ac sanctas fecit*.[9] The nature of these *caerimoniae* and their status as *sanctae* will be considered,[10] as will Livy's specific treatment of the Vestals,[11] but here, it is worth stressing that Livy sees *uirginitas* as crucial to the identity of the Vestals from their foundation,[12] and that this *uirginitas* granted them elevated status. The expectation of *uirginitas* for a Vestal was absolute. As Staples notes, '[t]here was no such thing as a non-virgin Vestal'.[13] Vestals most commonly appear across the literary sources where accusations have been made that a Vestal breached this expected standard by having lost their *uirginitas*. Yet whilst the (suspected) loss

[6] Muth (1962, 260-261); Beard (1995, 172); Rüpke (2010a, 18; 2016a, 37); Culham (2014, 131). Wissowa (1923-1924, 203) rightly argued against a 'vow' of *uirginitas*.

[7] E.g. Cic. *Font.* 46-49, *Cat.* 4.2, 4.12, *Mur.* 73, *Dom.* 136, *Har. resp.* 13, 37, *Cael.* 34, *Rep.* 2.26, 3.17, *Leg.* 2.20; Liv. 1.20.3, 2.42.11, 4.44.11, 5.40.7; *Per.* 2.53, 8.13, 14.11, 20.5, 22.48, 28.11, 63.4; Val. Max. 1.1.6, 1.1.10, 5.4.6, 6.1.(ext).3, 8.1.(absol.).5; Gell. *NA.* 1.12.

[8] E.g. Cic. *Har. resp.* 13, *Cat.* 3.9, *Leg.* 2.29, *Brut.* 160, 236, *Att.* 1.13.3; Val. Max. 1.1.7, 1.1.10; Hor. *Carm.* 1.2.26-28, 3.30.7-9; Gell. *NA.* 1.12. Cf. *Vestales* or *sacerdotes Vestales*: Fabius Pictor *ap.* Gell. *NA.* 1.20.14; Cic. *Div.* 1.40; Liv. 1.3.11, 1.4.2, 5.39.11, 5.52.13-14, 7.20.4, 7.20.8, 8.15.7, 22.57.2, 28.11.6.

[9] Liv. 1.20.3. Cf. Plut. *Vit. Num.* 9.5 for speculation as to why the fire was entrusted to virgins. On the foundation of the Vestals by Numa: Gell. *NA.* 1.12.10; Ov. *Fast.* 6.257-260; Dion. Hal. *Ant. Rom.* 2.64.5-67; Plut. *Vit. Num.* 9.5 (cf. McIntyre (2018, 75)), or by Romulus: Plut. *Vit. Rom.* 22. Rhea Silvia is, however, often already a Vestal: Liv. 1.3.11, 1.4.2; Ov. *Fast.* 2.383-386, 3.11; Dion. Hal. *Ant. Rom.* 1.76.3-77.4.

[10] *Infra* 40 and § 2.6.

[11] *Infra* § 5.4.

[12] Beard (1980, 13-15) and Saquete (2000, 81-84) refute earlier claims that *uirginitas* was expected because they were originally the 'daughters' or surrogate 'wives' of the *reges*. There are scores of competing theories as to the reasons for Vestal *uirginitas*: e.g. Beard (1980, 13-15); Wildfang (2001; 2003; 2006, 51-63); DiLuzio (2016, 143-153).

[13] Staples (1998, 132).

of *uirginitas* was prerequisite in accusations of *incestum*,[14] it would be wrong to assume that being charged with *incestum* simply meant the loss of a Vestal's *uirginitas*. Indeed, that the noun *incestum* derives from *in* and *castum* alerts us to the fact that the *uirginitas* of Vestals was bound up with their *castitas*.[15] The Vestals (and Vesta herself) are defined in a variety of ancient texts by their *castitas*.[16] In the interconnectedness of these concepts, it would be wrong to separate and exclude *uirginitas* from other concepts of 'chastity' or 'purity'.[17]

Yet, whilst sometimes interchangeable, it would also be wrong to simply conflate expectations of Vestal 'chastity' and 'virginity'.[18] Whilst the expectation for *uirginitas* nested within the expectation for Vestal *castitas*, their *castitas* went beyond simple *uirginitas*.[19] As Bätz argues, Vestal 'Keushheit' was not '[e]ine ausschließlich physische Komponente'.[20] For a Vestal, the ability to approach the gods with *castitas* relied on their physical *uirginitas*, but their *castitas* more widely encompassed their pure state in approaching the gods, their *puritas*.[21] As a Vestal was required to continually maintain her *castitas* and *uirginitas*, absolute purity was unfalteringly assured.[22] For the Vestals, these are inextricably connected: to ensure the purity of their cultic interaction, absolute *uirginitas* informed their *castitas*. These concepts had such a close approximation that the terms were interchangeable in certain contexts. Consider, for example, treatments of the Vestal Tuccia.[23] Whereas Livy's epitomator records simply that

[14] Wildfang (2006, 53). The nature of Vestal *incestum* and its peculiar punishment are still in contention. On *incestum* as *prodigium*: Wissowa (1923-1924); Krauss (1930, 181); Fraschetti (1984); S.A. Takács (2008, 80). On Vestals as *pharmakoi*: Parker (2004). On burial of the Vestals as 'ritual fiction': Staples (1998, esp. 133-135, 147-148). On burial as wiping religious offences from existence: Richardson (2011, esp. 100-103). On Vestal *incestum* not as sacrifice: Schultz (2016, 70). On Vestal *incestum* as 'incest': Koch (1958, esp. 1749). On Vestal *incestum* as contamination of Vestals' fertility and purificatory rites: Mustakallio (1992, esp. 62).
[15] Wildfang (2003, 563); Beltrão and Horvat (2018, 178, n.24); *TLL* 7.1.893 *s.v. incestus*.
[16] E.g. Cic. *Dom.* 144; Ov. *Fast.* 3.417, 3.698, 6.289-294; Plin. *Ep.* 4.11, 7.19.4; Arn. *Adv. nat.* 4.35.4. Also: *CIL* 6.2134, 6.32422. Cf. Liv. 7.20.5.
[17] Staples (1998, 135, 138). Cf. Jordan (1886, 50-52). It is equally wrong to define Vestal *castitas* as the 'chastity' of a *matrona*, as done by Krauss (1930, 181); Scheid (1992, 382; 1994); Turcan (2000, 56).
[18] E.g. Cornell (1981, 27).
[19] Wildfang (2003, 563).
[20] Bätz (2012, 213).
[21] Bätz (2012, 212-222).
[22] E.g. Saquete (2000, 62-65).
[23] *FS* 3285.

Tuccia, *uirgo Vestalis, incesti damnata est*,[24] Valerius Maximus recounts that whilst Tuccia was accused of *incestum*, her *castitas*, obscured by a cloud of *infamia*, emerged by the miraculous intervention of Vesta herself.[25] She pleads to Vesta, *si sacris tuis castas semper admoui manus*, that she may carry water from the Tiber to Vesta's temple in a sieve, an act which she achieves, thereby proving her innocence.[26] Thus, it is the quality of her *castitas* in handling Vesta's *sacra* that is at issue, rather than, necessarily, her *uirginitas*.[27] The two are indivisibly related, but the importance rests primarily on her entire state of *castitas* – her ritual purity – in approaching Vesta's *sacra*.

This interaction between *uirginitas* and *castitas* also led to associations between *castitas* and *pudicitia*.[28] Valerius Maximus, for instance, invokes *pudicitia* on the hearth of Vesta.[29] That is not to say, however, that the two were entirely synonymous. The interrelationship, but distance, between *castitas* and *pudicitia* is perhaps best demonstrated by an entry in Nonius Marcellus:[30]

> *castitas et pudicitia paria deputantur, cum sit pudicitia ab iniuria turpium libidinum libera; castitas et ab his continens ac remota praeterea et religiosa munditia et puritas* [...] *atque ideo plus est castitas a pudicitia, quod pars sit pudicitia, cum aliis ceteris castitas* (Non. 707L).

Although likely writing in the fourth century CE, Nonius' encyclopaedic entries, with their wealth of republican citation, demonstrate his keen awareness of republican and early imperial sources and thus potentially reflect some earlier semantic definitions.[31] Although Nonius insists on a semantic separation of these terms, this is not necessarily adhered to across the sources. Whilst Beard has rightly pushed against a holistic approximation of Vestal *uirginitas* as simply

[24] *Per.* 20.
[25] Val. Max. 8.1.(absol.)5.
[26] Val. Max. 8.1.(absol.)5. Cf. Ov. *Fast.* 6.289-294.
[27] For this narrative: *infra* § 6.4.
[28] For these associations: Plin. *Ep.* 7.19; Tac. *Agr.* 4; Liv. 1.57.11; Val. Max. 6.1.1; Apul. *Met.* 9.19; *CIL* 6.2132. For *pudicitia*: Langlands (2006, esp. 299-301). On Vestal *incestum* simply as *impudicitia*: Krauss (1930, 181); Bauman (1992, 12); Lovisi (1998, 701-703); Balmaceda (2017, 121); Burns (2017, 90).
[29] Val. Max. 6.1.*praef.*, with Mueller (1998, 225; 2002, 45-46); Gallia (2014, 235-236).
[30] Langlands (2006, 30 and esp. n.128).
[31] Lindsay (1901, esp. 1, 3, 7-10). Cf. Deufert (2001).

the *pudicitia* expected of Roman *matronae* – labelling this 'unacceptable special pleading'[32] – some ancient sources saw an approximation between the extraordinary form of sexual virtue required of Vestals and the less restrictive forms of sexual virtue required of other Roman women.[33] Cicero, in his *de legibus*, carves out an important place for the Vestals, suggesting: *sentiant mulieres {in} naturam feminarum omnem castitatem pati*.[34] In invoking the Vestals as an 'ethical model' of *castitas* for all *mulieres*,[35] Cicero conflates the ritual purity of the Vestals with female sexual virtue more generally.[36] Whilst we need not believe that Roman women really *did* look to the Vestals as models for sexual virtue,[37] this shows that, at least in the moralising of some élite Roman men, the *castitas* of the Vestals could be seen as akin to the sexual virtue of Roman *mulieres*. Gallia has persuasively shown the extent to which these blurred equivalences of *castitas* and sexual virtue were expressed sartorially. He points to sexual purity as a 'point of correspondence' between the costume of the Vestals, and the costume of other Roman women (*uirgines*, *matronae*, and brides) with whom they shared similarities.[38] As Beard stresses, the Vestals presented a locus around which Romans interrogated the ideals and boundaries of virginity and sexual virtue.[39]

The equivalences and distinctions between *uirginitas*, *castitas*, *puritas*, and *pudicitia* can also be seen in the Elder Seneca's *controuersia* of the *sacerdos prostituta*.[40] The imagined 'law' around which Seneca's male declaimers debate is: *sacerdos casta e castis, pura e puris*

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[32] Beard (1980, 14), with Gallia (2015, 109). Also: Kroppenberg (2010, 428).
[33] Gallia (2014, 233-236; 2015, 109-110).
[34] Cic. *Leg.* 2.29.
[35] Dyck (2004, 340). Although *mulier* could have negative connotations, where referring to women generally it does not have this baggage: Santoro L'Hoir (1992, 32). Santoro L'Hoir (36) perceives a hierarchy in terminology here; *feminae* teaching *mulieres*.
[36] Cancik-Lindemaier (1996, 142-143); Gallia (2014, 236; 2015, 109); DiLuzio (2016, 9, 143, 152). Cf. Wildfang (2006, 52-53).
[37] Cancik-Lindemaier (1990, 12); Gallia (2014, 236). Cf. Plin. *Ep.* 7.19.7-8, for the Vestal Fannia as *exemplum* for *uxores*.
[38] Gallia (2014, quote: 235). Also: Wildfang (2006, esp. 13-14); Lindner (2015). Festus (454L, *s.v. senis crinibus*) potentially connects the *sex crines* – shared by brides and Vestals – with *castitas*, although the passage is corrupt: Wildfang (2006, 12, 54).
[39] Beard (1995, esp. 172).
[40] Sen. *Controv.* 1.2.

sit. The declamation concerns an imagined situation whereby a *uirgo* is captured by pirates, sold to a *leno* and made into a prostitute, kills a soldier who attempts to force himself upon her, is acquitted, sent back to her family, and now seeks a *sacerdotium*. Given the repeated mentions of *uirginitas*, the male declaimers assume that she is seeking to become a Vestal, although they continue to use the generic terminology of *sacerdos* and *sacerdotium* without mentioning the Vestals specifically. While the 'law' provides two main ethical concepts to be directly contested in the *controuersia* – whether she is *casta* and *pura* – Seneca's declaimers also test these concepts against a range of others. Given that declamations are contexts in which the definitions of ethical concepts are challenged and tested, in this *controuersia* we are given insights into the ways in which these terms were negotiated and how they might be seen to apply to *sacerdotes*. This gives us room for understanding the extent to which these concepts were malleable and interrelated, at least by the time of Seneca.

Seneca's orator Latro argues that the quality of *castitas* should be considered as distinct from that of *puritas*.[41] Believing that the *uirgo*'s argument would be that she was still a virgin, and thus fit for the *sacerdotium*,[42] Latro counters by asking whether *castitas* refers only to *uirginitas*, or whether *castitas* should encompass *abstinentiam* […] *ad omnium turpium et obscenarum rerum*. He suggests that, even assuming she *was* still a *uirgo* and has not committed *stuprum*, her contact with men in that setting was enough to impugn her *castitas*. He finishes by stressing that even if *castitas* were defined solely by reference to *uirginitas*, that should be questioned as well.[43] Thus, Latro queries – and problematises for the benefit of his argument – the expansiveness of the concept of *castitas* and its relationship with *uirginitas*. Whether she is *purus* is for Latro a question of her murder of the soldier. Regardless of whether she was justified in killing the man, he asks whether killing a man nonetheless contaminates her purity.[44]

[41] Sen. *Controv.* 1.2.13.
[42] Langlands (2006, 255).
[43] Sen. *Controv.* 1.2.13, with Langlands (2006, 258).
[44] Sen. *Controv.* 1.2.14.

This terminology of pollution is also present in the rhetoric of Vinicius, who argues that she has been segregated from the other *uirgines* to avoid polluting them.[45] Yet, others define *puritas* as wholly relevant to her sexual contact. Romanius Hispo, for instance, claims that her body was made impure by giving kisses to, and eating with, impure people.[46]

The sense of her *castitas* being more than simply her *uirginitas* leads many of the declaimers to question the *pudicitia* displayed by the girl, in ways which intersect with both her sexual participation and her murder of the soldier. Although *castitas* and *puritas* are principally in contention, *pudicitia* is made a 'central feature' by many of the orators in the declamation.[47] As Langlands stresses, many of the arguments evince the flexibility and intangibility of the concept of *pudicitia*. Whereas *uirginitas* is perceived as being discernible,[48] *pudicitia* is fragile and capable of being shattered through circumstance alone.[49] As Asprenas argues, no one is *satis pudica* if questions have to be asked about her conduct.[50] In this way, *pudicitia* does not simply equate to *uirginitas*, but rather relates to a *belief* in sexual virtue which could be shattered by aspect, appearance, and behaviour and not simply sexual contact.[51] The argument shared by many of the declaimers is that the *pudicitia* of a would-be Vestal must be *believed* to be inviolate and whole. Fuscus Senior makes this argument most clearly. He accepts that the girl is *pudica*, but asserts that her *pudicitia* could be laudable only the eyes of a husband and could not meet the higher standards required for a temple.[52] Fuscus thus contends that standards of *pudicitia* applied differently. Whilst *pudicitia* could be expected of married women and Vestals alike, the *pudicitia* expected of a Vestal must be absolute, reinforced by her *castitas* and *uirginitas*.

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[45] Sen. *Controv.* 1.2.3, with Richlin (1992, 28-29).
[46] Sen. *Controv.* 1.2.16, with Richlin (1992, 29).
[47] Langlands (2006, 255). Cf. Brightbill (2015, 46).
[48] Cf. Sen. *Controv.* 1.2.4, for different estimations of *uirginitas* by a *pontifex* and a *leno*.
[49] Langlands (2006, esp. 256, 264).
[50] Sen. *Controv.* 1.2.10.
[51] Cf. Sen. *Controv.* 2.7.9. On the *pudicitia* of a *matrona* questioned due to lifestyle and behaviour, see esp. Sall. *Cat.* 25 on Sempronia.
[52] Sen. *Controv.* 1.2.5, with Langlands (2006, 257-258).

Such a distinction can also be glimpsed outside the declamatory context. Livy records that the Vestal Minucia was suspected on account of *mundior iusto cultus* rather than any initial suspicion of having committed *incestum*, and was thus buried alive.[53] Similarly the Vestal Postumia, although found innocent of *incestum*, was suspected on account of *cultum amoeniorem ingeniumque liberius quam uirginem decet parum abhorrens*.[54] Livy stresses that after her acquittal, the *pontifex maximus* ordered Postumia to abstain from frivolity and to cultivate greater *sanctitas* rather than smartness in her appearance.[55] Thus, Livy emphasises in both instances that style of dress and general comportment were sufficient grounds to question their *castitas*.[56] Something similar is seen in Plutarch's version of Postumia, who is put under suspicion (διέβαλεν) and tried for *incestum* as a result of her ready laughter and overbold talk in men's company, found to be innocent of the charges (καθαρὰ τῆς αἰτίας), but is reminded by the *pontifex maximus* that her language should have no less dignity than her life (μὴ […] ἀσεμνοτέροις τοῦ βίου).[57]

Although a variety of terms could be used to describe and clarify the expectations of the Vestals, we must be clear that the expectation is primarily for Vestal *castitas*, an essential element of which was their *uirginitas*. As perpetual *sacerdotes* bound to the hearth of Vesta for at least thirty years, Vestals had to adhere to the qualities expected of them absolutely. As is well understood, Vestal *castitas* was tied to the security of Rome, and its loss could destabilise the fabric of Roman society.[58] The extent to which the *castitas* of the Vestals was intended to 'represent the collectivity as a whole' has been well-treated elsewhere.[59]

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[53] Liv. 8.15.7-8. Cf. Oros. 3.9.5. Minucia: *FS* 2463.
[54] Liv. 4.44.11. Postumia: Rüpke (2008, 855).
[55] Liv. 4.44.12.
[56] Porte (1984, 97); Lovisi (1998, 700); Wildfang (2006, 83).
[57] Plut. *Mor. cap. in. ut.* 6.
[58] Esp. Plin. *Ep.* 4.11.
[59] Quote: Staples (1998, 147). Also: Koch (1958, 1737); Cornell (1981, 34); Staples (1998, 135, 147); Parker (2004, 564, 567-574); Wildfang (2006, 1, 55); Kroppenberg (2010); Baschirotto (2012, 178-179); Lennon (2014, 70-72); Gallia (2015, 110); DiLuzio (2016, esp. 144-145, 155).

Yet in conceptualising the importance of *castitas* for *sacerdotes* more generally, we must disentangle Vestal *castitas* – which by its very nature incorporated *uirginitas* and came to represent sexual virtue holistically – from other ways in which ritual and moral purity were expected of other *sacerdotes*. In a very different manner, both the *flamen* and *flaminica Dialis* were considered emblematic for their *castitas*. The *flamen* and *flaminica Dialis* were subject to some of the most onerous expectations of their lifestyle and behaviour, and were understood to have been subject to these from the inception of the *sacerdotium* (ascribed to Numa Pompilius).[60] Ovid, for instance, explicitly referring to the *flamen* and *flaminica Dialis*, defines them by their *castitas*, labelling them as the *castus/a sacerdos*.[61]

Many scholars – again thinking narrowly of *castitas* as 'chastity' – consider that the *castitas* of the *flamen* and *flaminica* was primary related to their sexual modesty, pointing to the requirement that they remain married.[62] Whilst it is likely that this was an element of their *castitas*, Gellius' evidence suggests a wider application. Gellius speaks of the *multae caerimoniae* and *castus multiplices* that had been imposed upon the *flamen Dialis*,[63] before listing a wide range of prohibitions on the *flamen*'s behaviour, and the demands made of him, his wife, and the ritual setting of his life and home.[64] Given their interrelationship, both elements of Gellius' formulation – the *multae caerimoniae* and *castus multiplices* – require interrogation.

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[60] Liv. 1.20; Plut. *Vit. Num.* 7.4. For the *flamen Martialis* and *Quirinalis*' less onerous restrictions: Serv. *Aen.* 8.552.

[61] Ov. *Fast.* 1.587, with Green (2004, 269), 2.25.29, *Am.* 3.13.3. Cf. Liv. 7.20.5.

[62] Filhol (1960, 364-365); Boels (1973, esp. 88-89, 99); Schultz (2006, 80, 142); Culham (2014, 132); DiLuzio (2016, esp. 32, 48-49); Morgan (2020, 199-200). Cf. Tert. *De exh. cast.* 13.1; Scheid (1986, 215). For the importance of the marriage: esp. Serv. *Aen.* 4.29; Festus 79L *s.v. flammeo*; Filhol (1960). The marriage of the *flamen* and *flaminica* had to be that of *confarreatio*: Gai. *Inst.* 1.112; Tac. *Ann.* 4.16, with *infra* § 2.7.

[63] Gell. *NA.* 10.15.1. Gellius records those restrictions he remembered (*commeminimus*) from books about public *sacerdotes* and the first book of Fabius Pictor. It is likely that this is either the annalist Q. Fabius Pictor or a second-century author of a text on pontifical law: Albanese (1969, 76-78); Palmer (1972, 341); DiLuzio (2016, 33); MacRae (2017, 40). Later, Gellius references the work of Masurius Sabinus (10.15.18). On Gellius' research and interactions with sources: Howley (2018).

[64] Gell. *NA.* 10.15.1-16.

Gellius' use of *castus multiplices* to describe the impositions on the *flamen* and *flaminica Dialis*, and thus the use of *castus* as a noun, presents interpretative problems.[65] Frustrating precise definition is that there are only five other certain attestations of *castus* (as a noun) outside the Christian tradition, most of which are fragmentary.[66] Two attestations from Varro's *Antiquitates rerum diuinarum*, preserved only as fragments, might help us to further clarify the use of the term (both in the singular and plural):

> *nostro ritu sunt facienda quam †his ciuilibus Graeco castu* (Varro, *ant. rer. div.* fr. 49 (Cardauns) = Non. 289L).
>
> *et religiones et castus id possunt, ut ex periculo eripiant nostro* (Varro, *ant. rer. div.* fr. 50 (Cardauns) = Non. 290L).[67]

In the latter, Varro places *religiones* in apposition to *castus*, although the context for this statement is unrecoverable. In the former, Varro describes *castus* as *Graecus*, and posits an equivalence between it and *noster ritus*.[68] Given this, Fehrle and Arbesmann found a correspondence between *castus* and the Greek ἁγνεία, a state of cultic purity.[69] Yet we should not assume that *castus* was simply a Hellenic import, given a third fragment, from Cn. Naevius' *carmen belli Poenici*:

> *res diuas edicit, praedicit castus* (Naev. fr. 23 (Warmington) = Non. 290L).

Although lacking context, it has convincingly been suggested that the unnamed subject proclaiming *castus* was either Romulus or Numa Pompilius.[70] This suggests that, at least for an epic poet of the third century, these *castus* could be associated with Rome's monarchic or mythical past, and thus were not assumed to have been a foreign import.[71]

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[65] Cf. the slightly different definitions provided by Lewis and Short and the *OLD*, *s.v. castus*.
[66] Arnob. *Adv. nat.* 5.16; Tert. *Ieiun.* 16.7; Jer. *Adv. Ioninian.* 2.5, 2.7.
[67] Note *castus* here could be equally singular or plural.
[68] For *ritus*, and a deconstruction of the 'foreignness' of *Graeco ritu*: Scheid (1995).
[69] Fehrle (1910, 208); Arbesmann (1929, 11). Cf. Greek ideas of cultic purity, e.g.: Parker (1983); Petrovic and Petrovic (2016, 4).
[70] Warmington (1936, 57); Korfmacher (1949, 211).
[71] Cf. Fehrle (1910, 208); Wissowa (1912, 59 n.1); Arbesmann (1929, 11).

Further, *castus* appears in two inscriptions – dedications made in accordance with *castus Diouis* in the context of Juno Lucina, and both likely to be from Norba and possibly from the third or second century.[72] Palmer suggests that the *castus* of these inscriptions is not sexual abstinence, but rather a general abstinence from inappropriate acts, especially from the consumption of incorrect food.[73] Reflecting on the meaning intended in Gellius, he posits that as Iuppiter was said to have found certain foods offensive, the *flamen Dialis* was also restricted from them: '[e]very day the [*flamen Dialis*] abstained from eating what Iuppiter would not eat at his sacral banquets, because the priest could not be contaminated by what contaminated Iuppiter with whom he was in nearly unbroken contact'.[74] Yet Palmer acknowledges that *castus* need not necessarily refer only to food, but that it can generally encompass those things from which one's body (and mind) ought to be free. This sense of *castus* corresponds with the more widely attested use of *castus* as an adjective when it is qualified by the preposition *ab*: that is to denote that something is free from, or untouched by, something else.[75] In this way, we might find a logical connection between *castus* (as a noun) as 'freedom from something' and *castus* (as an adjective) – and thus *castitas* – as a state of purity. The concept of purity articulated by these terms thus expresses a negative aspect, in the sense that *not* being exposed to certain things allows one to *remain* pure, rather than the performance of certain acts *making* one pure. Thus, we should consider that the restrictions imposed upon the *flamen Dialis* allowed him to remain in a pure state.

As Gellius places the *castus multiplices* alongside the *multae caerimoniae* imposed upon the *flamen Dialis*,[76] it is also essential to consider this terminology. Most consider *caerimoniae* as the 'taboos' which circumscribed the life of the *flamen Dialis*: that is, the

[72] *CIL* 1^2.360, 1^2.361. *CIL* 6.87 *might* be a further attestation, but it relies entirely on restoration. *[C]ereres ca…* might be restored *ca[stu]* or *ca[stae]* or something entirely different: Adams (2007, 76).
[73] Palmer (1972, 345-346; 1974, 20), followed by Schultz (2006, 56). Cf. Koch (1937, 57-60, 108-116); Fugier (1963, 29-30).
[74] Palmer (1972, 346).
[75] *OLD s.v. castus* (adj.) citing Plaut. *Poen.* 1186; Cic. *Phil.* 13.8; Luc. *Phar.* 10.730; Columella, *Rust.* 9.14.3.
[76] Gell. *NA.* 10.15.1.

caerimoniae were the prohibitions, injunctions, or restrictions on the behaviour of the *flamen* based on 'religious' motivations.[77] However, simply translating *caerimoniae* as taboos disguises the difficulty of pinning down the term with certainty. Roloff has provided an exemplary treatment of the complex and interrelated meanings of the term – meanings which are relatively stable over time. All these meanings, he posits, branch out from a common core of something akin to 'Heiligkeit', but which cannot be defined or encompassed in any existing German (or indeed English) vocabulary.[78] Roloff makes a distinction between Cicero's use of *caerimonia* in the *de inuentione* and Gellius' *multae caerimoniae*. When Cicero used the term in the *de inuentione* at 2.66 (*metu et caerimonia*) and 2.161 (*curam caerimoniamque*) he was speaking, in Roloff's estimation, of certain external behaviours which expressed 'holiness' or 'sanctity'; the outward expression of an internal compunction of *metus* or *cura*.[79] To build on Roloff's meaning, we might consider these external behaviours akin to 'rites' or 'ceremonies' performed as expressions of 'holiness' or 'sanctity'. This meaning of *caerimonia(e)* is frequently and unambiguously found in Livy, for instance.[80] Whilst Roloff finds an equivalence between Gellius' *caerimoniae* and the concept of 'Tabus', in the sense that they were an 'auferlegte „Heiligkeiten"', he takes this further by insisting that *caerimoniae* must encompass not just physical acts of 'holiness' as in Cicero, but must refer to the entirety of the personal condition of the *flamen* which connected him with 'holiness'.[81] In this way, Roloff connects the *flamen Dialis* with the Vestal Virgins, whose bodies and lifestyles were also heavily circumscribed, and who are connected in ancient literature with *caerimoniae*. Drawing on a frustratingly difficult passage of Livy,[82] Roloff emphasises that the *aliis* [...] *caerimoniis* created for the Vestal Virgins by Numa Pompilius must refer to the Vestals' 'persönliche

[77] E.g. Goodyear (1981, 100); Vanggaard (1988, esp. 88-97); Ridley (2000, 213); Woodman (2018, 130); Shannon-Henderson (2019, 143).
[78] Roloff (1952). Cf. Wagenvoort (1937).
[79] Roloff (1952, esp. 112).
[80] Esp. Liv. 1.20.7, 1.32.5, 5.17.2, 5.52.6, 6.41.9, 9.5.2, 9.11.9, 10.8.2, 22.9.7, 25.12.15, 40.4.9.
[81] Roloff (1952, 117).
[82] Liv. 1.20.3.

Seinsweise'. This way of being was connected with their physical *uirginitas*, and allowed the Vestals to approach the ideal of 'holiness',[83] in much the same way as Vestal *castitas* intersected with their *uirginitas*. Thus, we might consider the restrictions and prohibitions on the behaviour of the *flamen Dialis* to all be *caerimoniae* because they were those elements of the *flamen*'s condition which allowed him to access 'holiness' or become 'holy' himself. They are not simply the 'rites' or 'ceremonies' that the *flamen* had to perform.

Livy also speaks of *caerimoniae* in the context of the *flamen Dialis* C. Valerius Flaccus. He recounts that the *cura sacrorum et caerimoniarum* took hold of Flaccus' *animus* when he became *flamen Dialis* in 209.[84] Roloff contrasts Livy's *cura sacrorum et caerimoniarum* and Cicero's *curam caerimoniamque* (*de inv.* 2.161) as evidence of the semantic range of *caerimonia(e)*.[85] Whilst Livy places *caerimoniae* in the genitive, modifying the noun *cura*, Cicero talks of *cura* **and** *caerimonia*. This contrast allows us to appreciate that Livy is not simply talking of outward expressions of 'holiness' – the rites and ceremonies – to which Flaccus had devoted attention (the *cura sacrorum*),[86] but *both* the ritual duties *and* the restrictions of the *flamen Dialis*, the latter of which connected him with 'holiness' (*cura sacrorum* ***et*** *caerimoniarum*).[87]

In assessing Gellius' formulation of *caerimoniae impositae flamini Diali multae, item castus multiplices*, we must distinguish each element. Gellius refers first to the *multae caerimoniae*, the entirety of the restrictions, prohibitions and demands of the *flamen Dialis* and his lifestyle that brought him into connection with 'holiness'. He then considers the *castus multiplices*, as the multiple restrictions and abstentions which allowed the *flamen* to retain his *castitas* and thus purity. Whilst Gellius used *castus* as a noun to describe the *restrictions* which

[83] Roloff (1952, 116-117). Cf. Marco Simón (1996, 85-86).
[84] Liv. 27.8.4-10, further *infra* § 5.3. Flaccus: *FS* 3393.
[85] Roloff (1952, 125).
[86] Livy elsewhere uses *cura sacrorum* to describe Ancus Marcius' expectations for *flamines* and other *sacerdotes* (1.33.1) and the duties of the *pontifex maximus* in Italy (28.38.12).
[87] Cf. Warde Fowler (1893, 195). Luce (1977, 288) imagined a 'proper fear of the gods' inspired Flaccus' moral change, but for 'fear of the gods': Liebeschuetz (1979, 48-49, 54); Margel (2006, 198-200); Driediger-Murphy (2018, 184; 2019, 21-22). Cf. Scheid (2015, 86).

allowed this purity to be retained, we might also think of its positive concomitant. In preventing his pollution, the *castus multiplices* guaranteed the *flamen*'s *castitas*.[88] Elsewhere, Gellius places *castitas* and *caerimoniae* in direct apposition, when considering how sacred spaces must be approached:

> […] *templa quidem ac delubra* [...] *quae non uolgo ac temere sed cum castitate caerimoniaque adeundum, et reuerenda et reformidanda sunt magis quam inuolganda* (Gell. *NA.* 4.9.9-10).

Gellius does not simply provide synonyms by placing these terms in apposition.[89] Rather, he uses these terms to indicate precise prerequisites for approaching divinities. Yet, whilst Gellius intends to demonstrate that both *castus multiplices* and *multae caerimoniae* have been imposed upon the *flamen Dialis*, his list of impositions is hard to disentangle and for specific impositions to be defined as *castus* or *caerimoniae*. The *multae caerimoniae* and *castus multiplices* that Gellius claims to remember, based on his reading of earlier texts, are extensive.[90] Not only does Gellius use *castus* to imply that the expectations of the lifestyle and behaviour of the *flamen Dialis* were restrictions or abstentions, he also sets out his list of expectations for the *flamen Dialis* in the negative; they are expressed as being *religio* or *nefas*.[91] In addition, Gellius asserts that the *caerimoniae* of the *flaminica Dialis* are about the same, with a few additions.[92] Plutarch provides a similar – albeit abbreviated – list of expectations for the *flamen Dialis*. Whilst he does not frame them as the *castus* imposed upon the *flamen*, they are again expressed as restrictions or abstentions. Alongside recounting the restrictions, Plutarch ventures explanations as to their origins. Although each speculation has been interrogated for its potential insights as to sociological rationales for the *flamen Dialis*' restrictive lifestyle,[93] we must remember that these are simply speculations,[94] albeit those of an educated and

[88] Cf. Scheid (1986, 217).
[89] Cf. Marco Simón (1996, esp. 87).
[90] Gell. *NA.* 10.15.1-16.
[91] On *religio*, and *nefas*, *esse*: Barton and Boyarin (2016, 26-27).
[92] Gell. *NA.* 10.15.26-30; Boels (1973). On restrictions on ascending ladders, cf. Serv. *Aen.* 4.646.
[93] For attempts at understanding *why* these restrictions existed: Frazer (1926-1930, 2: 191-193, 3: 13-14); Rose (1924, 109-112); Filhol (1960); Pötscher (1968); Albanese (1969); Boels (1973); Marco Simón (1996).
[94] Cf. Holland and Jevons (1892, vi); Babbitt (1936, 2); Verdegem (2008, 180).

philosophically learned man who had served as an ἱερεύς at Delphi.[95] To explain why such restrictions might have come about, Plutarch makes logical guesses based on his impressions of the *sacerdotium* and works backwards from the restrictions themselves.[96]

Considering Gellius and Plutarch together, various threads come to the fore regarding expectations of the behaviour and lifestyle of the *flamen* and *flaminica Dialis*. An expectation that they would constantly maintain their purity emerges as a primary concern, mainly in their obligations to avoid the dead and (potentially) in their avoidance of certain foods and animals.[97] There is also a general expectation to avoid bondage – either literal or figurative – at all times.[98] The expectation of the indissoluble marriage between the *flamen* and *flaminica* is essential, and governed their behaviours and identity.[99] Finally, whilst not necessarily framed as a restriction, Gellius claims that *Dialis cotidie feriatus est*.[100] We thus can read the expectations of the behaviour of the *flamen Dialis* as resulting from an assumption that he had to remain in a perpetual state of sacred celebration and thus purity,[101] ready to perform rites in the city of

[95] For Plutarch's research-led explorations of Greek and Roman identity in the *quaestiones*: Boulogne (1987, esp. 472-476); Tatum (2014). For Plutarch reconciling tradition and philosophy: Brenk (1977, 184-185); Graf (2005, 252); Stoffel (2005); Hirsch-Luipold (2021); Hirsch-Luipold and Roig Lanzillotta (2021, 1). For Plutarch at Delphi: Plut. *Mor. An seni* 17 (792F), *Q.Conv.* 7.2 (700E); *Syll.*[3] 829A, 842-843, with Casanova (2012).

[96] For instance, Plutarch's rational inference that the *flamen Dialis* was the animate embodiment of Iuppiter (*Q.R.* 111) appears to be based on both suppliants and those in fetters having similar rights if they fell at the feet of statues of the gods or the feet of the *flamen Dialis*. Cf. Scheid (1986, 220-221; 1993, 80-81); Delgado Delgado (2010, 263).

[97] Esp. Filhol (1960, 363); Palmer (1972); Marco Simón (1996, 126-134, 137-138). On avoiding horses: Gell. *NA.* 10.15.3; Plut. *Q.R.* 40; Festus 71L, *s.v. equo*. On avoiding the arrayed army: Gell. *NA.* 10.15.4; Festus 295L, *s.v. procinctam classem*. On avoiding types of food, ivy, and dogs: Gell. *NA.* 10.15.12, 10.15.19; Plut. *Q.R.* 44, 111. On avoiding burial places and dead bodies: Gell. *NA.* 10.15.24; Festus 152L, *s.v. mortuae*.

[98] Esp. Aron (1904, 18); Filhol (1960, 363-364); Guizzi (1968, 184-185); Vanggaard (1988, 96-97); Marco Simón (1996, 135-136); Saquete (2000, 108). On avoiding oaths: Gell. *NA.* 10.15.5; Plut. *Q.R.* 44, cf. Liv. 31.50.6-9. On avoiding knots: Gell. *NA.* 10.15.9. For the *flamen* and suppliants and those fettered: Gell. *NA.* 10.15.8, 10.15.10; Plut. *Q.R.* 111, cf. Serv. *Aen.* 2.57, 3.607.

[99] For the marriage: Gell. *NA.* 10.15.22-23; Plut. *Q.R.* 50; Serv. *Aen.* 4.29; Tert. *De exh. cast.* 13.1 and *supra* n.62. On Sulla's insistence on Iulius Caesar's divorce and his designation as *flamen Dialis*: de Sanctis (1934); Leone (1976); Rüpke (1996b, 275); Ridley (2000, 215 and n.12).

[100] Gell. *NA.* 10.15.16.

[101] Muth (1962, 259-261); Albanese (1969, 75, 88-89); Palmer (1972, esp. 346); Vanggaard (1988, esp. 90-97); DiLuzio (2016, 24-25); Shannon-Henderson (2019, 142). Cf. Richard (1968, 794); Scheid (1993, 78-79). On not being naked, and being *capite uelato*, whilst outside: Gell. *NA.* 10.15.17, 10.15.20; Plut. *Q.R.* 40, *Vit. Marc.* 5.3-4; Val. Max. 1.1.5, Festus 462L *s.v. Saturno*, with Palmer (1996) *contra* Mommsen (1887-1888, 2^2: 35 n.1). Cf. App. *B Civ.* 1.65. On the *apex*: Festus 9L *s.v. Albogalerus*.

Rome at any moment.[102] It would be a mistake to attempt to disentangle those restrictions that Gellius might have seen as *castus multiplices* from those that were *multae caerimoniae*, but nonetheless the wide range of restrictions that applied to the *flamen* and *flaminica Dialis* must cumulatively have informed their connection to divinity and their perpetual state of *castitas* and purity. Just as for the Vestals, the perpetual state of celebration for the *flamen* and *flaminica Dialis* meant that they constantly needed to maintain their *castitas*,[103] and thus came to be known by that virtue alone, at least in poetic treatments.[104]

Whilst the Vestals and the *flamen* and *flaminica Dialis* were expected to perpetually maintain their *castitas* – given their perpetual relationship to the gods – there is a possibility that other *sacerdotes* were also expected to maintain *castitas*, at least in those limited moments when they approached the gods. In this, it is essential to consider Cicero's *de legibus*, namely the first of the *leges de religione* adduced by 'Marcus' for his imagined republic:

> *ad diuos adeunto caste; pietatem adhibento, opes amouento* (Cic. *Leg.* 2.19).

Cicero is not thinking exclusively of *sacerdotes* here. Instead, he speaks more broadly about all those who shall approach divinities, of which category *sacerdotes* must be a subset. As we shall see, there are hints that the *castitas* expected of *sacerdotes* was of a greater degree than that expected of others who approached the gods. Whilst we are, at this moment, principally concerned with the importance Cicero ascribes to *castitas*, he makes the elements of his first *lex de religione* interrelated, which make them difficult to treat entirely separately. In his commentary on this stipulation, 'Marcus' attempts to provide clarity on these expectations:

> *caste iubet lex adire ad deos, animo uidelicet, in quo sunt omnia; nec tollit castimoniam corporis, sed hoc oportet intellegi, cum multum animus corpori praestet, obserueturque ut casto corpore adeatur, multo esse in animis id seruandum magis; nam illud uel aspersione aquae uel dierum numero tollitur, animi labes nec diuturnitate euanescere nec amnibus ullis elui potest* (Cic. *Leg.* 2.24).

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[102] On restrictions to Rome: Gell. *NA.* 10.15.14; Liv. 5.52.13; Tac. *Ann.* 3.71; Plut. *Q.R.* 40. Although there is scope for innovation, there can be no consensus or reconciliation between these sources. Cf. Albanese (1969); Marco Simón (1996, 103-110). For the *flamines Martialis* and *Quirinalis* freed from the obligation to stay in Rome: Albanese (1969, 87); Vanggaard (1988, 64), but cf. Richard (1968, 797).

[103] Muth (1962, 260); Palmer (1972, 346); Wildfang (2006, 70); DiLuzio (2016, 32-33).

[104] *Supra* n.61.

Thus, 'Marcus' argues that the *castitas* he demands for those approaching the gods was both physical and mental, with an appreciation that mental *castitas* was harder to maintain, and thus more vital than physical *castitas*.[105] Leaving his insistence on *pietas* uninterrogated, 'Marcus' also clarifies that his stipulation on wealth sought to ensure that every man is equally able to engage in worship regardless of his financial status.[106]

The extent to which Marcus' first *lex* reflected 'reality' has been contested. Whilst 'Quintus' comments that the *leges* expounded by 'Marcus' were not so dissimilar to the laws of Numa and the customs of Rome,[107] Cicero's appeals to the *mos maiorum* and his archaising style allow him to disguise some of his more novel suggestions.[108] While Rüpke suggests that Cicero's first *lex* was 'an ancient principle',[109] most scholars acknowledge Ciceronian innovation, particularly in his suggestion that the gods should be approached *caste*.[110] Dyck, for instance, implies that with his first stipulation, Cicero is attempting to steer Roman religion back to its fundamentals, and suggests that 'Cicero is rather trying to save core elements of Roman religion by tying religion closely to morality and reducing the role of wealth, with its potential both to impoverish through excessive expenditures and to corrupt'.[111] That Cicero's financial stipulation is tied to a 'core' of Roman 'religion' is emblematic of late republican rhetoric in which wealth, and the apparent lack of luxury in the imagined Roman past, were fundamental to moralising claims that there had been a decline in Roman values. Thus, at least this part is unlikely to reflect the existence of egalitarian access to worship based on wealth either in Cicero's day or in Rome's historical past.

[105] Liebeschuetz (1979, 48-49); Shochat (1985, 320-321); Tatum (1993a, 20); Dyck (2004, 290); Lennon (2014, 3, 41).
[106] Cic. *Leg.* 2.25.
[107] Cic. *Leg.* 2.23, with Arena (2020, 24). Cf. Liebeschuetz (1979, 48).
[108] Rawson (1973); Powell (2001, 32-33); Lintott (2008, 437); North (2013a, 68); Arena (2020, 25). Cf. van der Blom (2010, 20-21).
[109] Rüpke (2016b, 29). Similarly: Lennon (2014, 1-3).
[110] Cf. Powell (2001, 35).
[111] Dyck (2004, 243).

The requirement for *castitas*, and thus the potential intersection between personal purity and access to the gods, has made commentators nervous. The suggestion that ritual efficacy required moral purity feels, to some, inherently Christianising.[112] Moreover, the idea that personal purity was a prerequisite for such interactions has been seen as inimical to the orthopraxy of Roman ritual,[113] and thus its appearance here could only have been the result of Cicero's contact with Greek philosophy, specifically Stoicism.[114] Gildenhard insists that Dyck is wrong, and that 'by tying religion closely to morality, Cicero puts himself at variance with core elements of Rome's civic religion'.[115] He asserts that:

> [t]he core achievements of Rome's civic religion in its co-evolution with republican political culture […] all depended on the marginalization of morality. To assess whether an act is just or unjust is an entirely different kettle of fish from deciding whether or not a religious rite was correctly performed.[116]

Gildenhard is right to insist on the primacy of the correct performance of rituals.[117] However, I posit that Cicero does not claim that rituals *cannot* be performed correctly without *castitas* of mind and body. Rather, 'Marcus' suggests that having a *castus animus* was an ideal to which those who approached the gods should strive. This expectation for *castitas* as the ideal can be glimpsed in other Ciceronian contexts. In the *de diuinatione*, 'Marcus' insists that having an *animus* that was *castus purusque* made one *paratior* to receive and interpret signs from the gods.[118] The use of the comparative adjective foregrounds that one need not be *castus* and *purus* to receive signs from the gods, but that possessing ritual and moral purity helped to ensure the success of that process. Further, in setting up his rationale for the treatise *de natura deorum*, Cicero suggests that certain philosophers – namely Epicureans – would deny the involvement

[112] Liebeschuetz (1979, 5, 39); Lisdorf (2005, 461). Cf. Tatum (1993a, 14, 20). For ritual purity as a prerequisite for approaching the gods in Greek religion: Neumann (1992); Cole (2004, 35-56); Bendlin (2007); Petrovic and Petrovic (2016). For Greek influence: Liebeschuetz (1979, 49).
[113] Jocelyn (1966, 92); Lisdorf (2005, 454); Gildenhard (2011, 349).
[114] Shochat (1985, 320-321).
[115] Gildenhard (2011, 349).
[116] Gildenhard (2011, 349).
[117] Cf. Lennon (2014, 3).
[118] Cic. *Div.* 1.121, with Lennon (2014, 30). Cf. Wardle (2006, 401).

of the gods in human affairs.[119] In this, he makes the incidental comment that *pietas*, *sanctitas*, and *religio* are to be rendered to the gods *pure atque caste*.[120] 'Q. Lucilius Balbus' later makes a similar suggestion:[121]

> *cultus autem deorum est optumus idemque castissimus atque sanctissimus plenissimusque pietatis, ut eos semper pura, integra, incorrupta et mente et voce veneremur* (Cic. *Nat. D.* 2.71).

'Balbus' thus approaches the issue from a different angle, making purity of mind and voice an element which informs the extent to which the *cultus deorum* could be *castissimus*. Nevertheless, 'Balbus' emphasises that a pure, untouched, and uncorrupted mind and voice could make the cult of the gods *optumus*, *castissimus*, *sanctissimus*, and *plenissimus pietatis*. This use of superlatives asserts that the worship of the gods might be better or worse dependent on the quality of purity. The claim is not that rituals would be invalidated if voice and mind were impure, but rather that there were gradations in the quality of access to the gods depending on the degree of purity.

Given this evidence, we must acknowledge that Gildenhard is probably right to suspect that Cicero's insistence upon mental purity was influenced by Stoicism. In his philosophical treatises, this belief is expressed in the voices of the Stoic 'Balbus' or 'Marcus' himself. Yet, convincing suggestions have been made that Cicero's Stoic ideas of personal purity may have found resonances in pre-existing Roman thought and practice, and with other members of the educated Roman élite.[122]

Cicero's stipulation for *castitas* in this first *lex* is, of course, intended to refer to *all* those who approached the gods.[123] Whilst Cicero is likely to have considered various *sacerdotes*

[119] Cic. *Nat. D.* 1.3-4, with Wynne (2019, 57-67).
[120] Cic. *Nat. D.* 1.3.
[121] Cf. Cic. *Nat. D.* 2.45; Varro, *ant. rer. div*. fr. 18 (Cardauns) = August. *De civ. D.* 4.31.
[122] Tatum (1993a, 19; 1998, 285); Wynne (2019, 163-164).
[123] Cf. expectations in approaching divine spaces, e.g.: Suet. *Aug.* 6, for those approaching the room where Octavian was born only doing so *caste*. The use of the present tense suggests that the room was still to be approached this way in Suetonius' day: Wardle (2014, 100). Although Wardle (100) suggests *caste* here refers to ritual purification through washing, Louis (2010, 105) suggests it instead encompasses one's behaviour and countenance.

amongst those who should approach the gods, we must query the extent to which *castitas* was seen as relevant for *sacerdotes* specifically. We have already seen its application to the Vestals and *flamen* and *flaminica Dialis*. For its application more broadly, an example from Virgil's *Aeneid* may be instructive.[124] When Aeneas enters the underworld, it is commented that, amongst those who were given a place in Elysium were *quique sacerdotes casti, dum uita manebat*.[125] Henry considered *castus* here as merely an epithet 'descriptive of the *genus*' – that is of *sacerdotes* generally – and denied the possibility that Virgil's meaning was that 'among the priests only the CASTI […] were to be found in Elysium'.[126] More recently, Zissos has suggested that *castus* (and *purus*) were merely 'stock' epithets adduced in poetry for *sacerdotes* and objects associated with them.[127] If we trust Henry and Zissos' suspicions as to *castus* and *purus* being stock epithets for *sacerdotes*, then the use of these qualities would tend to confirm that there was an enduring belief in the relationship between *sacerdotes* and the qualities of being *castus* and *purus* that was so embedded that they had become synonymous with *sacerdotes*. Yet I contend that Henry is wrong to discount the possibility that Virgil excluded some *sacerdotes*, those who were not *casti*, from Elysium. I find the alternative reading just as likely: Virgil *is* suggesting that those *sacerdotes* who remained *castus* throughout their lives belonged in the sacred fields of Elysium, thus implying that those who were not did not join their ranks.[128] With this reading, *castitas* is again not a strict prerequisite. Rather being *casti* could elevate some *sacerdotes* above the rest and make them worthy of admiration (at least in the afterlife).

[124] Cf. Liv. 10.7.5 where P. Decius Mus, debating the *lex Ogulnia*, rhetorically questions whether he, as a plebeian, would be inherently less fit to perform private *sacra* than Ap. Claudius, a patrician, and claims that surely Claudius was not *castius* than he.

[125] Verg. *Aen.* 6.660. Whilst Virgil might be referring *only* to the Vestal Virgins, thus implying that only those who remained *casta* and were not convicted of *incestum* were admitted to Elysium, his use of *sacerdos* and without any qualification to Vesta or *uirginitas* suggest to me that he is referring to *sacerdotes* more broadly.

[126] Henry (1889, 3: 374).

[127] Zissos (2008, 416), drawing on Val. Flac. *Arg.* 1.839; Verg. *Aen.* 6.660, 12.169.

[128] Lennon (2014, 50). Cf. Norden (1995, 34-35).

A belief in the *puritas* of *sacerdotes* can also be attested in two instances from Ovid and Propertius, where the poets refer to themselves as pure *sacerdotes*. In his *amores*, Ovid fancifully labels himself as the *purus sacerdos* of the Muses and Phoebus.[129] Similarly, Propertius styles himself as a *sacerdos* emerging from a pure spring (*puro* [...] *fonte*).[130] Both Ovid and Propertius envisage that their relationship to poetry, and the deities that govern it, was analogous to that of a *sacerdos* towards a deity, and in so doing, they felt the need to qualify their interaction as *sacerdotes* as being pure.[131] Harmon has posited that Propertius' emphasis on pure water has the effect of suggesting that this *sacerdos* has come from – and thus has participated in – a ritual purification.[132] Thus, Propertius reminds us that *puritas* of body could simply be effected by ritual cleansing. This has resonances with the *de legibus*, namely in the explanation that *puritas* of body could be achieved by the sprinkling of water or the lapse of a number of days, and thus informed the *castitas* of the person approaching the gods.[133]

In these ways, associations between *castitas*, *puritas*, and *sacerdotes* seem to have been relatively pronounced, at least by the late republic and under Augustus. For those *sacerdotes* that were in constant contact – Vestals and the *flamen* and *flaminica Dialis* – the ancient evidence suggests that *castitas* was considered by many as an essential requirement, perceived as ancient and unyielding. For those *sacerdotes* who only sporadically interacted with the gods, Cicero – potentially influenced by Stoic thought – suggests that *castitas* was an important consideration in the quality of cultic interaction but was not necessarily an absolute requirement. A lack of comparative evidence for the late republic prevents us from appreciating how widely these ideas were shared, or to confirm or deny the suspicion of some scholars that Cicero's ideas were not entirely radical but tapped into pre-existing understandings.

[129] Ov. *Am.* 3.8.23, with Rüpke (2012d, 13).
[130] Prop. 3.1.3.
[131] Also: Prop. 4.6.1-10; Hor. *Carm.* 3.1.3.
[132] Harmon (1986, 1938). Generally: Fantham (2012, 61).
[133] Cic. *Leg.* 2.24.

Nevertheless, evidence from the Augustan poets attests, at the least, to a belief that there could be gradations in the quality of a *sacerdos*' purity that was more widely held at that time.

2.2 Physical Perfection and Bodily Integrity

Closely intertwined with *castitas* and *puritas* are expectations of physical perfection and bodily integrity. This is most obvious in the case of the Vestal Virgins, who were expected to be, in the words of DiLuzio, 'perfect physical specimens'.[134] This is largely uncontested in scholarship, but is based almost solely on Gellius, who records what he has read from the Augustan lawyer, Antistius Labeo:

> *qui de uirgine capienda scripserunt, quorum diligentissime scripsit Labeo Antistius, minorem quam annos sex, maiorem quam annos decem natam negauerunt capi fas esse; item quae non sit patrima et matrima; item quae lingua debili sensuue aurium deminuta aliaue qua corporis labe insignita sit* […] (Gell. *NA.* 1.12.1-3).

Wildfang posits that the choice of girls no younger than six must have been designed to ensure that any undesirable physical imperfections, particularly in speech and hearing, had already manifested.[135] She also suggests that the upper limit of ten might have been designed practically, to ensure that the girl had not entered puberty before she became a Vestal, and thus, to ensure that there had not been an opportunity to impugn her *uirginitas*.[136] This expectation for bodily perfection potentially did not extend to their entire tenure, as Cassius Dio recounts that the eldest of the Vestals in 14 was blind.[137] Gellius' expectation for a Vestal's bodily perfection has been seen as a logical consequence of the expectation for Vestals to be exacting in the performance of rituals.[138] Thus, a girl who could not speak and hear with acuity could not be expected to perform the duties expected of a Vestal.[139] On this assumption, we should

[134] DiLuzio (2016, 123). Also: Giannelli (1913, 53); Cornell (1981, 34); Prescendi (2010, 89); Bätz (2012, 73-74).
[135] Wildfang (2006, 43-44). Cf. Fronto, *Ep.* 149 (Naber) for a girl not to be chosen as a Vestal if she has problems in speech. Pliny (*HN.* 11.174) believed stammering to pass by the age of six.
[136] Wildfang (2006, 42). For the age of menarche: Harlow and Laurence (2002, 13-15, 56).
[137] Cass. Dio 54.24.2, with DiLuzio (2016, 123).
[138] Morgan (1974, 137).
[139] Wildfang (2006, 43-44); DiLuzio (2016, 120-123).

therefore expect exacting bodily perfection – at least in faculties of speech and hearing – for all *sacerdotes*, as being a *sacerdos* necessarily entailed the perfect repetition of rituals. Wissowa proposed an expectation of 'körperliche Fehlerlosigkeit' for all Roman *sacerdotes*.[140] Yet M.G. Morgan resists Wissowa's expectation. Accepting the expectation of physical flawlessness for the Vestals, Morgan argues that there is no evidence for a strict rule concerning the bodily purity of other *sacerdotes* which would invalidate their co-option (or later election), or could cause them to lose their position.[141] In the following, I consider the evidence adduced by Wissowa and interrogated by Morgan, to elucidate whether we can perceive expectations of physical perfection for other *sacerdotes*.

To support his claim for physical perfection for Roman *sacerdotes*, Wissowa relies on the testimony of Dionysius of Halicarnassus, who, when recounting Romulus' innovations, insists that *flamines* were to be μηδὲν ἠλαττωμένους τῶν περὶ τὸ σῶμα.[142] Morgan convincingly emphasises that Dionysius must only refer here to an expectation that the *curiales flamines* were appointed without defects of the body, and cannot be referring to such an expectation having been made of all *sacerdotes* or even all *flamines*.[143] Yet, Morgan discounts Dionysius' testimony based on the nebulous nature of the evidence of the *curiae* and their functionaries.[144] Whilst we lack the evidence to contextualise Dionysius' claim,[145] and claims about Romulus' legacy must not be accepted at face value, we must question why Dionysius would make such an assumption if it were completely without perceived historical foundation. Dionysius proposes that Romulus was strict as to who could be chosen as *curiales flamines*. Not only must these men be without bodily defects, but they must be over fifty and meet standards of birth, merit, and wealth.[146] In this way, Dionysius suggests that the importance of this institution was

[140] Wissowa (1912, 491). Also: Szemler (1971, 115; 1972, 31); Köves-Zulauf (1972, 75); Rüpke (2002, 45).
[141] Morgan (1974). Cf. Vaahtera (2001, 138, n.197): Morgan 'fails to convince'.
[142] Dion. Hal. *Ant. Rom.* 2.21.3.
[143] Morgan (1974, 138).
[144] Morgan (1974, 138).
[145] Festus 56L *s.v. curiales flamines*; Rüpke (2008, 11).
[146] Dion. Hal. *Ant. Rom.* 2.21.3.

consonant with the importance ascribed to the high status, exceptional merit, and bodily perfection of the men who became *curiales flamines*.

Wissowa also adduces Plutarch, who queries: διὰ τί δ' ἀπείρητο ποῖς ἕλκος ἔχουσιν ἱερεῦσιν ἐπ' οἰωνῶν καθέζεσθαι;[147] and thus claims that it was forbidden for *hiereis* with festering wounds on their bodies to sit and watch for birds of omen.[148] Plutarch suggests potential explanations for such a prohibition:

> πότερον καὶ τοῦτο σύμβολόν ἐστι τοῦ μηδὲν δακνομένους μηδ' οἷον ἕλκος ἴδιον καὶ πάθος ἔχοντας ἐν τῇ ψυχῇ τὰ θεῖα χρηματίζειν, ἀλλ' ἀλύπους καὶ ἀκεραίους καὶ ἀπερισπάστους ὄντας; ἢ κατὰ λόγον ἐστίν, εἰ μήθ' ἱερείῳ χρήσαιτ' ἄν τις ἕλκος ἔχοντι πρὸς θυσίαν μήτ' ὄρνισι πρὸς οἰωνισμόν, ἔτι μᾶλλον ἐφ' ἑαυτῶν φυλάττεσθαι τὰ τοιαῦτα, καὶ καθαροὺς γενομένους καὶ ἀσινεῖς καὶ ὁλοκλήρους ἐπὶ τὰ παρὰ τῶν θεῶν σημαινόμενα βαδίζειν;

To these, he adds a short postscript:

> τὸ γὰρ ἕλκος ἔοικε πήρωσίς τις εἶναι καὶ μιασμὸς τοῦ σώματος (Plut. *Q.R.* 73).

In keeping with the rest of his *quaestiones Romanae*, Plutarch provides his reader with a general question – here framed as a prohibition – and attempts to explain it with a series of possibilities. Morgan convinces when he suggests that the *hiereis* to whom Plutarch's prohibition refers were *augures*, and not *sacerdotes* as a whole.[149] Further, Morgan persuasively shows that Plutarch is not speaking of an *absolute* requirement that *augures* must always remain without bodily defects, but rather that they must be without open sores only whilst watching for divine signs.[150] Morgan readily accepts the latter of Plutarch's suggestions for this prohibition – that there was a link between the purity of sacrificial victims and the *augures*. Yet he entirely dismisses Plutarch's initial suggestion – that those approaching divine matters should be free of festering

[147] Plut. *Q.R.* 73.

[148] As Rose (1924, 199) emphasises: '[t]he source of the question is obscure'. Plutarch cites various sources in the *Q.R.*, including Antistius Labeo, Ateius Capito, and Nigidius Figulus: Vaahtera (2001, 43-46).

[149] Morgan (1974, 138-139). Previously noted by Rose (1924, 199). Accepted by Linderski (1986a, 2251 n.412). Whilst μάντις is more commonly used for an augur, and ἱερεύς for a *pontifex*, the latter can still be used very generally: Vaahtera (2001, 83). Cf. Stoffel (2005, 315) who suggests that Plutarch prefers to transliterate or use periphrasis for *augur*, instead of using μάντις.

[150] Morgan (1974, 138-139). Linderski (1986a, 2251 n.412) queries, in addition to Plutarch's ἕλκη, whether we can 'imagine a blind augur watching out for birds[?].' Linderski suggests that Plutarch's evidence be reconsidered in light of the *lex locationis de munere publico libitinario* from Puteoli (*AE* 1971.88), but its relevance is not apparent.

wounds and torments – insisting that it is 'worthless'.[151] He insists on viewing this suggestion as a strict requirement that *augures* – at all times – must be free of 'physical weaknesses'. Thus, by considering the *augures* P. Cornelius Scipio, and the future *princeps* Claudius, he attempts to demonstrate that augurs *were* co-opted with physical weaknesses, and thus, that Plutarch was incorrect in expecting all augurs to have been free from such weaknesses.[152] Yet Plutarch does not imply that there was a ban on less than perfect *sacerdotes*. By speaking in terms of 'physical weaknesses', or indeed of augurs being 'without defect', Morgan misconstrues the types of impurities to which Plutarch refers. Plutarch refers narrowly to not approaching the gods whilst having been struck by a festering wound or an open sore of any kind (δακνομένους οἷον ἕλκος) nor while bearing a torment in his soul (πάθος ἔχοντας ἐν τῇ ψυχῇ). Whilst frustratingly oblique, these descriptions are a far cry from the *infirmitas* attested for the augur P. Cornelius Scipio,[153] or the opinion that Claudius was *stultus* and a *portentum hominis*,[154] with bodily deformities.[155] The use of ἕλκος implies a festering, polluted, or open wound or sore, and thus something of considerable gravity visibly continuing to pollute the *sacerdos*.[156] By contrast, Plutarch's use of πάθος ἐν τῇ ψυχῇ suggests the overwhelming of the mind from emotions or passions,[157] as elsewhere Plutarch uses πάθος to refer to extreme mental afflictions – such as epilepsy,[158] or a

[151] Morgan (1974, 139). Cf. Rose (1924, 199); Prescendi (2010, 89).

[152] Morgan (1974, 139). Scipio: *FS* 1370; Claudius: *FS* 1217.

[153] Cic. *Off.* 1.121, cf. *Brut.* 77 for Scipio not possessing strength of body (*si corpore ualuisset*), or *Sen.* 35 as *imbecillus* and *nulla potius ualetudine*. Cf. Vell. Pat. 1.10.3.

[154] Suet. *Claud.* 3.2.

[155] Sen. *Apocol.* 5.2-3, 6.2, 11.3. Whilst Morgan (1974, 139) insists that Claudius would not have been given special treatment in his co-option to the augurate, thereby excusing his deficiencies, he ignores the potential for Suetonius and Seneca to preserve sensational stories in depicting a man deemed utterly unfit for ruling the empire, rather than reflecting reality. Cf. Leon (1948).

[156] For the contrast between ἕλκος as physical manifestation of disease, and affectations of one's ψυχή: Plut. *Mor. De tranq. anim.* 19. For the ἕλκος as a festering and polluted wound or affliction, also: Plut. *Mor. cap. in. ut.* 6, *Mor. cur.* 14, *Q.Conv.* 1.6.4, *Vit. Cor.* 11, *Mor. De garr.* 14. Plutarch quotes an unknown play by Euripides (*TrGF* 5.1086) where the same meaning is implied: Plut. *Mor. Adv. Col.* 8, *Mor. cap. in. ut.* 4, *Mor. Quomodo adul. ab amico internoscatur* 32, *Mor. De frat. amor.* 6. Cf. *Q.Conv.* 2.7.2, *Mor. De superst.* 1.

[157] Cf. Plut. *Mor. De superst.* 1.

[158] Plut. *Q.R.* 111. Plutarch (*Vit. Caes.* 17.2-3) describes Iulius Caesar's epilepsy as an affliction of his soul (τοῦ πάθους), but that by his hardships he fought off the affliction on his mind (ἀπομαχόμενος τῷ πάθει) and guarded his body, making it hard to conquer. Elsewhere (*Vit. Caes.* 60.7), Plutarch refers to it as simply a sickness (νόσος). Cf. Suet. *Iul.* 45; Ridley (2000, 225-226); Lennon (2014, 51).

Bacchic frenzy.[159] Plutarch thus suggests that one must be free of the extremes of physical and mental affliction when approaching the gods. It must also be stressed that Plutarch is, here, not speaking of *augures* alone, but rather that 'no-one' (μηδὲν) 'approaching the gods' (τὰ θεῖα χρηματίζειν) is to bear festering wounds and a torment of the soul.

His suggestion of mental and moral purity, and emphasis on approaching ἀλύπος and ἀκεραιος is reminiscent of 'Balbus' suggesting that the cult of the gods is *optumus*, *castissimus*, *sanctissimus* and *plenissimus pietatis* when worshipping with a *uox* and *mens* that is *pura*, *integra*, and *incorrupta*.[160] As we have seen,[161] this passage prompts us to think about the quality of rituals being performed, and the perception that there could be gradations in the quality of access to the gods depending on the perceived quality of purity. Yet whilst 'Balbus' frames this merely as a preference – suggesting that the quality of interactions with the gods increases when one is pure, untouched, and uncorrupted in voice and mind – Plutarch instead suggests that it was a hard *rule* that those approaching the gods should be entirely unafflicted by serious mental anguish and festering open wounds.

As Plutarch frames this as a rule, we should consider if any evidence directly rebuts his claim. The augurate of P. Vatinius, who sought the position in 59 before finally gaining it in 47,[162] seems the most likely contradiction. In a letter to Atticus from 59 decrying the power-bloc of the so-called 'First Triumvirate', Cicero complains: *denique etiam Vatini strumam sacerdoti* διβάφῳ *vestiant*.[163] Vatinius' *strumae* are mentioned again by Cicero in the *in Vatinium*,[164] and later became an inextricable element of his characterisation.[165] As Corbeill stresses, Vatinius' 'various physical deformities […] reached legendary proportions beyond the

[159] Plut. *Q.R.* 112. In Stoic thought, πάθος ἐν τῇ ψυχῇ had a metaphysical dimension (i.e. Aetius 4.12.1-5 = *SVF* 2.54) and in earlier philosophy, wisdom or philosophical introspection was the cure for πάθος ἐν τῇ ψυχῇ (Democr. D235 (Laks and Most) = Clem. Al. *Paed.* 1.2.6.2. Cf. Pl. *Soph.* 243C).
[160] Cic. *Nat. D.* 2.71.
[161] *Supra* § 2.1.
[162] *FS* 3439.
[163] Cic. *Att.* 2.9.2.
[164] Cic. *Vat.* 39, also: *Vat.* 1, 4.
[165] Vell. Pat. 2.69.3-4; Sen. *Dial.* 2.17.3; Plut. *Vit. Cic.* 9.3; Macrob. *Sat.* 2.6.1.

sphere of rhetorical invective'.[166] These references to *strumae* – aberrant growths or tumours in need of excising[167] – are perhaps most reminiscent of Plutarch's meaning. Yet, as Morgan argues, they were unlikely to be seen to impair his ability to approach the gods as Cicero never used them to decry Vatinius' augurate.[168] Cicero instead uses Vatinius' *strumae* as defining physical characteristics for which Vatinius could be publicly ridiculed, and that could be exploited as outward signs of the deformities of his character.[169] Thus, we must question whether these would be accurately classified as wounds (ἕλκη), or simply whether his *strumae* were seen to be a physical deformities akin to a bulbous nose or being cross-eyed; abnormal physical features which so often were the source of unflattering *cognomina* and fuelled political invective.[170] Plutarch himself, when referring to Vatinius, simply refers to him as having χοιράδας ἐν τῷ τραχήλῳ and not as having ἕλκη.[171]

Thus, the surviving evidence does not necessarily contradict Plutarch's suggestion that those who approach the gods should not do so if they had visibly festering wounds, or were wracked with torment. Yet, we must remember that Plutarch, in forming his various speculations as to why certain propositions are true, is simply making logical guesses based on his late first/early second century CE knowledge. Thus, whether grounded in historical reality or not, Plutarch makes a set of assumptions about *sacerdotes* that cause him to make these guesses, and those assumptions themselves are worth unpacking. Plutarch assumes that such extremes of physical and mental injury were indicative of a physical and mental incapacity to accurately approach the gods in that they were demonstrable signs of pollution. This is best attested in Plutarch's use of μιασμὸς.[172] Although *miasma* has no direct Latin equivalent,[173]

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166 Corbeill (1996, 46).
167 Celsus, *Med.* 5.28.7. Cf. Cic. *Sest.* 135.
168 Morgan (1974, 138).
169 Taylor (1964, 18-20); Corbeill (1996, esp. 46-56, 101).
170 Esp. Kajanto (1965, 63-65); Trentin (2013, 94); Laes (2018, 16).
171 Plut. *Vit. Cic.* 26.2, similarly 9.3.
172 Lennon (2014, 50). *Miasma*: Parker (1983), with Lennon (2012; 2014, esp. 4, 10-11, 191) for the use (and limitations) of this in the Roman context.
173 Thome (1992, 77); Bradley (2012, 21); Fantham (2012, 60); Lennon (2012, 43-44; 2014, 15).

Plutarch's suggestion that ἕλκη were as injurious as touching a dead body or associating with murder[174] implies that he perceived festering wounds to be the physical indications of a personal corruption or defilement that could *only* undermine proper contact with the gods. Thus, Plutarch goes beyond 'Balbus' in prescribing that approaching the gods with physical wounds of this nature was not to be attempted as their pollution would be injurious to that interaction.

Finally, Wissowa adduced the evidence of Seneca's *controuersia* of *Metellus caecatus*, in which the appropriateness of L. Caecilius Metellus as *pontifex maximus* is debated on account of his blindness.[175] In narratives of Metellus saving the *Palladium* from the burning *aedes Vestae*, Metellus' blindness emerged only in late retellings, and is interpreted to have been the result of Vesta's punishment for him laying his eyes on an object that no man should have ever seen.[176] Seneca's *controuersia* thus debates whether Metellus' blindness conflicted with an apparent rule that a *sacerdos integer sit*, and thus whether Metellus ought to have been stripped from his *sacerdotium*. Morgan boldly rejects Seneca's evidence on the grounds that 'Seneca's declamation rests on a proposition for which there is no other evidence whatsoever, namely that a priest could be deprived of his priesthood because of bodily defects developing after his appointment'.[177] It is true that this *controuersia* rests on an alternative version of the story of Metellus saving the Palladium, and as such, Metellus' *integritas* as *pontifex maximus* is unlikely to have been in issue in the third century. Yet, that we have no other evidence to support this claim should not necessarily prohibit us from believing that such a rule could have existed.

Morgan claims that no such rule could have existed for *pontifices* because we know that Octavian, *pontifex maximus*, had wounds which left him with a limp.[178] Yet he does not prove that such infirmities would have breached Seneca's bar of *integritas*. Kaster has emphasised

[174] Parker (1983).
[175] Sen. *Controv.* 4.2. Metellus: *FS* 978.
[176] Plin. *HN.* 7.139-141; Sen. *Prov.* 5.2; Juv. 6.265; Amp. *Lib. Mem.* 20.11. Cf. Oros. 4.11.9 for Metellus losing his arm. Cf. August. *De civ. D.* 3.18.2. On this: Leuze (1905); Brelich (1939); Morgan (1973, 37-38; 1974, 139-140); Lennon (2014, 50-51).
[177] Morgan (1974, 140).
[178] Morgan (1974, 140). The limp: Suet. *Aug.* 20, 80.

that *integer*/*integritas* covers two distinct semantic fields in English, both 'wholeness' and 'purity'.[179] Seneca might therefore be referring to the simple 'purity' of a *sacerdos*.[180] Yet, Seneca's choice of *exemplum* – a *sacerdos* who has completely lost one of his senses – and his reference later, to the consequences of a *sacerdos* having been debilitated, suggest that Seneca's requirement for bodily *integritas* was not simply that one was pure, or lacked bodily defects.[181] Rather, Seneca requires a *sacerdos* be physically 'whole'.[182] Thus, a more compelling argument against the existence of such a rule might be the blindness of Ap. Claudius 'Caecus'. Yet Caecus' pontificate relies on a single line in Livy,[183] and is not referred to in his Augustan *elogium*.[184] Even if we *do* believe that Caecus was *pontifex*, it is unsurprising that the *controuersia* neglects to question it.

Ultimately, Morgan claims that 'Seneca developed a theme which has no relation to Roman practice'.[185] The line between 'fiction' and 'truth' is often questioned for the *controuersiae*, especially in the frequent 'fictional' recourse to historical figures from the Roman past.[186] This is particularly acute for the *controuersia* of *Metellus caecatus* as it is most commonly seen that his blindness, and the *controuersia*'s 'law', were invented by rhetoricians.[187] Yet the possibility of invention, whilst injurious to the apparent historicity of the claim, does not necessarily devalue its usefulness for understanding ancient thinking around bodily integrity and *sacerdotes*. If no such rule existed in either the third century or the early first century CE,[188] we should instead consider *why* the issue of bodily integrity of *sacerdotes*

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179 Kaster (2005, 136-137).

180 Used elsewhere in *controv.* for the 'wholeness' of a woman's sexual virtue: 1.2.11, 1.2.20, 2.7.3.

181 Cf. *Controv.* 4.2, that the *lex* refers only to *integritas ad animum* and not *integritas ad corpus*, with Winterbottom (1974, 441 n.2).

182 For *integer*/*integritas* in *controv.* to refer specifically to 'completeness' or 'wholeness': 1.4.3, 1.4.11, 7.1.6-8, 9.1.13, 9.4.1-2.

183 Liv. 10.8.5.

184 The evidence for Caecus' pontificate is tenuous, *pace* Rüpke (1995, 249 n.18; 2008, 612 col.1 n.3); Kunkel (1952, 46 n.85). Cf. Bauman (1983, esp. 48); Oakley (1997, 352-353). The *elogium*: *CIL* 11.1827.

185 Morgan (1974, 140).

186 Sussman (1978, 13); Wiseman (1979, 33); Beard (1993, esp. 52-55, 61-62); Brightbill (2015, 3, 143-165).

187 Leuze (1905); Wiseman (1979, 33); Brightbill (2015, esp. 163-164). Cf. Brelich (1939, 40-41). Cf. Lennon (2014, 51).

188 On the flexibility of historical and present time in imperial declamation: van der Blom (2019, esp. 370).

was perceived to have had currency in the early first century CE, and what factors may have prompted an interrogation of the boundaries of this concept. We cannot forget that this *controuersia* is an ethical investigation of the interrelationship between bodily integrity and *sacerdotes*. As Beard stresses, '[i]nstantly problematized in that debate was the whole notion of Roman heroism, correct conduct and bodily perfection'.[189] The declaimers on both sides treat the law *as if* it were real, which gives us an insight into how declaimers of the period could conceptualise bodily integrity and *sacerdotes*. One declaimer attempts to circumvent the law's application entirely, suggesting that the *lex* intended this assessment to be made upon selection to the *sacerdotium*, not whilst the position was being held.[190] Declaimers for the opposite side suggest that a *sacerdos* without *integritas* of body should be avoided like an ill omen, that if such bodily integrity is demanded of sacrificial victims then it must be demanded even more for *sacerdotes*, or that, if a *sacerdos* is debilitated – especially in the service of the gods – the gods must be angry and thus cannot be seen to favour the *sacerdos*.[191] The declaimers therefore demonstrate that bodily *integritas* – even if not a rule that actually applied to *sacerdotes* – could be seen of importance for *sacerdotes* as it could threaten the efficacy of their interaction with the gods.

Thus, whilst we must temper Wissowa's insistence on the absolute and perpetual physical perfection of all *sacerdotes*, these imperial writers placed a palpable importance on physical and mental purity and bodily *integritas* for *sacerdotes*. Dionysius of Halicarnassus insisted that the physical perfection of *curiales flamines* had been a Romulean innovation. Plutarch, claiming to know of a prohibition that augurs must not approach the gods whilst suffering from a wound, logically reconciles this with a belief that wounds, as physical indications of pollution and impurity, made one contaminated, thus endangering one's interactions with the gods. Finally, Seneca, believing that a *sacerdos* in the third century must

[189] Beard (1993, 61). Cf. Brightbill (2015, 163-164).
[190] Sen. *Controv.* 4.2.
[191] Sen. *Controv.* 4.2.

have been 'whole', constructs a *controuersia* whereby reconciliation was sought for the apparent paradox that there had existed a blind *pontifex maximus*. These passages demonstrate that the perceived purity and integrity of *sacerdotes* had currency in the early imperial period, and that these were issues that were principally of concern in relation to *sacerdotes* as opposed to magistrates or senators. At least for these imperial writers, it was not just Vestals for whom bodily integrity was perceived as important.

2.3 *PIETAS* AND *PIUS*

As we have seen, Cicero in his first *lex de religione* makes both *castitas* and *pietas* primary concerns for approaching the gods, and in so doing, suggests a relationship between them.[192] We have also seen, in the *de natura deorum*, *castitas* and *pietas* placed in apposition, and the suggestion that that both could be heightened when worshipping whilst *purus*.[193] Mehl has proposed a causal link between *castitas* and *pietas* for Cicero's first stipulation of the *de legibus*, suggesting that '[i]f someone approaches the gods *caste*, he is pious'.[194] Yet there is no indication that being *castus* was conceptualised as an expression of *pietas*, and Cicero does not perceive an interdependence between the two qualities. Mehl's formulation is perhaps emblematic of a greater discussion to be had about the applicability of the quality of *pietas*. Surely all signs of Roman 'religiosity' could very well be considered manifestations of 'piety'? Whilst the ancient sources highly valued the various manifestations of *pietas* (*erga deos, erga parentes*, *erga familiares* and *erga patriam*),[195] we must be careful to disentangle those moments in the ancient sources where *pietas* is explicitly extolled, and where we infer the virtue.[196] This is most acute with *pietas erga deos*. It is, for instance, seen as one of Livy's

[192] For this connection: Lennon (2014, 1-3), also: Serv. *Ecl.* 8.82. Cf. Plaut. *Rud.* 22-29.
[193] Cic. *Nat. D.* 2.71.
[194] Mehl (1999, 198).
[195] Burck (1951, 176); Pease (1955, 126); Hellegouarc'h (1972, 276-279); Lind (1972, 250-252); Sachot (1991, 369-371); King (2003, 301-307); Dyck (2004, 291); Ando (2008, 126); Rüpke (2012c, 12, 193-194); Barton and Boyarin (2016, 31, 43); Driediger-Murphy (2019, 22).
[196] Cf. Turcan (2000, 5).

primary preoccupations.[197] Yet Levene has taken this preoccupation to suggest that it takes pride of place in virtually every attestation of Roman religious activity in the *ab urbe condita*.[198] Let us consider, for example, Levene's treatment of Livy's narrative of C. Valerius Flaccus, in which Flaccus is forced by the *pontifex maximus* to become the *flamen Dialis*.[199] As we shall see,[200] Livy insists that this experience transformed Flaccus, steering him towards a life of *sanctitas*.[201] Yet Levene insists that this is foremost about a man transformed into an *exemplum* of *pietas*,[202] even though *pietas* is not specifically mentioned in the range of exemplary *uirtutes* Livy here invokes. Levene is not necessarily wrong in doing so. *Pietas* can be, very generally, read into the passage – Flaccus must be expressing *pietas erga deos* in committing himself to the role of the *flamen Dialis*. Yet we must be clear that this is an interpretation that we are reading into Livy.

This prompts me to ask where we draw the boundaries for an apparently ubiquitous quality such as *pietas erga deos* if it is usually only implicitly attested by the ancient sources. This problem is especially acute with *sacerdotes*. In their actions, we could naturally assume that *pietas erga deos* should be read into any attestation of a *sacerdos* performing any task directed towards the gods.[203] Yet explicit associations between *pietas* and *sacerdotes* are rare.[204] The *exempla* of *pietas erga deos* are more commonly magistrates or private citizens. For instance, whilst Livy's Furius Camillus, L. Albinius, and C. Fabius Dorsuo might be considered prime *exempla* for *pietas erga deos*,[205] he eschews any connection between these individuals

[197] Liebeschuetz (1967, esp. 49-50); Luce (1977, esp. 231); Wagenvoort (1980, esp. 3, 17); Levene (1993); Ungern-Stenberg (2000, 222); Guittard (2007, esp. 84, 91); Scheid (2015, esp. 83-86; 2016, 3); Bernard (2015, 41). Cf. Davies (2004, 22).
[198] Levene (1993).
[199] Liv. 27.8.4-10.
[200] *Infra* § 5.3.
[201] Levene (1993, 62).
[202] Levene (1993, 62).
[203] Cf. Gordon (1990c, 240).
[204] Cf. third century CE inscriptions of Vestals explicitly honoured for being *piissimae*: *CIL* 6.2135, 6.32414. Cf. Jordan (1886, 46-47).
[205] Camillus: Gaertner (2008, esp. 27-28, 36-39); L. Takács (2008, esp. 208); Chaplin (2015, 104). L. Albinius: Ungern-Stenberg (2000, 211). C. Fabius Dorsuo: *infra* § 3.4, with Stübler (1941, esp. 67-68); Richardson (2004, esp. 285-286, 292-293); Smith (2006, esp. 46); Lentzsch (2019, 93).

and the capacities of *sacerdotes*.[206] Further, although Cicero uses *impietas*/*impius* in reference to the person and behaviour of Clodius to deny him authority on sacral matters,[207] these terms were also widely employed by Cicero against most of his political rivals, especially Catiline, Antonius, and Caesar. In the use of these terms he does not discriminate between those rivals who were *sacerdotes* and those who were not.[208] Whilst we might consider *pietas erga deos* fundamental in approaching the gods, we must be aware that if there was a particular expectation for *sacerdotes* to possess *pietas erga deos*, it is largely implicit in the sources.[209] Further, whilst we neatly demarcate the various manifestations of *pietas* – *erga deos*, *erga parentes*, *erga familiares* and *erga patriam* – the sources occasionally tap into the ambiguities of these multiple contexts by just referring to *pietas* without qualification.

Both these ambiguities, and the elusiveness of *pietas erga deos* as a distinctive expectation of *sacerdotes*, can perhaps be best illustrated by considering the *cognomen* Pius. The *pontifex* (later *pontifex maximus*) Q. Caecilius Metellus Pius,[210] was the first to bear it. Although Pius was a *pontifex* for nearly forty years, and it is tempting to think in terms of his exceptional *pietas erga deos*,[211] he was said to have earned his *cognomen* for his filial *pietas*.[212] While the divine quality of *pietas* appears on the obverse of *denarii* issued by Pius during his tenure as *pontifex*,[213] the depiction of a stork beside *pietas* demonstrates that Pius probably refers specifically to his filial *pietas* which gave him his *cognomen*.[214] Yet a potential connection between filial *pietas* and *pietas erga deos* can be glimpsed on one of these *denarii*, which combines the imagery of *Pietas* and the stork on the obverse, with a jug and *lituus* on the

[206] Unlike in other traditions, Livy's Dorsuo is a private citizen and not a *pontifex*, on which: *infra* § 3.4.
[207] Esp. Cic. *Dom.* 105, 107, 139, *Har. resp.* 19-20, 26, 39; Gallini (1962, 296-270); Tatum (1993a, 17-18); Lennon (2010, 428, 444); Kenty (2016, 456).
[208] Hellegouarc'h (1972, 530-531); Dyck (2004, 291).
[209] Cf. Val. Max. 1.1.9.
[210] *FS* 985.
[211] Bollan (2013, 183) connects, but ultimately disassociates, his pontificate and *cognomen*.
[212] Vell. Pat. 2.15.3-4; Val. Max. 5.2.7; Jer. *De vir. ill.* 63; App. *B Civ.* 1.33.
[213] *RRC* 374/1-2.
[214] On the stork and filial *pietas*: Clark (2007a, 154-155); Pl. *Alc.* 1.135e; Arist. *Hist. an.* 9.13; Petron. *Sat.* 55; Plin. *HN.* 10.63.

reverse.[215] These sacral instruments are usually intended to refer specifically to the augurate,[216] and if we accept Taylor's interpretation, their depiction here was intended to refer specifically to the otherwise unattested augurate of Pius' father, Q. Caecilius Metellus Numidicus,[217] rather than the pontificate held by Pius himself.[218] It is possible to read *pietas erga deos* into the reverse imagery. In performing his augurate, Numidicus expressed his *pietas erga deos* and, in depicting this expression of *pietas* on his own coin, Pius thus emphasised his own *pietas erga deos*, by associating his own pontifical position with the augurate of his father.[219] Yet by doing so, Pius also emphasised his filial *pietas*, in honouring his father's augurate. Filial *pietas* is re-emphasised on the obverse imagery of *Pietas* with the stork, as a reminder that an act of filial *pietas* gave Pius his *cognomen*. While the case of Pius is unusual,[220] given his explicit association with the *cognomen* for his filial *pietas* and his connection with the pontificate (and his father's augurate), it is an excellent demonstration of the difficulties of considering *pietas erga deos* as a distinctive expectation for *sacerdotes*. Although we must be cautious, in that there are few *explicit* connections between *pietas* and *sacerdotes*, the case of Pius might prompt us to consider *pietas* as a virtue-term which potentially had broader resonances. Whilst *pietas* was not an expectation of *sacerdotes* alone, and thus belonged to a shared vocabulary of virtues,

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215 *RRC* 374/2.

216 While the *lituus* can suggest the moneyer (or subject of the coin) was augur, it may instead represent legitimate authority, as augury was necessary for sanctioned *imperium*, an interpretation favoured for Sulla's coins: *RRC* 285, 359, 426/1-4, 434/2; Taylor (1944); Fears (1975); Stewart (1997, esp. 179, 186); Keaveney (1982); Thein (2002, 100 n.36); Rüpke (2008, 789 col.2 n.1); Koortbojian (2013, 61-73). Cf. Frier (1967; 1969, 187-189); Drummond (2008, 390-398).

217 *FS* 984.

218 Taylor (1944), accepted by Flower (1996, 338); Stewart (1997, 179); Rüpke (2008, 581). Cf. Szemler (1972, 146 n.7). It is likely that the jug and *lituus* on the reverse of *RRC* 460/3, minted by Metellus' adopted son Q. Caecilius Metellus Pius Scipio Nasica (*FS* 986) also refer to the augurate of Numidicus.

219 Bollan (2013, 186-187). Berdowski (2014, 152) talks of '*pietas duplex*'.

220 Cf. Sex. Pompeius Magnus Pius, whose self-adopted *cognomen* appears to have been intended to refer to familial *pietas*, both to his elder brother, Cn. Pompeius, and his father, Cn. Pompeius Magnus. Sextus was promised the augurate and regarded himself as augur (*FS* 2758, with *ILS* 8891 and Vaahtera (2001, 139-140)). On an *aureus* (*RRC* 511/1), Sextus depicted himself with the appellation *pius* on the obverse, and his father beside a *lituus* and his brother beside a tripod on the reverse. On the obverse of a *denarius* (*RRC* 511/3a), Sextus also depicted the head of his father next to a jug and *lituus*. Thus, by emphasising his own augurate, and that of his father (*FS* 2756), he could refer to both his filial *pietas* and their *pietas erga deos*. For Sextus and *pietas*: Welch (2012, esp. 108).

it could potentially have had a resonance for *sacerdotes* that was merely implicit, or considered so ubiquitous that it was unworthy of comment.

2.4 *RELIGIOSUS*

Given similar evidential issues, it is possible that the quality of being *religiosus* was equally part of this shared vocabulary of *uirtutes* and again had a resonance for *sacerdotes* that is difficult to pinpoint. Although we must be cautious in precisely defining *religio* – and thus *religiosus*[221] – the latter term refers to the extent to which people were considered scrupulous or discerning in their approach to divine rights and customs.[222] Festus, for example, defines *religiosi* as people who distinguish between what is to be done for the gods, and what is to be avoided, and in so doing, keep *superstitiones* at bay.[223] Whilst the term was used positively by the late republic, it occasionally retained the excessiveness implied by its suffix *-osus*, and this excessiveness towards the gods appears to be the primary way the term was understood before the second century.[224]

Yet *religiosus* as a positive attribute rarely appears to have been used explicitly to describe *sacerdotes*. A handful of Vestal Virgins are praised for being *religiosissimae* in honorary inscriptions, but this is restricted only to a brief period in the third century CE.[225] In an earlier period, we can perhaps cite Livy's version of the debate over the *lex Ogulnia*. Livy has P. Decius Mus question rhetorically whether, as a plebeian, he would inherently be less fit to worship the gods than Ap. Claudius, a patrician. Mus retorts that surely Claudius was not *religiosior* than he in the cultivation of the gods.[226] We might also cite Valerius Maximus, who

[221] Rives (2012, 174); North (2014b, 162-163); Barton and Boyarin (2016). Cf. Casadio (2010).
[222] Erker (2008, 17-18); Barton and Boyarin (2016, 23-34); Corbeill (2018, 184).
[223] Festus 366L *s.v. religiosi*, with Rives (2012, 174). For *religio* and *superstitio*: Sachot (1991); Ronca (1992); Margel (2006).
[224] Gell. *NA.* 4.9; Warde Fowler (1908, 171); Sachot (1991, 365); Ronca (1992, esp. 44-55); Rüpke (2007, 67); Erker (2008, 17-18); Barton and Boyarin (2016, 34-36); Mason (2019, 17).
[225] *CIL* 6.2134, 6.2137-2138, 6.2141, 6.32414-32417, 6.32420-32421, with Gallia (2015, 87-88). Cf. Jordan (1886, 46-47).
[226] Liv. 10.7.5. *Supra* n.124, for Mus questioning their relative *castitas*.

asserts L. Furius Bibaculus as an *exemplum* of a *pius* and *religiosus animus* for bearing the *ancilia* whilst praetor, although exempt from performing the duties of a *salius*.[227] Yet we must draw a distinction between the quality of being *religiosus* as may have been expected of a *salius*, and Bibaculus demonstrating his scrupulousness in performing his duty, even though he did not necessarily need to. The quality of being *religiosus* is most prevalent, perhaps, in Cicero's descriptions of the *sacerdos* Clodius, although as we shall see, it is used sarcastically to describe Clodius' failings in that regard.[228]

As with *pietas*, *religiosus* (in its positive sense) appears more commonly to be explicitly used in the description of non-*sacerdotes*. In much the same way as *sanctus* – as we shall see – evaluating someone as *religiosus* attests to a belief that they possessed high moral standards. In this way, being *religiosus* emerges as a general expectation of good men, and the lack thereof evinced moral failing. Thus, Cicero sarcastically decries L. Calpurnius Piso as a *homo religiosus et sanctus*,[229] and, similarly sarcastically, refers to C. Verres as acting *sancte ac religiose*.[230] By contrast, T. Manilius and C. Luscius Ocrea are – genuinely – praised as *sancti ac religiosi*.[231]

Given a paucity of explicit invocations of *religiosus* for *sacerdotes*, we must question whether being *religiosus* had any particular resonance for *sacerdotes*. It is possible that – as with *pietas* – a contrast can be made between explicit and implicit expectations. While there is little *explicit* indication that being *religiosus* was necessarily expected of a *sacerdos*, it is difficult to imagine a situation whereby a *sacerdos* of the late republic and early empire – by virtue of their function – might not implicitly be seen to be *religiosus* (in its positive sense). Thus, yet again, where do we draw the line as to the extent of our inferences? Yet as we shall

[227] Val. Max. 1.1.9. Further, *infra* § 6.1. Bibaculus: *FS* 1782.
[228] Cic. *Har. resp.* 9, *Dom.* 105, 111, 116, and *infra* § 4.8.4.
[229] Cic. *Pis.* 28.
[230] Cic. *Verr.* 2.5.49.
[231] Cic. *QRosc.* 44. Also: *Fam.* 1.7.4, *Brut.* 44; Sall. *Cat.* 12; Liv. 24.10.6; Quint. *Inst.* 4.1.9; Sen. *Dial.* 9.11.2, *Ben.* 3.37.1, *Ep.* 120.10; Val. Max. 5.8.3, 7.2.5.

see, Cicero creates an undeniably strong contrast between Clodius as '*sacerdos*' and the quality of being *religiosus* to demonstrate how far Clodius was from that ideal. With this, we can perhaps perceive that *religiosus* might be perceived to have had value for a *sacerdos*, but only where the quality was demonstrably lacking in that *sacerdos*' behaviour. Thus, we might potentially consider that *implicitly* it may have been a ubiquitous expectation, but as an explicit expectation, it is only referred to where deviations from that norm are asserted.

We are yet again left in a complicated situation. There are few explicit mentions of *sacerdotes* as *religiosi*. Nevertheless, Cicero's explicit link between the quality of being *religiosus* and the deficient *sacerdos* Clodius might suggest that it was only in situations where this expectation was not being lived up to that it was explicitly referenced. Where it is more commonly explicitly attested for non-*sacerdotes*, it is used, very generally, to acknowledge one's moral standards. These variations could perhaps be explained by context. For non-*sacerdotes* it could perhaps attest to a very general moral importance, but for *sacerdotes* it could be an implied characteristic of a greater significance because deviation from that norm was of grave consequence. Thus, we might perceive that *religiosus*, whilst part of the shared vocabulary of virtues between *sacerdotes* and non-*sacerdotes*, potentially came to have a greater resonance for *sacerdotes*, but only where those expectations were not being upheld.

2.5 *SANCTITAS* AND *SANCTUS*

The resonances of *sanctitas* and its cognates for *sacerdotes* are equally complicated. *Sanctitas* is most commonly considered to be something akin to 'sanctity' or 'holiness',[232] or as Moore puts it, a 'state of purity or innocence'.[233] Cicero goes further than this in his *de natura deorum*, defining *sanctitas* as *scientia colendorum deorum*,[234] which Ando defines as the 'knowledge of appropriately giving the gods their due'.[235] Considering *sanctitas* to be a form of 'purity', Link

[232] Wynne (2019, 61). Cf. Delehaye (1927, 4).
[233] Moore (1989, 124). Also: Kaster (2005, 140).
[234] Cic. *Nat. D.* 1.116, cf. 2.71.
[235] Ando (2003, 5; 2008, 5-6). Also: Pease (1955, 126).

believed *sanctitas* to be foundational to the identity of *sacerdotes* and in this way, connected sacerdotal *sanctitas* with sacerdotal *castitas*.[236]

Link proposed that *sanctitas* was fundamental to the identity of Vestals, and that it was used to describe their inimitable connection with divinity, citing Horace, where the Vestals are described as *uirgines sanctae*,[237] and Livy, where it is stated that Numa Pompilius made the Vestals, with *uirginitas* and other *caerimoniae*, *uenerabiles ac sanctae*.[238] For a potential connection between Vestals and *sanctitas* we can also adduce Cicero's description of the *sacerdotium* of the Vestals as *sanctissimum*,[239] or Pliny the Younger's suggestion that the Vestal Cornelia, displaying *sanctitas*, repelled the hand of the *carnifex* so that she might protect her *castum* and *purum corpus*.[240] Pliny also praises the Vestal Fannia for her *sanctitas*.[241] A palpable connection between Vestals and *sanctitas* can also be seen in the third century CE, in a cluster of honorary inscriptions for Vestals that praise these *sacerdotes* for being *sanctissimae*.[242] Similarly to Link, Bauman believes in the importance of *sanctitas* for Vestals, claiming that '[s]ince time immemorial the Vestals had been *sanctae*, sanctified', but that the *sanctitas* of a Vestal usually 'only surfaced when it was violated by unchastity'.[243] In so doing, Bauman inappropriately conflates Vestal *castitas* with the concept of *sanctitas*.[244] Yet, whilst they should not be considered entirely synonymous, they were perhaps interrelated. We have just seen Livy suggest that their *uirginitas* made Vestals *sanctae*. We might also consider Livy's

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[236] Link (1910, 69-72). Similarly: Fugier (1963, esp. 20-21). Cf. Fehrle (1910, 207).

[237] Hor. *Carm.* 1.2.27.

[238] Liv. 1.20.3.

[239] Cic. *Dom.* 136. Cf. [Quint.] *Dec. Min.* 252.23; Tac. *Ann.* 2.86 Occia, Vestal (*FS* 2555), presiding over *sacra* with *summa sanctimonia*; Tac. *Ann.* 3.69 Torquata, Vestal (*FS* 2102), described as *uirgo* of *prisca sanctimonia*. On *sanctitas* and *sanctimonia* (and *sanctitudo*): Gell. *NA.* 17.2.19, also 13.3.2.

[240] Plin. *Ep.* 4.11.9.

[241] Plin. *Ep.* 7.19.4.

[242] *CIL* 6.2131-2132, 6.2134-2137, 6.2140-2141, 6.2143, 6.32412, 6.32414-32418, 6.32420-32421, cf. 6.2138, all with Frei-Stolba (1998); Lindner (2015, 242). Whilst *sanctissima* has relevance for Vestals here (Palmer (2020, esp. 484)), Forbis (1996, 71-72) – relying on Frei-Stolba (1969, 34-35) – argues that the wide use of *sanctissimus* is explained by its adoption as an imperial epithet by the later second century CE. Cf. Sihvonen (2020, 48-53). I am not convinced by Lindner's (2015) proposition that the attire worn by the Vestals, most notably their *uittae* and *infulae*, connoted their *sanctitas* and made them exemplars of that virtue, worthy of imitation by imperial women.

[243] Bauman (1992, 47), followed by Wildfang (2006, 92).

[244] Cf. Langlands (2006, 30 n.128). On the elision of *castitas* with other *uirtutes*, *supra* § 2.1.

treatment of the acquittal of the Vestal Postumia on the charge of *incestum*. Although she was acquitted, Livy records that the *pontifex maximus* ordered her to abstain from frivolity and to cultivate greater *sanctitas* rather than smartness in her appearance. The apparent lack of *sanctitas* in her appearance and comportment was believed to have endangered her *castitas*.[245] Given such associations with *castitas*, we might therefore be well placed to consider that *sanctitas* had a particular resonance for Vestal Virgins.

Yet scholarly belief in the inextricable relationship between Vestals and *sanctitas* is most widely held due to a belief that Vestal Virgins possessed *sacrosanctitas*. Vestal *sacrosanctitas* is most commonly adduced in the context of the Vestal Claudia, who in 143, protected her father when a hostile tribune attempted to drag him from his chariot during his unauthorised triumph.[246] Claudia's apparent *sacrosanctitas* – a personal inviolability akin to that held by tribunes[247] – is frequently adduced as the reason why her intervention at the triumph of her relative was successful.[248] Yet, as Bauman suggests, there is no direct evidence for Vestal *sacrosanctitas*.[249] *Sanctitas* is, most importantly, not explicitly drawn upon in the sources to explain Claudia's intervention. In the *pro Caelio*, Claudia simply 'did not allow' (*passa non est*) him to be dragged from the chariot,[250] and in Suetonius' biography of Tiberius, Claudia's intervention made it *fas* for the hostile tribune to intercede in the triumph.[251] The closest the sources get to inferring *sacrosanctitas* for Vestals is a speech that Plutarch gives to Ti. Gracchus, the tribune of the *plebs*. In this speech, imagined by Plutarch to have been given not long after Claudia's intervention, Gracchus claims that no institution was as ἅγιον and σεμνόν as that of the Vestals, and that the ἀσυλία of the Vestals was equivalent to that of the tribunes.[252]

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[245] Liv. 4.44, with *supra* § 2.1. Cf. Moore (1989, 125).
[246] Further on Claudia (*FS* 1152), *infra* §§ 4.9.1, 6.4.
[247] For tribunician *sacrosanctitas*: e.g. Lintott (1999, 121-124); Cic. *Cael.* 79, 83.
[248] DiLuzio (2016, 140, 226); Gallia (2015, 78).
[249] Bauman (1981, esp. 174-165; 1992, 47). Previously noted by Strack (1939, 368 n.5), accepted by Wildfang (2006, 92). Cf. Brännstedt (2016, 38-40, 88).
[250] Cic. *Cael.* 34.
[251] Suet. *Tib.* 2.3-4.
[252] Plut. *Vit. Ti. Gracch.* 15, with Holden (1885, 92-93). Cf. Dion. Hal. *Ant. Rom.* 11.25.3.

Although we cannot necessarily assume on Plutarch's evidence that Gracchus – or someone of his generation – thought about Vestal and tribunician inviolability along these lines, it is perhaps telling that Plutarch ascribes this attitude to Gracchus only a handful of years after Claudia's intervention. Indeed, Wildfang considers Claudia's intervention to have been a moment of significant change. Considering the *sanctitas* of Vestals to have usually been a passive quality, Wildfang posits that Claudia radically changed the way in which Vestal *sanctitas* could be understood when she wielded such inherent *sanctitas* as a weapon against the hostile tribune. In this way, Wildfang explains the transformation of Vestal *sanctitas* into something that more closely resembled a tribune's *sacrosanctitas*.[253] Whilst Wildfang's suggestion is persuasive, it means that we must exercise caution in considering the evidence that *sanctitas* was an intrinsic virtue for Vestals, as those sources which link Vestals with the quality, explored above, are first century or later, after Claudia's radical redefinition. Wildfang's theory also relies on commonly held beliefs that Vestals had already been associated with a passive version of *sanctitas*. Thus, we might perceive that whilst the importance of *sanctitas* for Vestals had long been recognised, there was a major shift in perceptions of that importance after Claudia's redefinition.

Link also posited that *sanctitas* was not simply associated with the Vestals, but was fundamental for other *sacerdotes* as well. For this, he cited Ovid, where the *flaminica Dialis* is described as *sancta*.[254] That the *flamines* might be associated with *sanctitas*, especially given their particular associations with *castitas*, is very possible, although it is difficult to substantiate on the basis of a single attestation. Moreover, the extent to which *sanctitas* might have been expected of other *sacerdotes* is unclear.[255] We see little indication in Cicero that *sanctitas* was given any particular relevance for *sacerdotes*. Whilst he commonly lauds people for their *sanctitas* or describes them as *sanctus*, this is usually to emphasise the irreproachability of their

[253] Wildfang (2006, 92).
[254] Ov. *Fast.* 6.226.
[255] Delehaye (1927, 4, 6, 10). For *sanctitas* and C. Valerius Flaccus: *infra* §§ 5.3, 6.2.

character and infallible intentions.[256] For instance, to stress the innocence of P. Rutilius Rufus on the charge of extortion, Cicero describes him as *homo sanctissimus ac temperantissimus*.[257] Cicero sarcastically describes C. Verres as acting *sancte ac religiose* to emphasise that someone who was conscientious in fulfilling treaty obligations would never have behaved as Verres had done,[258] and elsewhere – again sarcastically – as *homo sanctus et diligens*, to stress that this *praetor urbanus* must have kept unimpeachable accounts and records.[259] Even where *sacerdotes* are lauded for their *sanctitas*, it is almost always where the unimpeachability of their character and actions are of utmost importance, rather than in any context which specifically refers to their sacerdotal position.[260] Ti. Coruncanius, the *pontifex maximus*, is – alongside the non-*sacerdos* M'. Curius Dentatus – described as a *uir sanctissimus*.[261] For Cicero, it was the unimpeachable *amicitia* between Dentatus and Coruncanius that entitled them to be called *sanctissimi uiri*. In a similar fashion, Q. Mucius Scaevola the *pontifex maximus* is described as a *uir sanctissimus atque ornatissimus*.[262] The unimpeachability of his character makes his wounding by Q. Fimbria even more perverse.[263] Ultimately, whilst it is possible that their actions as *sacerdotes* informed their *sanctitas*, Cicero stresses that certain men were *sanctissimi* to underline the unimpeachability of their character and actions. There is little indication that Cicero conceived of any particular resonance for *sanctitas* and *sacerdotes*.

Outside Cicero, there are several hints in early imperial epigraphic evidence that the *sanctitas* of *sacerdotes* and of *sacerdotia* was publicly worthy of praise,[264] of which the most

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[256] Cic. *Amic.* 39, *Arch.* 9, 18-19, *Att.* 6.1.12, 7.4.1, *Balb.* 9, 50, *Cael.* 52, 54, *Cluen.* 91, 107, 133, *De or.* 1.229, 1.231, *Dom.* 21, 105, 137, *Fam.* 4.3.2, 4.13.3, 10.21.3, *Flac.* 8.4, 15.10, 71.10, *Flac.* fr. Bob. 8.2, *Font.* 38, *Leg. Agr.* 1.9.9, *Orat.* 34, *Phil.* 2.103, 3.15-16, 9.15, 13.19, 13.42, 14.33, *Pis.* 28, 47, *Planc.* 12, 27, 32, *QRosc.* 44.6, *Rosc. Am.* 33.5, *Sest.* 6, *Tusc.* 1.79, 5.36, *Verr.* 2.4.83, 2.5.49.

[257] Cic. *Font.* 38. Cf. Santoro L'Hoir (1992, 18) who ascribes this to Fonteius, rather than Rutilius.

[258] Cic. *Verr.* 2.5.49, with *supra* § 2.4.

[259] Cic. *Cluen.* 91, with Santoro L'Hoir (1992, 18-19).

[260] In addition to the examples here: Cic. *Arch.* 9, with Santoro L'Hoir (1992, 18-19); Dugan (2005, 45-46); Cic. *Balb.* 50, with Barber (2004, 75).

[261] Cic. *Amic.* 39.

[262] Cic. *Rosc. Am.* 33. Scaevola: *FS* 2478.

[263] Also: Cic. *Flac.* 8.4: L. Valerius Flaccus (*FS* 3394); Cic. *Flac.* fr. Bob. 8.2: P. Servilius Vatia Isauricus: *FS* 3072.

[264] *CIL* 6.404, 6.508, 13.547, 14.352, all with Heyob (1975, 120-122).

striking is perhaps a monument honouring P. Memmius Regulus, *frater Arualis*, for being *sanctissimus* and *iustissimus*.[265] Yet this must be set in the context of early imperial honorific dedications, in which *sanctissimus/a* emerges as a relatively common epithet of praise.[266] Gellius also describes a certain Cornelius, a Patavine *sacerdos*, who received a prophecy of Caesar's victory at Pharsalus: *Cornelius quidam sacerdos, et loco nobilis et sacerdotii religionibus uenerandus et castitate uitae sanctus*.[267] Whilst he was a Patavian augur,[268] Gellius' description of Cornelius is a lone attestation which directly links his position as a *sacerdos* with his *sanctitas* and *castitas*. Whilst the connection seems strongest for Vestals – where the expectation for *castitas* is also strongest – this attestation *hints* that it was expected of other *sacerdotes* as well, even if these resonances were not particularly strong.

2.6 *SACER*

Fugier has asserted that being *sacer* must have been a fundamental element of the shared identity of all those who were considered *sacerdotes*, pointing to the use of that term.[269] Yet Fugier's contention is not supported by extant evidence. As we have seen,[270] the term *sacerdos* was primarily a catch-all term used by a variety of writers to conceptualise an otherwise disparate group of positions. Whilst the use of this term suggests that these positions shared commonalities, it does not necessarily follow that all must have been *defined* by the same quality. This problem with Fugier's assertion is further compounded by the etymology of *sacerdos*, which appears to derive from the *sacra* over which those known as *sacerdotes* were

[265] *CIL* 3.7090, with Erkelenz (2003, 301-302). Regulus: *FS* 2432.
[266] Esp. of wives/female relations: e.g. *AE* 1923.4, 1971.55, 1974.164, 1975.186, 1984.81, 1996.1215; *CIL* 4.7684, 6.4367, 6.7393, 6.7579, 6.8030, 6.8426, 6.21046, 6.37500, 6.38392, 9.1699, 9.3158, 10.3889, 14.486. Also: of gods: e.g. *AE* 1977.218; *CIL* 14.3530; of civic institutions: e.g. *CIL* 4.7576, 4.7605.
[267] Gell. *NA.* 15.18.2.
[268] As augur: Luc. *Phar.* 7.192; Obseq. 65; Sid. Apoll. *Carm.* 9.194-196; Plut. *Vit. Caes.* 47; Cass. Dio 41.61.4-5, all with Leigh (1997, 6-10).
[269] Fugier (1963, 20-24).
[270] *Supra* § 1.2.

seen to have had influence.[271] Yet there is obviously a connection between the *sacra* and the quality of being *sacer*. The notion of being *sacer* has convincingly been argued as denoting – by the late republic – the quality of being marked out and consecrated, through appropriate ritual action, as belonging to the gods.[272] This human involvement in the act of delineating and prescribing what is *sacer* through consecration is a fundamental element of late republican conceptions of the term. Yet, as Rives has shown for earlier periods, determinations of whether something was *sacer* did not require direct human ritual intervention and were more 'spontaneously perceived'; places, people or objects were, in this period, 'simply perceived as sacred or associated with a deity'.[273] Thus, Rives perceives élite control and co-optation of the term *sacer*, so that determinations as to what was *sacer* were taken over by the Roman élite and thus could no longer be spontaneous, but must be determined by prescribed members of the élite, principally various *sacerdotes*.[274] Thus, whilst various *sacerdotes* determined *sacra*, and variously had control over them, it does not necessarily follow that a *sacerdos* must be *sacer*. In this context, we must also consider the consecration of an individual as *homo sacer* – one who has been condemned and no longer tolerated within the Roman state, and thus could be killed with impunity.[275] This sense of *sacer* follows the same rules – the offending individual must be consecrated through appropriate human ritual action, and they are thus marked out for the gods' attention. Yet the way in which this person was marked out for the gods was fundamentally different, and instinctively negative; that person should be removed or destroyed rather than protected.[276]

[271] Varro, *Ling.* 5.83; Sabbatucci (1951-1952, 99); Fugier (1963, 22-24); Szemler (1986, 2324); de Melo (2019, 723).
[272] Festus 422L *s.vv. sacrosanctum*, *sacratae leges*; Gai. *Inst.* 2.5; Barton (2003, 354-346); Rives (2012).
[273] Rives (2012, 179).
[274] Rives (2012). Also: Sabbatucci (1951-1952, 99).
[275] Festus 422L *s.vv. sacrosanctum*, *sacratae leges*; Agamben (1995); Fiori (1996); Barton (2003, 345-346). Commonly adduced in the context of the killing of Ti. Gracchus, for which: *infra* § 6.5.
[276] Sabbatucci (1951-1952); Roloff (1952, 134); Lennon (2014, 49, 52).

Rather than describing a *sacerdos*, both senses of the quality of *sacer* are instead most readily associated with the tribunate of the *plebs*.[277] Tribunes appear to have held *sacrosanctitas*; an inviolability guaranteed by the stipulation that those who harmed a tribune were consecrated as *sacer* to Iuppiter, at which point their property could be claimed and they could be killed with impunity. These principles of inviolability appear to have derived from a *lex sacrata* of 493, and were reasserted with the *lex Valeria Horatia* of 449.[278] The *potestas tribunicia* – rather than membership of a *sacerdotium* – even accounts for the relationship between the *principes* and the quality of being *sacer*.[279] By the late Julio-Claudian period, the quality of being *sacer* coalesced around the person of the *princeps* himself; a usage that developed into late antiquity, by which time *sacer* had become simply synonymous with the imperial personage.[280] Thus, *pace* Fugier, there is little evidence to suggest a direct relationship between being *sacer*, and those positions known as *sacerdotes*.

2.7 Birth and Status

Intimately related to the personal qualities expected of various *sacerdotes* are expectations of their birth and status. The existence of these expectations excluded many from becoming *sacerdotes*, thus marking them out as exceptional. Given that there is largely agreement in contemporary scholarship as to the existence and content of these expectations, I do not intend to linger long on them. Nonetheless, it is essential to cast a brief eye over them to integrate these expectations of *sacerdotes* into the picture thus far sketched.

Expectations of class meant that sacerdotal positions were reserved for a privileged few of the Roman élite. In early to mid-republican history, the distinction between plebeian and patrician is perhaps the most prevalent. It is well known that most sacerdotal positions were originally reserved for the patrician élite, until their stranglehold was weakened by the end of

[277] Cf. Vestal *sanctitas* against tribunician *sacrosanctitas*, with *supra* § 2.5.
[278] Liv. 3.55.6-10; Bauman (1981, 168); Cornell (1995, 259-260); Lintott (1999, 121-124); Pellam (2015).
[279] Delehaye (1927, 5); Agamben (1995, 84), with *RG* 10.1.
[280] Frei-Stolba (1969, 32-34).

the fourth century.[281] The distinctions between plebeian/patrician are framed, especially by Livy, around a perceived lack of personal worth and fitness to perform rites or to have control over the auspices,[282] and as a contest of *dignitas*.[283] The possibility of plebeian possession of sacerdotal offices is likened, by the patrician opposition, to the pollution of the *sacra*.[284]

Trusting Livy, the opening up of the colleges of *augures* and *pontifices* by the *lex Ogulnia* of 300 was perceived as a watershed moment.[285] This perceived importance, at least for later generations, can be glimpsed in the enduring importance ascribed to the first generation of plebeian *augures* and *pontifices*. Ti. Coruncanius, the first plebeian *pontifex maximus*, retains this legacy at least into the early principate.[286] M. Minucius Faesus is similarly remembered and publicly commemorated as one of the first plebeian augurs,[287] such as on the reverse of two late second century *denarii* of C. Minucius Augurinus and his brother.[288] Some of these tensions were not short-lived.[289] Livy, for instance, recounts that the first election of a plebeian, C. Mamilius Atellus, as *curio maximus* excited a *uetus certamen* that was resolved by the senate and the people in 209 BCE.[290]

Other offices, such as the *rex* and *regina sacrorum* and the *salii*, remained exclusively under patrician control.[291] Festus recounts that for the *flamines* there was a distinction between

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[281] Largely following plebeian entry into civic offices, although the patrician *duumuiri* had earlier transitioned into the mixed patrician/plebeian *decemuiri sacris faciundis*, following the *leges Sextiae Liciniae* of 367: Liv. 6.37.12, 6.42.1-3, 10.8.

[282] Esp. Liv. 10.7.5; Oakley (1997, 709); Berthelet (2015, esp. 139-140).

[283] Liv. 6.41.4, 10.7.12.

[284] Liv. 10.6.10.

[285] On plebeian/patrician tensions and the *lex Ogulnia*: Bleicken (1957a, 364); Fears (1975, 599); Hölkeskamp (1987); Rüpke (1996b, 270; 2010a, 15-17, 21; 2012c, 13, 22, 45, 104; 2016a, 31-32); Wiseman (1996, 69-70); Delgado Delgado (1999); Smith (2006, esp. 328); Baudry (2007); North (2013a, 60).

[286] *Per.* 18; Vell. Pat. 2.128.1. In Velleius, Coruncanius (*FS* 1399) is also cited in the context of *noui homines* rising to prominence, also: Cic. *Sull.* 23; Syme (1956, 262); Woodman (1977, 258).

[287] Liv. 10.9.2. Faesus: *FS* 2464.

[288] *RRC* 242/1, 243/1; Wiseman (1996); Hölscher (2014, 27); Yarrow (2017). As Yarrow (96-97) demonstrates, the brothers wished to show their descent not only from a famous plebeian augur, but also the patrician *pontifex maximus*, Sp. Minucius (Rüpke (2008, 803)). The retention of the *cognomen Augurinus* likely also remembers Faesus: Kajanto (1965, 318); Alföldi (1966, 719).

[289] Cf. the *septemuiri epulones*. This *sacerdotium* was open to plebeians and patricians alike from their inception in 196.

[290] Liv. 27.8.1-3. Atellus: *FS* 2334.

[291] Cic. *Dom.* 38; Liv. 4.54.7.

the patrician *flamines maiores* and the plebeian *flamines minores*.[292] Such exclusions were maintained by an expectation of marriage through the rite of *confarreatio* for these *sacerdotes*.[293] This ritual conferred the wife (and her property) into the *manus* of the husband,[294] involved a sacrifice to Iuppiter Farreus, and required the presence of the *flamen Dialis* and *pontifex maximus*.[295] These requirements ensured the strength of their legal union and its ritual strength in the eyes of Iuppiter,[296] which was especially important for guaranteeing for the indissoluble marriage expected of the *flamen* and *flaminica Dialis*. The rarity of this archaic union, even amongst patricians, ensured the position could only be held by a privileged few.[297] As Pliny the Elder claims, of the *sacra* nothing was more *religiosus* than that of *confarreatio*.[298]

The point at which plebeians could be captured as Vestals is debated.[299] Some believe that the *sacerdotium* was open to girls of plebeian and patrician households from its inception,[300] others point to the requirement of the *lex Papia* – attested in Gellius as governing the selection of Vestals[301] – that the girls be selected *e populo*, to argue that this law opened up

[292] Festus 137L *s.v. maiores flamines*. That the *flamen/flaminica Dialis* must be patrician is potentially why Iulius Caesar, when designated *flamen Dialis*, broke off his engagement with equestrian Cossutia to marry Cornelia, daughter of Cinna: Suet. *Iul.* 1: Taylor (1941, 114-115); Linderski (1986b, 256-257); Ridley (2000, 215 and n. 12); Wardle (2009, 101). Cf. Rüpke (1996b, 272-273). Although Mommsen (1864, 113-114) suggested that Cinna was plebeian, de Sanctis (1934); Taylor (1941, 114 n.8); Gelzer (1968, 20) are not convinced. Cf. Leone (1976, 202-203). Dionysius of Halicarnassus (*Ant. Rom.* 2.21.3) also attests requirements for birth, wealth, and status of *flamines curiales*: *supra* § 2.2.

[293] Gai. *Inst.* 1.112; Tac. *Ann.* 4.16; Serv. *Aen.* 4.103, 4.374, *Georg.* 1.31; Klose (1910, 8-9, 16); Warde Fowler (1916); Boels (1973, 78); Treggiari (1991, 21-24); Marco Simón (1996, 109-110). Although Linderski (1986b) generally posits that plebeians were, in practice, barred from marriage by *confarreatio* from the early republic, he suggests that (258), at least by the time of Iulius Caesar, confarreate marriages *could* be conducted between patrician men and plebeian women. Cf. Taylor (1941, 115). The parents of the assistants of the *flamen* and *flaminica Dialis* must also have been married by *confarreatio*: Dion. Hal. *Ant. Rom.* 2.22, with Filhol (1960, 365); Vé (2018, 154-155). For the marriage of a Vestal's parents: Tac. *Ann.* 2.86, with DiLuzio (2016, 125).

[294] Cf. Dion. Hal. *Ant. Rom.* 2.25. An Augustan/Tiberian innovation negated the creation of *manus*: Treggiari (1991, 23).

[295] Gai. *Inst.* 1.112; Serv. *Georg.* 1.31; Linderski (1986b, 251-252); Treggiari (1991, 21-24).

[296] Warde Fowler (1916).

[297] Marco Simón (1996, 171-174). Cf. Richard (1978, 241-244). Tac. *Ann.* 4.16, with Aron (1904, 18-19); Shannon-Henderson (2019, 177-179), attests to the limited pool of potential *flamines* under Tiberius.

[298] Plin. *HN.* 18.10.

[299] For the prosopography of plebeian Vestals: Guizzi (1968, 67-97); Rüpke (2010a, 18-20). Cf. Giannelli (1913, 51-53).

[300] Mommsen (1887-1888, 3: 567 n.2); Klose (1910, 32-33).

[301] Gell. *NA.* 1.12.11.

selection to girls of plebeian households.[302] Gellius also records – based on his reading of M. Antistius Labeo[303] and C. Ateius Capito[304] – various other expectations for the legal status, household, and occupation of a Vestal's family.[305] As DiLuzio comments, it is likely that these would ensure that they were the 'daughters of "ideal" Roman families'.[306] Mekacher and van Haeperen are right to suspect that these must have developed over time, in response to *ad hoc* circumstances, and must surely only reflect an aspect of the situation of the late republic or early empire.[307]

2.8 CONCLUSIONS

Having considered all of those *uirtutes* which Cicero attested that Clodius, posturing as a '*sacerdos*', possessed in excess, what can we say about the expectation that Rome's *sacerdotes* would display particular qualities? Expectations were undoubtedly more onerous for those *sacerdotes* who were expected to constantly maintain a connection to the gods. These *sacerdotes* were more intensely associated with various *uirtutes*. A ubiquitous expectation of unerring *castitas* for the Vestals, and thus ceaseless ritual purity, demanded their continual *uirginitas*, and was informed by their *pudicitia*. With their *castitas* also appears to have come *sanctitas*, although the way in which the Vestal Claudia weaponised her passive *sanctitas*

[302] E.g. Raepsaet-Charlier (1984, 258). The date of this law is contested: see Rüpke (1996b, 277-279, with earlier bibliography) for 65; Saquete (2000, 128-131) for the early Augustan period; Guizzi (1968, 67-97); Rawson (1974, 210-211); van Haeperen (2002, 96-102); Mekacher and van Haeperen (2003, 70-72); Bätz (2012, 117-139) for the third or second century. Cf. Rüpke (2010a, 20).

[303] Gell. *NA.* 1.12.1-8, esp. that her parents had to be *patrima et matrima* on which also: Festus 133L, *s.v. matrimes ac patrimes*; Koch (1949, 2250); Bätz (2012, 71-73), cf. Cic. *Har. resp.* 23; Serv. *Georg.* 1.31, with Richard (1978, 241-244). Cf. the requirement for ἀμφιθαλεῖς for the *salii*: Dion. Hal. *Ant. Rom.* 2.71.1; Cass. Dio 59.7.1. Whilst Koch (1949, 2252) suggested that this ensured that children could successfully participate in ceremonies as they lacked bereavement, Prescendi (2010, 88-89) rightly argues that even if parents were still alive, there were other possible sources of family bereavement (sisters, brothers, etc).

[304] Gell. *NA.* 1.12.8, with Bätz (2012, 84-85).

[305] Daughters of *flamines*, *augures* and *quindecemuiri* exempted from selection.

[306] DiLuzio (2016, 120). DiLuzio (124) suggests that requirements for the Vestal's family may have been to ensure that she had *felicitas* in the eyes of the gods, on which Giannelli (1913, 51) but cf. Sen. *Controv.* 1.2.

[307] Mekacher and van Haeperen (2003). Also: Bätz (2012, 85-86); DiLuzio (2016, 121-122). Whilst Augustus legislated to allow for daughters of freedmen to become Vestals (Cass. Dio 55.22.5), Vestals continued to be captured from senatorial families: Raepsaet-Charlier (1984, 257-260). That the restriction that the parents could not have been slaves appears in Gellius' list (and derived from Labeo, an Augustan source) suggests this was either short-lived, an emergency measure, or not implemented at all: Mekacher and van Haeperen (2003, 65-66, 75).

potentially made the *sanctitas* of Vestals more prevalent but closer in approximation to the *sacrosanctitas* of the tribunes. The maintenance of *castitas* also informed the various expectations for their bodily perfection and family status. In a similar vein, the *flamen* and *flaminica Dialis* were required to constantly maintain a perpetual state of ritual celebration and were thus expected to obey – in Gellius' words – the *castus multiplices* and *multae caerimoniae* of impositions, designed to ensure, above all else, their ritual purity. Expectations of their patrician status, and a marriage guaranteed by the rite of *confarreatio* secured this purity.

In contrast to the perceived ubiquity of these expectations of the Vestals and the *flamen* and *flaminica Dialis*, the so-called 'part-time' *sacerdotes* (*augures*, *pontifices*, etc) were not held to the same standards in terms of the *uirtutes* they were expected to display. Yet various references suggest that some ancient commentators believed that, whilst their lives were not wholly governed by their relationship with the gods, these *sacerdotes* too should display similar virtues when approaching the gods, thereby increasing the efficacy of their relationships with the gods. Should they flout such expectations, those relationships could be put at risk. Plutarch, for instance, perceived that approaching the gods with visibly polluting sores, or with a mind wracked with torment, was forbidden to maintain pure relationships with the gods. Seneca's *controuersia* of *Metellus caecatus* demonstrates that a *pontifex* who is visibly not *integer* might have been perceived to have put men's relationship with the gods in jeopardy. Possibly influenced by Stoic thought, Cicero expected *pietas* and *castitas* – both mental and physical purity – from all those approaching the gods, including *sacerdotes*. Cicero is convinced that one's relationship with the gods would, at the very least, be strengthened if one approached the gods foremost with *castitas* and *puritas*, but also with *pietas* and *sanctitas*. Cicero does not claim that one could not be a *sacerdos* without such qualities; but rather that one was best placed to form an efficacious relationship with the gods if possessing such qualities. Such ideas seem to have been shared at the very least with the Augustan poets, who take the opportunity to stress the *castitas* and *puritas* of their most laudable *sacerdotes*.

Whilst Cicero wanted *sacerdotes* to be *pii* and *religiosi* (in the positive sense of being scrupulous towards the gods) to improve their interactions with the gods, the evidence demonstrates that these terms were part of a shared vocabulary of virtues, and that the distinctive resonances of these *uirtutes* for *sacerdotes* (as opposed to non-*sacerdotes*) are more difficult to pinpoint. In these silences, these virtues challenge our assumptions of where these terms can, or indeed should, be inferred in the ancient texts.

As we have seen, the inference that such *uirtutes* could have had resonance for *sacerdotes* has made some modern commentators uneasy. Nowhere is this discomfort more apparent than with suggestions of moral purity for *sacerdotes*, seen to be Judeo-Christian ways of conceptualising priests and priesthood that cannot – and should not – be mapped onto Roman concepts. Gildenhard, for example, insists on the separation of the spheres of 'religion' and morality. Yet we have seen both that virtues and moralising were perceived to have had relevance and that the relevance of such *uirtutes* was not irreconcilable with the perceived orthopraxy of Roman religion. For those 'full-time' *sacerdotes*, the intensity of expectations of their *castitas* and thus ritual purity guaranteed that rites could be performed either perpetually or at a moment's notice, without concern for the ritual efficacy of those divine transactions. For those 'part-time' *sacerdotes*, the intensity of these expectations was significantly lower. Their lesser degree of participation in divine ritual meant that they were not expected to continually maintain their *castitas*, but could take steps to ensure it when need arose. As Cicero emphasises, physical impurity was much easier to cleanse than mental stains. Whilst he cannot deny the involvement of 'part-time' *sacerdotes* who did not maintain utter *castitas* of body and mind, he imagines a sliding-scale of efficacy based on such considerations. Those who maintained *castitas*, *puritas*, *pietas* and *sanctitas* were more efficacious in their interactions with the gods than those who did not.

Returning to the biting invective of Cicero's *de domo* with which we started, Cicero castigates Clodius the '*sacerdos*', and implies (sarcastically) that he must be *tam castus, tam*

religiosus, tam sanctus, tam pius. Whilst *sacerdotes* were not necessarily the only Romans for whom these qualities were demanded, the potential distinctiveness of these *uirtutes* for *sacerdotes* allows Cicero to use Clodius' lack of such virtues to cast Clodius the '*sacerdos*' as his villain. Cicero does not imply that Clodius was wholly unable to perform the role of '*sacerdos*' without such virtues. Rather, his neglect of these qualities was the perfect fodder for Cicero's invective against him as they demonstrated the danger of trusting someone who had flouted these qualities and yet had taken an active role in men's relationships with the gods. Cicero's rhetoric is that the absence of such distinctive virtues in Clodius, the '*sacerdos*', greatly endangered Rome's relationship with the gods.

CHAPTER 3: ROLE EXPECTATIONS

3.1 INTRODUCTION

Expectations of *sacerdotes* were not limited to those which concerned the *uirtutes* which they were expected to display to a greater or lesser degree, and which informed expectations of their lives, behaviours, and circumstances. To enrich this discussion, I now consider some of the ways in which the sources express expectations of their competencies or roles. Such expectations are also essential to consider before we proceed to the case studies that make up **PART 2**. The nature of the evidence means that expectations as expressed by Cicero, Livy, and Valerius Maximus will be prominent in this chapter, although they are by no means the only writers whose expectations are considered here.

The expectation that is perhaps the most familiar, and for which there is largely agreement in contemporary scholarship, is that the *augures* and *pontifices* were primarily expected to function as advisors to the Roman senate on matters deemed to be 'religious'.[1] Such a role is primarily explicated by Livy.[2] His *augures* declare (*uocare*) and pronounce (*decernere*) their opinions, provide decrees (*decreta*), and are consulted (*consuli*) on various matters.[3] Similarly, the pontifical *collegium* makes decrees (*decreta*) and rulings based on its opinion (*censere*), has decisions referred to it (*delegare*) and is consulted (*adhiberi* or *consuli*) on various questions on which the senate sought its opinion (*sententia*).[4] This advisory role means that the *augures* and *pontifices* are not necessarily just those *conducting* rituals, but rather are perceived as assisting or informing them.

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[1] E.g. Zmigryder-Konopka (1932/33, 369-370); Jocelyn (1966, 93); Beard (1990, 25, 37-39); Rüpke (2002, 43); Ando (2010, 61-63); Berthelet (2011); Beltrão (2013, 237-238). This stands against the concept of priest as 'mediator', central to Judeo-Christian conceptions of priesthood, and which only uncomfortably applies to the Roman situation, perhaps with the senate more so than with *sacerdotes*: Wissowa (1912, 479-480); Beard (1989, 44-45; 1990; 1994, 730); Bendlin *et al.* (1993, esp. 82, 92); Beard and North (1990, 7-9); Marco Simón (1996, 33); Rüpke (1996a, esp. 241, 245-246); MacRae (2016, 15-16).

[2] On how this role informs Livy's representations of *sacerdotes*, *infra* ch.5. On the advisory function of the *pontifices* and *augures*, see also e.g.: Dion. Hal. *Ant. Rom.* 1.38.3, 2.73, 3.69.3-6, 4.62.3, 8.55.3, 8.89, 9.40, 9.55, 10.57.6.

[3] Liv. 3.20.6, 4.7.3, 8.15.6, 8.23.15, 22.34.11, 23.31.13, 39.16.7, 45.12.10.

[4] Liv. 5.23.9, 5.25.7, 22.9.11, 22.10.1, 24.44.9, 26.34.13, 27.4.15, 27.37.4, 29.19.8, 29.20.10, 30.2.13, 31.12.4, 32.1.9, 33.44.1, 34.45.7, 37.3.1, 38.44.5, 39.4.12, 39.5.9, 39.16.7, 39.22.4, 40.19.2, 40.45.2, 41.16.2.

Moving beyond this relatively well-trodden ground, I focus on some of the more nebulous or contested representations of the roles of *sacerdotes*, principally: the role of *sacerdotes* in interpreting *religiones*, the implications of the classification of the *pontifices* as *antistites*, and the belief that various *sacerdotes* should protect, maintain and defend sacred institutions.

3.2 INTERPRETING *RELIGIONES*

> *cum multa diuinitus, pontifices, a maioribus nostris inuenta atque instituta sunt, tum nihil praeclarius quam quod eosdem et religionibus deorum immortalium et summae rei publicae praeesse uoluerunt, ut amplissimi et clarissimi ciues rem publicam bene gerendo religiones, religiones sapienter interpretando rem publicam conseruarent. quod si ullo tempore magna causa in sacerdotum populi Romani iudicio ac potestate uersata est, haec profecto tanta est ut omnis rei publicae dignitas, omnium ciuium salus, uita, libertas, arae, foci, di penates, bona, fortunae, domicilia uestrae sapientiae, fidei, potestati commissa creditaque esse uideantur* […] *sin autem uestra auctoritate sapientiaque, pontifices, ea quae furore improborum in re publica ab aliis oppressa, ab aliis deserta, ab aliis prodita gesta sunt rescinduntur, erit causa cur consilium maiorum in amplissimis uiris ad sacerdotia deligendis iure ac merito laudare possimus* (Cic. *Dom.* 1-2).

Cicero begins his *de domo* with a positive affirmation of his expectations of the members of the pontifical college.[5] Cicero makes a bold claim for the role that the assembled members of the pontifical college,[6] the *clarissimi* and *amplissimi ciues*, must follow: *religiones sapienter interpretando rem publicam conseruarent*. Cicero's suggestion that this must be done *sapienter* is considered in **CHAPTER 4**, in the context of Cicero's evaluations of the wisdom of *sacerdotes*.[7] Here, I interrogate his assertion that the role of the pontifical college is one of interpreting *religiones* to maintain the *res publica*.

Beard, North and Price consider that this *exordium* gives us valuable insights into the role of the pontifical college, arguing that it is 'an expert orator's estimation of how a group of

[5] In using the term *pontifices*, Cicero sometimes refers more widely to the pontifical college (e.g. *Dom.* 33). At *Har. resp.* 12, Cicero lists the members of the pontifical college who restored his house, a list which includes *pontifices*, the *rex sacrorum*, and the *flamen* of Quirinus. It is possible that the *augures* were also present for the restoration of Cicero's house (Cic. *Dom.* 34), but this is uncertain. On the composition of the *collegium pontificum*: van Haeperen (2002, 80-84).

[6] On *amplissimi* and *clarissimi ciues*, *infra* § 4.3.

[7] *Infra* § 4.5.

Roman priests would *wish* to hear their roles defined; as well as, no doubt, a reflection of what a wider readership (of the "published" version of the speech) would be expected to think an appropriate opening in a speech given to the *pontifices*'.[8] They thus emphasise that whilst we must recognise rhetorical flair, Cicero nevertheless wrote an estimation of the role of the *pontifices* that would reconcile with their own understandings, and match the expectations of his readership. Criticising this, Gildenhard posits instead that the *exordium* is an excellent example of Cicero's ability to manipulate facts and realities to suit his rhetorical agenda.[9] He asserts that Cicero's rhetoric is more 'devious' than simple flattery of the *pontifices* and that Cicero attempted to redefine of the role of the *pontifices* in order to suit his aims.[10] Pointing to the rarity of the formulation *religiones interpretari* outside of the *de domo*,[11] Gildenhard claims that none of the duties ascribed to the *pontifices* required them to 'interpret' or 'mediate' the will of the gods whereas the *augures*, *haruspices*, and *(quin)decemuiri* were regularly required to mediate divine signs and interpret them for others.[12]

The language of interpretation and mediation is found more readily in the context of the *augures*, *haruspices*, and (*quin*)*decemuiri*. This is most obvious in the imagined laws of the *de legibus*. 'Marcus' breaks down the category of *publici sacerdotes* into three constituent parts and provides a short explanation as to his imagined purpose for each.[13] 'Marcus' expects the (*quin*)*decemuiri* to interpret *fatidicorum et uatium effata incognita*,[14] which appears, as Dyck has suggested, to be 'Cicero's way of generalizing the status of the Sibylline books'.[15] A similar formulation appears in the *de natura deorum*, where 'C. Aurelius Cotta' conceptualises the *quindecemuiri* as *interpretes Sibyllae* for their interpretation of the Sibylline prophecies,

[8] Beard, North and Price (1998, 1: 115). Original emphasis.
[9] Gildenhard (2011, 306-312).
[10] Gildenhard (2011, 306).
[11] The phrase, elsewhere, only: Cic. *Leg.* 2.67, with Dyck (2004, 420), where the *pontifices*, as *interpretes religionum*, are responsible for funerals; Caes. *BGall.* 6.13 to describe Druids; and Val. Max. 1.5.5 (*infra* 81). Also: Justinian 1.2.2.6.
[12] Gildenhard (2011, 308-310). Also: Santangelo (2013a, 746).
[13] On this, *supra* § 1.2; van Haeperen (2002, 55, 62). Cf. Val. Max. 1.1.1.
[14] Cic. *Leg.* 2.20, cf. 2.30.
[15] Dyck (2004, 302). Cf. van Haeperen (2002, 55). See also: Dion. Hal. *Ant. Rom.* 3.67.3.

alongside the *haruspices* who had the role of interpreting prodigies and portents.[16] Having defined the *quindecemuiri* as interpreters, 'Marcus' then casts the *augures* as interpreters of the will of *Iuppiter Optimus Maximus*.[17] Similarly in the *Philippics*, Cicero labels the *augures* as *interpretes* and *internuntii* of *Iuppiter Optimus Maximus*,[18] and in the *de diuinatione*, 'Marcus' considers the bird, to which the augur looks for divine signs, to be the *interpres* and *satelles* of Iuppiter.[19]

Although Livy primarily uses *interpretor* and its cognates to refer to legal interpretation,[20] or to refer to interpreters of various languages,[21] there are three instances where the act of interpretation is referred to in the context of divinatory activity. Livy refers to Carmenta, the divine prophet, as the *ueridica interpres deum*,[22] the *decemuiri sacris faciundis* as the *carminum Sibyllae ac fatorum populi huius interpretes*,[23] and an old man of Veii, who, as a replacement for the Etruscan *haruspices*, is considered as the *interpres fatis*.[24] Valerius Maximus similarly describes C. Marius, the augur, as being *peritissimus interpretandarum religionum*, which in context is intended to refer to his ability to interpret *omina*.[25] Wardle interprets this sentiment cynically, suggesting that Valerius 'may refer to Marius' skill at manipulating popular religious sentiment rather than to particular augural expertise'.[26] Such cynicism, however, undermines the importance of Valerius' *exemplum*. The exemplary force of Valerius' *exemplum* relies on Marius' genuine belief in the odd behaviour of an *asellus* which allowed for his life to be preserved. Elsewhere, Valerius invokes the act of interpretation in

[16] Cic. *Nat. D.* 3.5. Also: *Har. resp.* 37, for *haruspices* interpreting (*interpretari*) the Etruscan books. On *haruspices*, Beard (2012, esp. 31-33) is essential.
[17] Cic. *Leg.* 2.20, with Arena (2020, 26-34), cf. 2.30, 3.43, with Dyck (2004, 543).
[18] Cic. *Phil.* 13.12, cf. 5.7, 5.9, for *auspicia* to be interpreted by augurs.
[19] Cic. *Div.* 2.73. Cf. Arn. *Adv. nat.* 4.35.
[20] E.g. Liv. 1.26.8, 3.20.5, 3.55.8, 3.55.11, 38.32.10.
[21] E.g. Liv. 7.26.1, 10.4.9, 21.42.1, 23.11.4, 23.43.10, 27.43.6, 30.30.1, 30.33.12, 39.42.11, 45.29.3.
[22] Liv. 1.7.10.
[23] Liv. 10.8.2. On *decemuiri* and *fata*: Mazurek (2004, esp. 164).
[24] Liv. 5.15.4.
[25] Val. Max. 1.5.5. Marius: *FS* 2389.
[26] Wardle (1998, 175). Cf. Rawson (1974, 206).

other general divinatory contexts.[27] Thus, the act of interpretation most readily appears in a divinatory context.[28]

Whilst 'Marcus' in the *de legibus* stipulates the (*quin*)*decemuiri* and *augures* to be the interpreters of the will of the gods, he prescribes that the *pontifices* are to be in charge (*praesint*) of the *caerimoniae* and *sacra*.[29] This formulation can also be glimpsed in the *de re publica*, where 'Scipio' claims that Numa Pompilius *sacris e principum numero pontifices quinque praefecit*,[30] and in the *de natura deorum*, where 'Cotta' remarks that the *pontifices* preside over (*praesunt*) the *sacra*.[31] Whilst Cicero broadly expected the *pontifices* to have had responsibility for the *sacra*,[32] such a position of authority over elements of sacred ritual is not unique to the *pontifices*. Consider the term '*sacerdos*'. As we have seen, it was used to describe a broad range of positions such as the *pontifices*, the *flamines*, and the *rex sacrorum*, and its etymology suggests that all these positions were commonly considered to have had a relationship to the *sacra*.[33] Consider also the relationship between various offices and a position of control over various of sacred ritual. In the *de natura deorum*, 'Cotta' also places the *augures* in a position of authority, that they preside over (*praesunt*) the auspices.[34] Similarly, in the *de legibus*, the Vestal Virgins are expected to be in charge (*praesint*) of the cultivation (*colendae*) of Vesta.[35]

Whilst Cicero is insistent that the role of interpreters of the will of the gods should be largely ascribed to *augures*, *haruspices*, and *quindecemuiri*, his suggestion that the *pontifices* were responsible for the interpretation of *religiones* is not as radical a redefinition as Gildenhard

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[27] Val. Max. 1.6.3, 1.6.ext.3, 1.7.ext.7, 5.6.2, cf. 2.3.1.
[28] Also: Festus 255L *s.v. prophetas*.
[29] Cic. *Leg.* 2.20, cf. 2.30.
[30] Cic. *Rep.* 2.26.
[31] Cic. *Nat. D.* 1.122. Also: *Har. resp.* 14.
[32] Generally: van Haeperen (2002, 49-51).
[33] *Supra* §§ 1.2, 2.6. Cf. naming conventions for the (*quin*)*decemuiri sacris faciundis*, sometimes known as *quindecemuiri sacrorum*, i.e. Varro, *ap.* August. *De civ. D.* 6.3, or the *rex* and *regina sacrorum*, although sometimes known as *rex* and *regina sacrificulus*, i.e. Liv. 2.2.2, 6.41.9; Cic. *Dom.* 38, *Har. resp.* 12.
[34] Cic. *Nat. D.* 1.122; Linderski (1986a, 2148).
[35] Cic. *Leg.* 2.29. Cf. Varro, *Ling.* 5.86; Ov. *Fast.* 3.421-422. Also: Dion. Hal. *Ant. Rom.* 4.74.4, who describes the *rex sacrorum* as having no other duties but ἡγεμονίαν τῶν θυηπολιῶν. Cf. Livy who describes the attention of various *sacerdotes* to the gods as *cura*: e.g. 1.31.8, 1.33.1, 2.2.1-2, 5.40.7, 6.41.10, 22.10.9, 23.31.15, 27.8.6, 28.38.12.

posits. Whilst it may not have been the primary mode for *pontifices*, I suggest that there were moments where the *pontifices* could readily be seen as the *interpretes* of *religiones*. Gildenhard demonstrates that a primary use of *interpretor* and its cognates was in a legal setting, where prosecutors and advocates 'explicated (*interpretari*) the meaning of *ius*, *leges*, or the *uoluntas* of their authors'.[36] On this basis, he posits that Cicero manipulated this legal language and, in wilful disregard of the truth, cast the *pontifices* as judges rather than as experts of the *ius diuinum*.[37] Yet, the idea of *pontifices* as judges and as experts of the *ius diuinum* need not be at opposite ends of the scale, and Cicero's conceptualisation of the *pontifices* as interpreters of *religiones* can help to bridge that gap.[38] In Gildenhard's emphasis that the decision of the *pontifices* was simply *advisory* to the senate,[39] he ignores the fact that the decision-making process for the *pontifices* was here transformed into a quasi-legal setting. Clodius and Cicero each advocated their interpretation of what was *religio* to the *pontifices*. Whilst the senate was the ultimate decision-maker, it is clear from Cicero's advocacy that the *pontifices* were nonetheless responsible for deciding what was to be considered *religio*, and that the matter could not have been easily resolved by looking to precedent within the *ius diuinum*. Thus, the *pontifices* took on the role of judges, by interpreting *religiones* to resolve the matter. Cicero also suggests to the *pontifices* that there was an objective standard against which *religiones* should be interpreted; that the undertaking of *religiones* was the interpretation of the *uoluntas deorum immortalium*. He qualifies that *pietas erga deos* is nothing but an 'honest opinion' of the power and intentions of the gods.[40] Gildenhard insists that the will of the gods could only be discovered either through manifestations (and thus interpretations) of divine will – e.g. auspices, omens, the Sibylline books – or through a consideration of existing codifications in

[36] Gildenhard (2011, 309).
[37] Gildenhard (2011, 310). Cf. North (2014a, 75).
[38] North (2014a, 75).
[39] Gildenhard (2011, 318). Cf. Santangelo (2013a, 747).
[40] Cic. *Dom.* 107.

the *ius diuinum*.[41] How then, should *pontifices* handle moments of contested *religiones* where neither of these sources could provide an answer? Cicero tells us that the interpretation of the *uoluntas deorum immortalium* was a logical and binding way that the *pontifices* could decide what was *religio*, and they appear to have agreed with him.

Describing the *pontifices* giving their decision to the senate, Cicero, in a letter to Atticus from October of 57, conjures an image of the quasi-legal context. He expounds that M. Terentius Varro Lucullus the *pontifex* responded to the senate, *de omnium collegarum sententia*, that the *pontifices* had been the *iudices* of *religio* and that it would now be the responsibility of the senators to decide the matter *de lege*.[42] Cicero similarly emphasises the quasi-legal context of the decision regarding his house in the *de haruspicum responso*, and points us towards another context whereby the *pontifices* had to determine *religiones*; where the pontifical college had to decide the fate of a Vestal Virgin:[43]

> *quamquam ad facinoris disquisitionem interest adesse quam plurimos (ita est enim interpretatio illa pontificum, ut eidem potestatem habeant iudicum), religionis explanatio uel ab uno pontifice perito recte fieri potest (quod idem in iudicio capitis durum atque iniquum est), tamen sic reperietis, frequentiores pontifices de mea domo quam umquam de caerimoniis uirginum iudicasse* (Cic. *Har. resp.* 13).

From the language used in a range of sources to describe Vestals having been accused of *incestum*, the *pontifices* appear to have conducted trials that utilised full legal procedure.[44] Herein lies the ultimate answer to Gildenhard. Whilst Cicero uniquely describes the *pontifices* as *interpretes* of *religiones*, and such roles were more often ascribed to the *augures*, *haruspices*, and (*quin*)*decemuiri*, there were moments where the *pontifices*, to decide contested matters of *religiones*, took on the guise of judges.[45] In these quasi-legal contexts, neither direct signs from

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[41] Gildenhard (2011, 318).

[42] Cic. *Att.* 4.2.4, with Johnson (2015, 150). Also: Cic. *Att.* 4.1.7. Lucullus: *FS* 3234.

[43] North (2014a, 79). Cf. Bätz (2012, 258-263) on Vestal trials becoming criminal at the expense of (262) '[d]ie Marginalisierung des Religiösen'.

[44] For this language: esp. Liv. 4.44.11-12, 8.15.7-8; Dion. Hal. *Ant. Rom.* 2.67.3, 8.89.4-5, 9.40.3-4; Fenestella, *FRHist* 70 F13 = Macrob. *Sat.* 1.10.5; Plin. *Ep.* 4.11; Wissowa (1923-1924, esp. 203); Koch (1958, 1748-1749); Cornell (1981); Lovisi (1998); Cadoux (2005); Kroppenberg (2010, 429-430); DiLuzio (2016, 147). Cf. the *quaestio* of L. Cassius Longinus Ravilla: Gruen (1968, 127-129). For the legal context of the *pontifices*' punishment of the male perpetrators: Cadoux (2005, 165); Lovisi (1998).

[45] Cf. Dion. Hal. *Ant. Rom.* 2.67, 2.73 for the *pontifices* as both teachers and judges (ἱεροδιδάσκαλοι, ἱερονόμοι, ἱεροφυλακαί, and ἱεροφάνται), as inquirers (ἐξεταστaί) into instances of Vestal *incestum*, as judging (δικάζω) 'all

the gods nor the precedent of the *ius diuinum* could be the *pontifices*' source of authority. Rather, they had to interpret *religiones* through recourse to an objective standard, the perceived will of the gods. In this way, we might understand Cicero's hyperbolic claim that if the *pontifices* allowed Clodius to usurp their power, Rome would need to find *alii antistites deorum immortalium, alii interpretes religionum*.[46] This latter role was by no means their primary mode, but a role into which they could be thrust in exceptional circumstances. In this formulation, however, Cicero asserts another guise for the *pontifices*: as *antistites*.

3.3 *ANTISTITES*

Although stressed hyperbolically, an insistence that the *pontifices* could be considered as *antistites* of the gods must also be interrogated. In modern scholarship, *antistites* – and the rarer *antistita*[47] – is primarily used to describe Roman various 'foreign' sacral offices, but also occasionally to describe Roman sacral offices in a casual (rather than a technical) sense.[48] Lenaghan has suggested that the former usage contained no specific disapprobation, but that when used to describe Romans, it often had 'an unsavoury connotation'.[49] Yet such negative connotations are not readily apparent.[50] Moreover, I query the distinction made between the use

sacred causes' (τὰς ἱερὰς δίκας ἁπάσας), and as expounders (ἐξηγηταί) and interpreters (προφῆται) of matters relating to the gods, on which: Mason (1974, 115-116); Beard (1990, 46); Vaahtera (2001, 56, 59-62). Similarly, Plut. *Vit. Num.* 9.5 for the *pontifices* as expounders (ἐξηγηταί) and interpreters (προφῆται), Festus 133L *s.v. maximus pontifex*, the *pontifex maximus* as the *iudex* and *uindex* of all things extending to the *sacra* and *religiones*, and, 198-200L *s.v. ordo sacerdotum*, as the *iudex atque arbiter* [...] *rerum diuinarum humanarumque*. On these passages: van Haeperen (2002, 60-65).

[46] Cic. *Dom.* 2.

[47] For the feminine: esp. Gell. *NA.* 13.21; Hollis (2007, 354).

[48] Nisbet (1939, 98); Lenaghan (1969, 98); Briscoe (2008, 251); Rüpke (2008, 574 col. 2 n.1).

[49] Lenaghan (1969, 98).

[50] Even Cicero's use of *antistes* to describe Clodius (*Har. resp.* 14) is not, in itself, explicitly unfavourable: *infra* § 4.8.4. Whilst Livy refers to *antistites* in his description of the Bacchanalia (39.8.5), if the term had such negative associations, we might expect it to be the dominant word used by Livy rather than his preferred *sacerdos*: *infra* § 5.5. Cf. *CIL* 10.104.

of the term in contexts 'foreign' to Rome,[51] and its use to describe Romans.[52] The term appears instead to have been used to emphasise certain offices exercising a degree of control over cult or ritual practice. This idea of *control* being a central element of the use of *antistites* in a sacral context is most obvious when considering the metaphorical use of *antistes* to describe one's mastery of, or authority over, the realms of art, law, or philosophy.[53] This authority over cult is also expressed grammatically, in the possessive genitive, with *antistites* **of** *templa* and *fana*,[54] *ara*,[55] and *sacra* and *caerimoniae*.[56] Whilst frequently used to describe sacral functionaries outside the city of Rome – presumably due to these functionaries having control over cults, temples and altars – Roman *sacerdotes* could equally be described as *antistites* where the authority or control of a *sacerdos* over certain cultic elements was being emphasised. Thus, in a speech of P. Decimus Mus, Livy describes the *decemuiri* as the *antistites eosdem Apollinaris sacri caerimoniarumque aliarum*.[57] Similarly in the *de diuinatione*, in labelling the *quindecemuiri* as *antistites*, 'Marcus' implies that they were in a position of control and authority over the Sibylline prophecies.[58]

Thus, in describing the *pontificum collegium* as *antistites* in the *de domo*, Cicero emphasises the position of control and authority of the college.[59] We see this in the *exordium*, and later, where Cicero exhorts the *pontifices*: *huncin uos, qui estis, antistites caerimoniarum*

[51] E.g. Plaut. *Rud.* 624; Asinius Pollio, fr. 1 (Blänsdorf) = Charisius, *Gramm.* 1.100.24; Accius, *Trag.* fr. 153-154 (Warmington) cf. Dangel (1995, fr. 285-286) = Non. 782L *s.v. antistitam*; Cic. *Verr.* 2.4.99, 2.4.111; Liv. 23.11.5, 23.24.13, 31.14.8; Ov. *Met.* 13.410, 13.632; Val. Max. 1.1.1, 1.8.10; Nep. *Lys.* 3.3.2; Luc. *Phar.* 5.124; Sen. *QNat.* 4a.2.7; Tac. *Hist.* 4.83.

[52] Cic. *Dom.* 104, *Div.* 2.112; Liv. 1.7.14, 1.20.3, 1.45.6; Ov. *Pont.* 4.8.25; Val. Max. 7.3.1; Festus 255L *s.v. prophetas*; Juv. 2.113, with Courtney (2013, 118); Prop. 3.17.37; Sen. *Dial.* 7.26.7. Cf. irrecoverable context of Cornelius Severus, fr. 4 (Blänsdorf) = Charisius, *Gramm.* 1.100.25.

[53] Cic. *de or.* 1.202; Columella, *Rust.* 6.1.10; Ov. *Trist.* 3.14.1; Plin. *HN.* 7.110; Quint. *Inst.* 11.1.69; Sen. *Controv.* 1.pr.9; Sen. *Dial.* 10.14.5, *Polyb.* 11.8.2; *Ep.* 52.15.6; *QNat.* 7.32.2; Val. Max. 3.3.(ext).1; Mart. 7.74. Cf. Columella, *Rust.* 3.21.6; Gell. *NA.* 14.4.

[54] Cic. *Verr.* 2.4.99; Liv. 1.20.3, 1.45.6, 23.11.5, 23.24.13, 31.14.8; Festus 255L *s.v. prophetas*.

[55] Liv. 1.7.14, 9.34.18; Ov. *Pont.* 4.8.25.

[56] Liv. 10.8.2; Cic. *Dom.* 104. Cf. Val. Max. 1.8.10.

[57] Liv. 10.8.2.

[58] Cic. *Div.* 2.112.

[59] Cf. Thomas (2005, 128).

et sacrorum, auctorem habetis et magistrum publicae religionis?[60] This conception of the *pontifices* as having control over the *sacra* and *caerimoniae* reminds us of those instances where the *pontifices* were described as being in charge (*praeesse*) of the *caerimoniae* and *sacra* in the *de legibus*, *de re publica*, and *de natura deorum*.[61] Whist the control and authority of the *pontifices* are familiar from a variety of Ciceronian contexts, the emphasis upon them in the *de domo* (and the *de haruspicum responso*) is nonetheless a deliberate rhetorical strategy. To deny Clodius' authority in the consecration of his house, Cicero deliberately seeks to remind the *pontifices* that they were in position of control and authority over Rome's *sacra* but that Clodius was becoming their *auctor* and *magister*. This is consistent with one of Cicero's fundamental rhetorical strategies in the *de domo*. Cicero constructs an image whereby Clodius' pontificating on matters of *religio* was to be seen as an attempt to supplant, overwhelm, and – ultimately – overthrow the authority of the Roman pontifical college (and the *mos maiorum*).[62] The consequences of this rhetoric on Cicero's evaluation of Clodius are explored further in **CHAPTER 4**. Here we must recognise the high premium that Cicero sets on the authority and control of the pontifical college. From the first sentence, Cicero invokes the memory of the *maiores* and reminds the *pontifices* that, as inheritors of the legacy of the ancestors, they have various responsibilities, namely that they should maintain (*conseruarent*) the *res publica* by interpreting *religiones* wisely. Cicero establishes the *pontifices* as being primarily responsible for safeguarding and protecting the *mos maiorum* and the *res publica*. Such an expectation, for *sacerdotes* to maintain and protect, also emerges in other contexts.

3.4 PROTECT, MAINTAIN, AND DEFEND

Outside the *de domo*, there is a variety of instances where an expectation for *sacerdotes* to maintain and protect is elucidated. In the *de natura deorum*, 'Cotta' emphasises that as a

[60] Cic. *Dom.* 104.
[61] Cic. *Leg.* 2.20, *Rep.* 2.26, *Nat. D.* 1.22, *supra* § 3.2.
[62] Cicero evokes the *mos maiorum* to represent the communal values and traditions of the Roman élite: Kenty (2016, esp. 437).

pontifex himself, he considers it his duty to protect (*tuendas*) *caerimoniae* and public *religiones*.[63] 'Cotta' later repeats such sentiments. Again emphasising his status as *pontifex*, 'Cotta' states that he should always defend (*defenderet*) *sacra*, *caerimoniae* and *religiones* and the *opiniones* about the immortal gods that have been handed down by the *maiores*, and has always done so.[64] In both of these instances, 'Cotta' defends his position and his authority to speak on the nature of the gods. He attempts to reconcile his position as a *pontifex* with his philosophical introspection as an Academic Sceptic. The tension between these dual roles is explored in **CHAPTER 4**,[65] but for my purposes here, we need only acknowledge that 'Cotta' defends his position as a *pontifex*, in terms of his commitment to protecting or defending *sacra*, *caerimoniae* and *religiones*, to convince the other interlocutors that his position as an Academic Sceptic did not have a deleterious effect upon his performance as a *pontifex*. Yet therein lies, I think, a clue to Cicero's conceptualisation of his expectations of *pontifices*. He expects *pontifices*, even those pursuing philosophical introspection, to continue to properly perform their duties as *pontifices*, and, for Cicero, this meant defending and protecting *sacra*, *caerimoniae* and *religiones*.

Similar sentiments are also expressed for the *augures*. In the *de legibus*, 'Marcus' mandates that *publici augures* shall maintain (*tenento*) augural *disciplina*.[66] Similar sentiments are expressed by 'Quintus' in the *de diuinatione,* where he ascribes responsibility for the defence of auspices (*auspiciorum patrocinium debet esse*) to 'Marcus' as augur,[67] and praises the augur Ap. Claudius Pulcher, for he alone maintained (*tenuit*) the *disciplina* of divination.[68] In the same text, 'Marcus' also stresses the need for *religio* and augury to continue to be preserved (*retinetur*) and maintained (*conseruatum*), and in his cynical voice, emphasises that

[63] Cic. *Nat. D.* 1.61. Cotta: *FS* 823. On 'Cotta' as Academic Sceptic and *pontifex*: *infra* § 4.5.
[64] Cic. *Nat. D.* 3.5, with Rüpke (2007, 68).
[65] *Infra* § 4.5.
[66] Cic. *Leg.* 2.20-21.
[67] Cic. *Div.* 1.105.
[68] Cic. *Div.* 1.105, further *infra* § 4.1.6-7. Cf. Linderski (1985, 234). Pulcher: *FS* 1227.

they have been safeguarded for the cause of the *res publica*, rather than from any belief in divination.[69] In a final coda to the *de diuinatione*, in a voice close to his own,[70] Cicero emphasises that whilst his philosophical works have sought to destroy *superstitio*, he has not destroyed *religio*, for, as Cicero stresses, it is for the wise (*sapientes*) to preserve (*tueri*) the institutions of the *maiores* by maintaining *sacra* and *caerimoniae*.[71] Whilst there are obvious fluctuations in the approaches taken to augury expressed in various voices in the *de diuinatione*, a familiar language of preservation, defence and maintenance emerges strongly across the work, regardless of the philosophical stance taken.

Thus far we have seen various Ciceronian contexts in which an expectation to defend, protect or preserve *sacra*, *caerimoniae* and *religiones* is expressed as a primarily ideological or intellectual goal; that one's actions as a *sacerdos* should work towards the defence, protection, or preservation of these core institutional elements. By contrast, it is worth considering the exemplary *actions* of L. Caecilius Metellus the *pontifex maximus*, namely those of 241 when Metellus is said to have plunged into the burning *aedes Vestae* to save the *sacra Vestalia*.[72] In the *pro Scauro*, Cicero praises Metellus, as *pontifex maximus*, for saving the object that safeguarded Rome and its empire.[73] In a similar vein, Dionysius of Halicarnassus praises Metellus, the *pontifex*, for risking his own safety for the public good.[74] In Ovid and Varro by contrast, the emphasis is more on how Metellus' actions ensured the protection of the gods. Ovid suggests that Metellus' actions preserved Vesta herself,[75] whereas Varro implies that his actions protected the gods generally.[76] Littlewood reminds us that in Ovid's depiction of

[69] Cic. *Div.* 2.70, with Wynne (2019, 252-253), 2.75.
[70] Having just referred to *Nat. D.* For Cicero's 'voices' in *Div.*: Schofield (1986).
[71] Cic. *Div.* 2.148.
[72] *Sacra Vestalia/Palladium*: esp. Cic. *Scaur.* 48; Dion. Hal. *Ant. Rom.* 1.68-69; 2.66.5; Ov. *Fast.* 6.417-436; L. Cassius Hemina, *FRHist* 6 F7; Paus. 2.23.5; Serv. *Aen.* 2.166; Sil. *Pun.* 13.39-81; Plut. *Vit. Cam.* 20; Dubourdieu (1989); Sordi (1982). Cf. Ov. *Fast.* 1.527. For Metellus' narratives: Cic. *Scaur.* 46-49; Varro, *ant. rer. div.* fr. 2a (Cardauns) = August. *De civ. D.* 6.2; *Per.* 19; Ov. *Fast.* 6.437-460; Val. Max. 1.4.5; Dion. Hal. *Ant. Rom.* 2.66.4; Plin. *HN.* 7.139-41; Sen. *Prov.* 5.2; Juv. 6.265; Amp. *Lib. Mem.* 20.11; Oros. 4.11.9; August. *De civ. D.* 3.18.2.
[73] Cic. *Scaur.* 48-49.
[74] Dion. Hal. *Ant. Rom.* 2.66.4.
[75] Ov. *Fast.* 6.454.
[76] Varro, *ant. rer. div.* fr. 2a (Cardauns) = August. *De civ. D.* 6.2.

Metellus, his position as *pontifex maximus* is foremost, and that, as the *pontifex maximus* 'he takes upon himself the full responsibility as Rome's intermediary with the gods' by plunging into the burning temple.[77] Yet Littlewood also urges caution in understanding Ovid's image of Metellus the *pontifex maximus* feeling bound by a duty to protect the *sacra*. She identifies anachronism in Ovid's depiction of Metellus the *pontifex maximus*, particularly in the ways in which Ovid reflects upon the relationship between the *pontifex maximus* and Vesta. It is well understood that Augustus redefined the relationship between Vesta, the Vestals, and the *pontifex maximus*, and forged new links between himself as the protector of the empire and the Vestals who worked diligently for the protection for Rome and its empire.[78] Ovid's depiction of Metellus and the Vestals must also be read through this lens. As Littlewood suggests, Metellus, as the 'iconographic rescuer of Vesta's *sacra* from the threat of fire […, is the forerunner] of Augustus, who was to rescue Roman temples and rituals from their neglect during the Civil Wars and, in particular, shelter a new cult of Vesta in his Palatine home'.[79] In this way, Ovid found and expounded equivalences between Metellus and Augustus as *pontifices maximi* and used his *fasti* to explore the newly crafted relationship between Augustus as *pontifex maximus* and Vesta and the Vestals.[80] Nevertheless, this image of Metellus as a protector of the gods cannot have been entirely Augustan, given its earlier attestation in Varro. If we trust that Augustine accurately quoted the *Antiquitates rerum diuinarum*, Varro has made an audacious boast:[81]

> *se timere ne pereant, non incursu hostili, sed ciuium neglegentia, de qua illos uelut ruina liberari a se (dicit) et in memoria bonorum per eius modi libros recondi atque seruari utiliore cura, quam Metellus de incendio sacra Vestalia et Aeneas de Troiano excidio penates liberasse praedicatur* (Varro, *ant. rer. div.* fr. 2a (Cardauns) = August. *De civ. D.* 6.2).

[77] Littlewood (2006, 139). Cf. Newlands (1995, 130-139).

[78] E.g. Herbert-Brown (1994, 70-81); Newlands (1995, 130); Price (1996, 826); Littlewood (2006, 135-136); Bollan (2013, 244-245). Ovid retroactively applies this relationship back onto Iulius Caesar to 'legitimate and camouflage': quote Herbert-Brown (1994, 70-71), also: Littlewood (2006, 135-136). For Augustus' innovations: Ov. *Fast.* 3.699-700, 5.573-576. Augustus: *FS* 1012.

[79] Littlewood (2006, 136).

[80] Littlewood (2006, 135-136, 140). Also: Chiu (2016, 114-126).

[81] Esp. Beard, North and Price (1998, 1: 118); Kronenberg (2017, 317); Binder (2018, 172).

Varro casts Metellus' actions as exceptional, and here leaves his position as *pontifex maximus* to be remembered by his readers. In placing Metellus' deeds in juxtaposition with the deeds of Aeneas, he elevates Metellus to a lofty position in the religious and cultural history of Rome's past.[82] Further, Varro suggests that the preservation of objects – the Penates and the Palladium – was a way in which these historical figures preserved the gods and prevented their destruction.

A perceived relationship between Metellus' actions and the gods may also be seen in the evolution of Metellus' narrative. At roughly this time, or perhaps a little later, the extraneous detail creeps into the narrative that Metellus had not simply *risked* personal injury or the wrath of Vesta to protect the sacred appurtenances of Rome, but that he was *actually* blinded as a result.[83] This is seen not merely as a heroic scar for his bravery, but rather Vesta's punishment for him laying his eyes on an object which no man should ever see, and which was hidden in a sacred space reserved for the Vestals alone.[84] That these actions were directly associated with his status as *pontifex maximus* can be seen, for instance, in Seneca's *controuersia* of *Metellus caecatus*. As we have already seen, Seneca's declaimers debate the appropriateness of L. Caecilius Metellus as *pontifex maximus* due to the blindness he had suffered for his actions.[85] One of the declaimers goes as far to suggest that they should not be considering whether Metellus should have remained *pontifex maximus* for his actions. Instead, he suggests, those actions made him worthy of being made a *sacerdos* were he not already one.[86]

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[82] Varro's comments are emblematic of an intellectual turn, whereby Romans of the late republic were able to enunciate, define, and rationalise a Roman 'religion', which, although it lacked precision or consensus, was a recognition that there were a discernible series of rules, institutions and thought-processes that could be accumulated under a single banner which we recognise as 'religion', see esp.: Beard (1986, esp. 36, 40, 45-46; 1990, 758); Ando (2008, esp. 104); North (2013b); Rüpke (2014, esp. 248, 260, 266; 2016b, esp. 30-36); Barton and Boyarin (2016, 19); Cole (2019, 226). This is usually seen as the result of a growing understanding of Greek philosophical ideas: esp. Beard (1986, esp. 36, 40, 45-46); Willi (1998, 157-159); Rüpke (2004, 38; 2014, 246, 248, 260, 266-267); Baraz (2012, esp. 2-3); Champion (2017, 15). Cf. Kronenberg (2017).

[83] Plin. *HN.* 7.139-41; Sen. *Controv.* 4.2; Sen. *Prov.* 5.2; Juv. 6.265; Amp. *Lib. Mem.* 20.11. Cf. Oros. 4.11.9 where Metellus loses his arm instead; August. *De civ. D.* 3.18.2 where Metellus' injuries are ambiguous. On the injuries: Leuze (1905); Brelich (1939); Morgan (1973, 37-38; 1974, 139-140); Lennon (2014, 50-51).

[84] Brelich (1939, 34-35).

[85] Sen. *Controv.* 4.2, with *supra* § 2.2.

[86] Sen. *Controv.* 4.2.

Whilst the actions of L. Caecilius Metellus in saving the Palladium are variously framed, it appears that this had, by the late republic and the early empire, become an exceptional *exemplum* of the willingness of a *pontifex maximus* to preserve the *sacra* (and thus Rome) with little regard for his own safety. In this way, Metellus' action warrants his comparison to the *exemplum* of Aeneas (as in Varro), and becomes a worthy *exemplum* for Augustus (as in Ovid). Considering Metellus' exceptionality as *pontifex maximus*, it is perhaps even more remarkable that, as elucidated in **CHAPTER 1**, the *laudatio funebris* given by his son to celebrate his life did not boast of his actions as *pontifex maximus*. There are several possibilities which might explain this distance between the third and first centuries. First, it is possible that the story of his rescue of the Palladium was invented sometime in the second or early first century. Second, Metellus' son potentially knew of the story, but perceived that such narratives – and thus the qualities that such narratives might evoke – were irrelevant for a *laudatio*.[87] Metellus' *laudatio* aggrandises the qualities of a brave and talented military commander, an expert orator, and a wealthy senator at the head of a large family. This appears to fit with the evidence considered in **CHAPTER 1**. There I sketched out the possibility that Romans before the first century only gradually came to appreciate the importance of sacerdotal positions in such *laudationes*, and that this importance was potentially only cemented in the mid-to-late first century. That Metellus' narrative accumulated increasingly more fantastic details in the late republic and early empire attests to the idea that the narrative came to be perceived as being more relevant in this later period, and that importance was now being ascribed to the qualities displayed by this *pontifex maximus* in saving sacred objects for the protection of Rome with no fear for personal consequences.

Returning to Varro's audacious boast, it is worth clarifying his position on the importance of Metellus as an *exemplum* for his own actions. In describing his undertaking in writing the *Antiquitates rerum diuinarum*, Varro uses the language of preserving and saving;

[87] Leuze (1905, 96-98).

that in writing his books he was storing, and thus preserving the gods in the memory of good men. We need not blindly accept his rhetoric of the decline or destruction of belief in the gods through the negligence of the citizens.[88] Nevertheless, it is worth paying proper attention to his claim that intellectual approaches to 'religion'[89] were able to protect the gods and did so analogously to Metellus and Aeneas' physical actions in the preservation of the *sacra*. As in the passages of Cicero that we have already considered, Varro stresses an intellectual method of preserving the gods. He suggests that reinforcing the position of the gods within cultural consciousness was an act of preservation. Yet unlike Cicero and his interlocutors, Varro positions himself, a non-*sacerdos*, as a preserver of the gods through intellectualism. Thus, Varro attempts to carve out a new area for intellectually inclined members of the Roman élite, whereby non-*sacerdotes* could be seen to protect the gods by writing about them,[90] in ways analogous to the actions of the great men of old who protected the gods through their physical actions directed towards the *sacra*.[91] As we shall see in the next chapter, Varro's boast does not necessarily mean that *sacerdotes* were excluded from literary endeavours which were informed by their experience as *sacerdotes*.[92] Nor can we take Varro's words to mean that these kinds of expectations could no longer be made of *sacerdotes*, that they had been replaced or supplanted by non-*sacerdotes*. Varro's audacious boast is only exactly that, a boast. He is not speaking for non-*sacerdotes* everywhere, but merely establishing at the outset a glorifying rationale for writing the *Antiquitates rerum diuinarum*.

That being said, the rhetoric of preservation and maintenance also emerges in a small cluster of *exempla* in Valerius Maximus' first book. In every instance, Valerius expects non-

[88] On the decline of 'religious' institutions (and the so-called Augustan 'restoration'): e.g. *RG* 10; North (1986); Feldherr (1998, 39); Levene (1993, esp. 244); Price (1996, esp. 812-813, 820); Galinsky (1996, esp. 288-294); Beard, North and Price (1998, 1: 167-169); Pasco-Pranger (2006, 36-38); Várhelyi (2010, esp. 1-17). Cf. Warde Fowler (1911, 428-451); Syme (1939, esp. 454).
[89] *Supra* n.82.
[90] On this intellectualism, and contributions of non-*sacerdotes*: Rawson (1985, 313-316); Rüpke (2012c, 151); MacRae (2016, 55-62), and *infra* § 4.1.7.
[91] Binder (2018, 172).
[92] *Infra* § 4.1.7.

sacerdotes to preserve and maintain *religio*.[93] That is not to say that Valerius excludes *sacerdotes* from his picture entirely. As we shall see in **CHAPTER 6**, Valerius places at the forefront (and outset) of his work those *sacerdotes* whose actions ensured that *religio* was always given pride of place. However, where Valerius enumerates those who are praiseworthy for having preserved and maintained *religio*, he principally considers the contributions of non-*sacerdotes*. Although his rhetoric does not concern *sacerdotes*, it is worth briefly considering how this rhetoric appears in the *facta et dicta memorabilia* so that I might posit reasons why Valerius adopts rhetoric similar to Cicero's, but changes the focus away from *sacerdotes*.

Valerius first uses this rhetoric in his summation of Rome's ancient past, where he talks of the *studium* of the ancients for *non solum seruandae sed etiam amplificandae religionis* in the accumulation of sacred lore from Etruria and the search for a *sacerdos* for Ceres from Velia.[94] Later in *de religio*, Valerius casts C. Fabius Dorsuo as a *memorabile exemplum* for his leading role in preserving (*seruatae*) *religio* by performing the rites of the Fabii on the Quirinal even though he had to make his way through ranks of besieging Gauls.[95] Valerius also foregrounds the conservation (*conseruandae*) of *religio* in the discovery and subsequent destruction of the buried books of Numa Pompilius.[96] Valerius even claims that M. Atilius Regulus surpassed the rest in his defence (*custodia*) of *religio*.[97] Finally, Valerius claims that the gods were moved by the *constantia obtinendae religionis* of Rome's women, in setting aside

[93] On the importance of *religio* to Valerius' opening *exempla*: *infra* § 6.1.

[94] Val. Max. 1.1.1.

[95] Val. Max. 1.1.11. Cf. Liv. 5.46, 5.52; Flor. 1.7.16; Cass. Dio 7.25.5-6; Min. Fel. *Oct.* 6; App. *Gall.* 6 = Cassius Hemina, *FRHist* 6 F22. Cf. Cass. Dio 7.25.5-6 for Καίσων Φάβιος, with Salomies (1987, 26). On the traditions: Mommsen (1879, 319-320); Ogilvie (1965, 731); Wardle (1998, 104); Rüpke (2008, 674).

[96] Val. Max. 1.1.12. Cf. Liv. 40.29; Plut. *Vit. Num.* 22; Lactant. *Div. inst.* 1.22; [Aur. Vict.] *De vir. Ill.* 3.2; Plin. *HN.* 13.84-8 = Cassius Hemina, *FRHist* 6 F35 = L. Calpurnius Piso Frugi, *FRHist* 9 F14 = C. Sempronius Tuditanus, *FRHist* 10 F3 = Valerius Antias *FRHist* 25 F9, F58 = Varro, *ant. hum.* fr. 6.3 (Mirsch); Valerius Antias fr. 57 = Varro, *de cultu deorum* fr. III (Cardauns) = August. *De civ. D.* 7.34; Skidmore (1996, 65); Briscoe (2008, 480-483).

[97] Val. Max. 1.1.14. Also: Cic. *Off.* 3.99-115; Hor. *Carm.* 3.5; Flor. 1.18.17-26; *Per.* 18; Liv. 30.30.23; Gell. *NA.* 7.4; Sil. *Pun.* esp. 6.101-551. Cf. Polyb. 1.34; Diod. Sic. 24.12. For Regulus' exemplarity: Mix (1965; 1970); Williams (2004); Leach (2014).

their sorrow after the destruction of Cannae and resuming their performance of the rites of Ceres.[98]

Although there can be no certainties, it seems that Valerius did not simply borrow *exempla* on this theme from his source material.[99] First, a focus on the preservation of *religio* is missing from Livy's earlier account of Dorsuo's performance of the rites of the Fabii on the Quirinal.[100] Livy mentions *religio* only in the context of the Gauls being moved by their compulsion towards *religio* upon observing the performance of rites even in the most dire of circumstances; that Dorsuo's compulsion to sacrifice was, for the Gauls whose adherence to *religio* was 'proverbial',[101] worthy of awe and respect. Second, in suggesting that Regulus has protected *religio* by giving the oath that he would return to the Carthaginians in full knowledge of the cruel torment that awaited him, Valerius uniquely places the emphasis on the keeping of the oath as an act of protecting *religio*.[102] Whilst other treatments, especially Cicero's *de officiis*, foreground Regulus' exemplary *fides* and the sacred nature of oath-taking, Valerius is unique in casting this narrative in this way.[103] Third, whilst Valerius' *exemplum* of the fate of the books of Numa shares similarities with that of Livy (and is equally dissimilar to many of the other retellings of these narratives elsewhere),[104] Valerius is unique in positing that the destruction of the Greek texts, which were *de disciplina sapientiae*, was an act of the preservation of

[98] Val. Max. 1.1.15. Cf. Liv. 22.56.4-5; Plut. *Vit. Fab.* 18.1-2.

[99] It is difficult, e.g., to evaluate Valerius' innovation in reshaping the narrative of the lamenting of Rome's women. Livy's version, in which the women *do* allow the rites to Ceres to lapse (22.56.4) suggests that there were at least two different versions. Whilst Valerius possibly drew on Livy, in which case he would have clearly inserted the rhetoric of the preservation of *religio*, it is equally possible that Valerius drew on another – now lost – source in which such rhetoric *potentially* already existed. Wardle (1998, 112) denies Livy as Valerius' source, suggesting Coelius Antipater or Varro instead.

[100] Liv. 5.46.3; Stübler (1941, 67-68); Richardson (2004, esp. 268, 292). Cf. Levene (1993, 197-198).

[101] Ogilvie (1965, 731).

[102] Val. Max. 1.1.14; Skidmore (1996, 65). Skidmore notes that Regulus' *exemplum* might more naturally belong in 3.8 (*de constantia*) or 6.6 (*de fide publica*), and thus rationalises Regulus in 1.1 (*de religione*) as an *exemplum* of '[g]ood moral conduct and piety'.

[103] Cic. *Off.* 3.99-115, esp. 102, 104, with Feldkamp (2007, 41). Mix (1970, 39-40) characterises Regulus generally as an exemplar of '*fides*, *pietas erga patriam, fortitudo, constantia,* and *paupertas*'. Also: Litchfield (1914, 28); Mix (1965, 158-159); Williams (2004); Feldkamp (2007); Leach (2014). On Valerius' agency in crafting this *exemplum* generally: Loutsch (1998, 33-35).

[104] Latte (1960, 268-270); Prowse (1964); Grilli (1982, 186-97); Rosen (1985); Gruen (1990, 158-170); Wardle (1998, 105-108); Willi (1998); Briscoe (2008, 480-485).

religio.[105] Both share the conviction that the Greek texts had the potential to destroy or dissolve *religio*,[106] but only Valerius posits the positive. It is *perhaps* only the natural concomitant of the suggestion that the books of Numa would destroy *religio*, that the removal of these corrupting influences would preserve it. Yet, the fact that Valerius infers the positive and places it alongside his other *exempla* in which his authorial voice is more obvious, suggests his active role in constructing a cluster of *exempla* that uniquely focus on the preservation, maintenance, and conservation of *religio*.

Moreover, there is even a possibility that Valerius deliberately sought to exclude *sacerdotes* from these *exempla*. While Valerius is hesitant to ascribe sole responsibility to the actor(s) who preserved *religio* by destroying the Greek texts of Numa, rather preferring to variously locate the impetus with the *maiores*, consuls, the praetor, the senate, and the *prisci uiri*, it is definitively not *sacerdotes* who instigate such behaviour. In his invocation of M. Atilius Regulus saving *religio*, Valerius leaves to it the reader to remember that Regulus' illustrious career did not include a sacerdotal position. Further, by suggesting that the women of Rome – in laying aside their grief and resuming the rites – were maintaining *religio*, Valerius suggests that the responsibility for preserving *religio* was the prerogative of all Roman *matronae*. Valerius also emphasises the leading role of private citizens in maintaining *religio* in his *exemplum* of C. Fabius Dorsuo. While a rival tradition, potentially beginning with Cassius Hemina,[107] and preserved in Florus, Appian and Cassius Dio, records Dorsuo as *pontifex*/ἱερεύς sacrificing at the temple of Vesta,[108] the version preserved in Valerius – also in Livy, and which

[105] Valerius therefore ignores the earlier belief that the Greek books were Pythagorean. This too may be inspired by Livy (40.29.7) who explicitly states it to be a fiction that the texts were Pythagorean. For Numa and Pythagoras: Prowse (1964); Rosen (1985); Panitschek (1990).

[106] Livy (40.29.11) uses the phrase *dissoluendarum religionum esse* to describe the destructive potential of the texts, whereas Valerius (1.1.12) suggests that the Greek texts were thought in some part to pertain *ad soluendam religionem*. On Livy's use of the phrase in the context of the Bacchanalian conspiracy: Penwill (2004) and Liv. 39.16.9. For the perceived threat to Rome of these books, esp.: Beck (2018, esp. 105-108).

[107] App. *Gall.* 6 = Cassius Hemina, *FRHist* 6 F22. Cassius Hemina as Appian's source is contested, based on emendation of the name of his source: Forsythe (1990); Richardson (2004, 285-287); Lentzsch (2019, 92-93). Cf. Santini (1995, 171-172).

[108] Flor. 1.7.16; Cass. Dio 7.25.5-6; App. *Gall.* 6 = Cassius Hemina, *FRHist* 6 F22. Fabius as *pontifex maximus* (ἀρχιερεύς): Plut. *Vit. Cam.* 21.3.

potentially originated with Fabius Pictor – is of Dorsuo merely performing the rites of his *gens* on the Quirinal.[109] It is tempting to imagine that Valerius deliberately chose to frame his *exemplum* not as Dorsuo as *pontifex* but Dorsuo as private celebrant of the rites of his *gens*, although we will never know whether Valerius was aware of the rival tradition. A more realistic proposition is perhaps that Valerius was only aware of Livy's version, in which Dorsuo ascended the Quirinal to perform rites for his family. In Livy's account, it is fundamental in the speech he gives to Camillus, that Dorsuo is a private individual rather than a *pontifex*.[110] Livy has Camillus remind the Quirites of the duties and obligations of the *pontifices* and *flamines* in Rome, and rebukes them for seeking to allow the *pontifices* and *flamines* to be more negligent of *publicae religiones* than Dorsuo, *priuatus*, in the performance of the rights of his family.[111]

Considering these passages as a whole, we can perceive a cluster of *exempla* in Valerius' *facta et dicta memorabilia* which adopt the rhetoric of the preservation, maintenance, and conservation of *religio* and which explicitly exclude *sacerdotes* from this rhetoric. Especially compared with how this rhetoric appears in Cicero, and in which it is an explicit expectation of *sacerdotes*, the absence of *sacerdotes* from this picture seems remarkable at face value. The key to understanding this shift, however, is not to conceptualise Valerius' *exempla* as the *exclusion* of *sacerdotes*, but rather the *inclusion* of all a wide range of other Romans. As we shall see in **CHAPTER 6**, in the exploration of Valerius' evaluations of *sacerdotes* specifically, *sacerdotes* take a starring role at the beginning of *de religione* in ensuring that *religio* is always respected and given the importance above all other considerations that it demands. From this, Valerius shifts focus to these *exempla*, in which the baton is passed to all Romans – magistrates and private citizens – to ensure the maintenance, preservation and conservation of *religio*. In this way, Valerius sets out a social vision that incorporates a wide range of Romans and gives

[109] Val. Max. 1.1.11; Liv. 5.46, 5.52. On the traditions: Mommsen (1879, 319-321); Santini (1995, 172-173); Wardle (1998, 104); Richardson (2004); Smith (2006, 45-46); Rüpke (2008, 674); Lentzsch (2019, 92-93). Cf. Richardson (2015, esp. 180) for caution as to assumptions about Pictor's history.
[110] For Livy as source: Wardle (1998, 103).
[111] Liv. 5.52.4; Chaplin (2015, 104).

them all roles to play in the success of Rome's relationship with the gods. It has been only through the cooperation of all these actors that Rome's success had been achieved, and (the logic follows) that only by the continued collaboration of all members of Roman society that such success will be able to be maintained into the future.

3.5 CONCLUSIONS

Given these shifts in the ways in which an expectation and duty to protect, maintain and defend was expressed by key writers across this period, we might be tempted to construct a somewhat linear narrative. Cicero emphasises the duty of various *sacerdotes* in maintaining, preserving, or defending *sacra*, *caerimoniae* and *religio*, and he expresses this as an ideological or intellectual pursuit. His *sacerdotes* should focus principally on the maintenance and preservation of these institutional pillars and these concerns must transcend other political or philosophical inclinations. Varro emphasises the role of intellectualism in the protection of the cultural memory of the gods, but carves out this role for himself, as a non-*sacerdos*. Valerius ascribes the rhetoric of maintaining, preserving and conserving *religio* to other Romans – private citizens and magistrates – giving *sacerdotes* a starring role in ensuring that preference was always ascribed to *religio*. Yet to suggest that these writers engaged in a consistent narrative of expectations would be to suggest that these expectations were necessarily shared more widely and were not rather informed by the specific intentions and assumptions of the ancient sources. One of the factors informing Cicero's exploration of an expectation for *sacerdotes* to protect, maintain and defend *sacra*, *caerimoniae* and *religio* was arguably his own philosophical introspection. How could he reconcile his own philosophical beliefs with his position as a *sacerdos*? Although Varro's *Antiquitates rerum diuinarum* can be placed amongst a wider milieu in which élites, both *sacerdotes* and non-*sacerdotes*, came to be involved in intellectual pursuits concerning matters *de religione*,[112] his boast that intellectual pursuits such

[112] *Infra* § 4.1.7.

as his allowed for the preservation of the gods is, principally, his justification for writing the text and an attempt to secure its status as a cultural artefact. The apparent exclusion of *sacerdotes* from the rhetoric of preserving and saving in Valerius is not necessarily a response to this widening of participation, but rather emerges as a by-product of his greater vision for Roman society. For Valerius, all Romans contributed to the conditions upon which Rome's greatness was built. These writers actively worked to define their expectations of *sacerdotes* (and non-*sacerdotes*).

By contrast, it is possible to perceive a greater shared appreciation of distinctive expectations of *pontifices maximi* in the rhetoric surrounding Metellus. By the late republic, a palpable importance had been placed on his act of saving the Palladium, and thus preserving both Rome and Vesta's *sacra*. This heroic effort, and his willingness to face harm to save Rome and its *sacra*, appears to have been accepted as a powerful indication of the worthiness of his position as *pontifex maximus*. Although the absence of Metellus as *pontifex maximus*, and thus this story, from the summation of his life given by his son might indicate that the story was invented in a later period, it may rather be indicative of shifts in the apparent worthiness of such narratives to the estimation of Metellus and his *uirtutes*. Although Ovid found in Metellus a precursor to Augustus, Ovid cannot have been principally responsible for this shift. Nor can it be located in Augustus' assumption of the position of *pontifex maximus*. Varro's estimation of Metellus as a worthy precursor to his own efforts instead suggests that such ideas had already become topical by the late republic. This rhetoric extended into the empire as well, with Metellus gaining additional scars and injuries which further accentuated the importance of the acts of this *pontifex maximus*.

For the other expectations explored in this chapter – namely whether *sacerdotes* were responsible for interpreting *religiones* and had a degree of control and authority over *sacra* and *auspices* – we are pulled in both directions. Are these expectations of *sacerdotes* that Cicero is actively and radically redefining, or are they confirmations of existing and more widely held

expectations? Gildenhard is firm that Cicero is radically redefining expectations in enumerating that the *pontifices* should interpret *religiones*. Yet, as we have seen, whilst Cicero is defining expectations by uniquely ascribing to the *pontifices* the role of interpreting *religiones*, and labelling them *antistites*, such formulations were not necessarily foreign to other, more established, modes of understanding the expectations of *sacerdotes*. We might equally ascribe the role of interpreting *religiones* to the *pontifices* in those moments where the weight of precedent could not provide them answers regarding contested *religiones* and where they needed to determine the *uoluntas deorum immortalium*, especially when they acted as judges for Vestals accused of *incestum*. Further, Cicero's estimation of *sacerdotes* as *antistites* was not necessarily unwarranted, nor foreign to the ways in which *sacerdotes* might have been more widely understood. Cicero defines various *sacerdotes* as being in positions of power and control over *sacra* and *auspicia* in contexts in which he had little to gain from radically redefining the ambit of their roles.

The tension between understanding the extent to which the sources actively defined expectations or responded to more widely held views has been recurrent throughout this **PART**. Even if we cannot always determine the extent to which these expectations were more widely shared, one thing has emerged consistently: that whilst the expectations were wide and varied, and applied to different *sacerdotes* to different degrees, there were behaviours, *uirtutes* and roles which were expected of *sacerdotes* across a range of our ancient sources which had a resonance and focus for *sacerdotes* in distinction to other important Romans. Whilst some of these behaviours and *uirtutes* were shared with other prominent Romans, we can nonetheless carve out distinctive resonances for *sacerdotes*. These resonances were important, and are more valuable to our understanding of *sacerdotes* than has been previously recognised and appreciated.

PART 2: EVALUATIONS

Having broadly considered various expectations of *sacerdotes*, my intention in this **PART** is to instead focus on some of the ways in which *sacerdotes*, both historical and contemporary, were evaluated by ancient authors. Three authors have been chosen as case studies for such a purpose: Cicero, Livy, and Valerius Maximus. As was explained in **CHAPTER 1**, these three writers were chosen as case studies for their abundant evaluations of *sacerdotes* and because of the extent to which they ascribe importance and distinctiveness to *sacerdotes*. Whilst I do not suggest that the evaluations of these authors are straightforwardly representative of the thoughts and beliefs of their times, these case studies allow me to construct a temporal sequence from which I can draw tentative conclusions about the potential for development over time, and as a reaction to changing historical circumstances.

The three chapters of this **PART** are divided chronologically, and thus will consider the evaluations of Cicero (**CHAPTER 4**), Livy (**CHAPTER 5**), and Valerius Maximus (**CHAPTER 6**) in turn. In separating their treatments of *sacerdotes*, I am more easily able to highlight the idiosyncrasies of each writer, more obviously trace chronological developments, and acknowledge where later writers have deliberately reshaped the evaluations of *sacerdotes* contained in earlier source material.

CHAPTER 4: CICERONIAN EVALUATIONS

CICERO

Throughout Cicero's oeuvre, legendary *sacerdotes* from Rome's historical and mythical past rub shoulders with those *sacerdotes* amongst his contemporaries whom he held in high esteem or sought publicly to vilify. In this **CHAPTER**, I explore some of the *sacerdotes* upon whom Cicero lavishes praise and those whom he reviles, and consider the virtues for which these *sacerdotes* were lauded and denigrated.

Part of this analysis inevitably considers Cicero's political invective, most prominently his public character assassinations of his rivals M. Antonius and P. Clodius Pulcher. Yet it would be a mistake to think that, just because Cicero paints his villains in 'graphic black and white',[1] his claims are entirely hyperbolic. As Edwards reminds us, just because invective ought not to be 'taken literally is not to say that [invective and insults] were empty or meaningless'.[2] Invective strategies are persuasive only because they rest on embedded cultural assumptions about the boundaries and limitations of expected behaviour and upon shared *mores* and norms. Cicero's use of invective as a rhetorical strategy means we can make assumptions about the shared cultural norms that made his denunciations effective, as he tapped into shared understandings of the expected behaviour and *mores* for *sacerdotes* to make his invective evocative and persuasive. In this way, Cicero's invective not only provides access to his expectations and evaluations of *sacerdotes*, but also the ways he expected his audiences to understand *sacerdotes* as well.

As will be demonstrated, a relatively consistent image of the importance and distinctiveness of *sacerdotes* emerges across Cicero's vast oeuvre, despite differences in time and genre. There are, of course, moments where his attention towards *sacerdotes* has greater potency and focus, most notably in his clashes with M. Antonius and P. Clodius Pulcher. The extent of his philosophical introspection, late in his life, also appears to have caused him to

[1] Gildenhard (2011, 93) on Cicero's depiction of 'heroes and villains'.
[2] Edwards (1993, 11). Similarly: Craig (2004).

question with greater intensity the possible antagonism between philosophical thought and a sacerdotal position. These circumstances will be considered in due course. Another that undeniably refashions Cicero's focus is his co-option into the augurate in 53.[3] His membership of that *sacerdotium* tends to give a hyper-inflated sense of the importance to the augurate above other sacerdotal positions.[4] Nonetheless, Cicero's privileged and first-hand reflections upon his colleagues and peers are extremely profitable for this study of how *sacerdotes* are evaluated. Cicero's sense of belonging to the *collegium* and investment in the *sacerdotium* as an institution fuelled his avid interest in its history and of the *augures* of the college's past. In light of this, I begin with Cicero's evaluation of the *augures*, starting with the legendary augur, Attus Navius.[5]

4.1 *AUGURES*: *SUMMI*, *OPTIMI* AND *BONI*

4.1.1 Attus Navius

The importance of Navius' reputation as an augur has been stressed in various contexts. Linderski, for instance, suggests that Navius 'became [the] paragon of an *optimus augur*',[6] and Beard proposes that Navius was considered 'the archetypal augur, a role model for the "real life" augurs', not least Cicero himself.[7] Cicero's fullest narrative of Navius' actions is provided in the *de diuinatione*. 'Quintus' describes first how Navius quartered the heavens as a youthful swineherd, seeking the largest bunch of grapes in the vineyard as an offering of thanks to the gods.[8] He then elaborates on the trial of Navius' augural skill at the hands of L. Tarquinius Priscus, where, having taken favourable auspices, Navius cuts a whetstone in half with a razor to the amazement of all.[9]

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[3] *FS* 3290.

[4] van Haeperen (2002, 69-70); Dyck (2004, 243); Drummond (2008, 377); Santangelo (2011, 172-173; 2012, 40; 2013a, 750); Rüpke (2012c, 151); MacRae (2016, 56); Barton and Boyarin (2016, 44). Cf. Arena (2020).

[5] The spelling Attus Navius is provided most consistently: Cic. *Rep.* 2.36, *Leg.* 2.33, *Div.* 1.31-33, 2.80, *Nat. D.* 2.9, 3.14, *Att.* 10.8.6; Liv. 1.36; Val. Max. 1.4.1; Plin. *HN.* 15.77, 34.21; Festus 168-170L *s.v. Nauia*; Lactant. *Div. inst.* 2.7.8. Cf. Zonar. 7.8: Ἄττος Νάουιος. Variants: [Aur. Vict.] *De vir. ill.* 6.7: *Atti Neuii*, with Ogilvie (1965, 151); Dion. Hal. *Ant. Rom.* 3.70-71: Ἄττιος Νέβιος; Flor. 1.1.5: *Attius Naevius*; Apul. *De deo Soc.* 7: *Attio Nauio*.

[6] Linderski (1986a, 2208).

[7] Beard (1989, 50).

[8] Cic. *Div.* 1.31.

[9] Cic. *Div.* 1.31-33.

Cicero's evaluations of Navius follow two main threads. The first is closely associated with the performance of augural art and the legendary *lituus* with which Navius quartered the heavens. In the *de natura deorum*, 'Balbus' and 'Cotta' clash over a belief in the potency of Navius' augury.[10] 'Balbus' suggests that the great wars successfully fought by the king under Navius' auspices must demonstrate the potency of his craft, but that the subsequent *neglegentia* of the *nobilitas* has caused the *disciplina* of the augurs to be neglected, now nothing more than an outward show.[11] In response, 'Cotta' remarks that he cannot scoff at Navius' *lituus*, but suggests that even if divinatory acts like those that Navius performed were proved true, they cannot prove the existence of the gods.[12] Although debating whether the potency of auspices can prove the existence of the gods, 'Balbus' and 'Cotta' both share a belief in the fundamental importance of Navius' augury to the augural *disciplina*. In the *de natura deorum*, Navius, with *lituus* in hand, is represented as the unassailable paragon of the augurate, whose potent augural art bestowed a legacy upon the augural *disciplina* – a legacy squandered by subsequent inattentiveness.[13]

In addition to lauding him for the potency of his augural art, Cicero's second mode of representing Navius relates more closely to the miracle of cutting the whetstone itself. Although the whetstone can only be cut due to the favourable auspices taken by Navius, the miracle becomes the principal focus and the auspices fade into the background. Even though 'Quintus' details the entirety of Navius' story at length, only the whetstone miracle itself becomes the source of contest and thus discussion between 'Quintus' and 'Marcus' in the *de diuinatione*. Navius' miracle becomes the battleground for questioning a belief in *fictae* and *commenticiae fabellae*, and the conflict between them centres on the extent to which the miracle of Navius is

[10] Cic. *Nat. D.* 2.9, 3.14. Here Cicero gives Tullus Hostilius rather than Tarquinius Priscus. Major and Swainson (2009, 2: 79) suggest Cicero was mistaken or confused, but Piccaluga (1969, 161-164) suggests it hints at an earlier variant.
[11] Cic. *Nat. D.* 2.9. Also: *Leg.* 2.33.
[12] Cic. *Nat. D.* 3.14; Wynne (2019, 256-257).
[13] Cf. Cic. *Att.* 10.8.6.

(or is not) evidence of divination.[14] The cutting of the whetstone also takes on an additional resonance: that of an augur circumscribing the power of a king. Briquel, for instance, reads the narrative as the 'l'affirmation du pouvoir de l'augurat face au pouvoir politique représenté par le roi'.[15] This conflict between augural and monarchical power is also touched upon briefly in a passing reference to Navius in the *de republica*, where 'Scipio Aemilianus' emphasises Navius' obstinacy in not letting Priscus rename the tribes of *equites*.[16] Linderski and Santangelo share the conviction that the story of Navius standing up against the king must have had particular resonance in the late republic, as an *exemplum* for late republican *augures*.[17] Linderski evocatively suggests that 'his miracle inspired the *boni augures* of the Ciceronian epoch in their struggle against encroachment by the dynasts, the would-be kings of Rome'.[18] Santangelo takes a more measured approach, suggesting that:

> the story of the augur who opposed the plans of a king with the force of his craft is likely to have had a special resonance for a Late Republican audience, which witnessed the attempts of a number of political figures to tamper with the mechanics and sometimes even the symbols of *religio*.[19]

Whilst the narrative of an augur in conflict with a king had the potential for particular resonance in the late republic, the narrative loses none of its potency in the early empire, as we shall see when considering the representations of Navius in Livy and Valerius Maximus.[20]

In addition, the narrative also appears to have had potency before the late republic. There is good evidence to suggest that a bronze statue of Navius stood in or near the Comitium,[21] having been erected at some point during the early republic.[22] Cicero also believed

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[14] Wynne (2019, 244, 256-257).

[15] Briquel (2005, 82). Also: Linderski (1986a, 2208); Beard (1989, 52-53); Santangelo (2013a, 761); Glinister (2017, 68); Rüpke (2018a, 115).

[16] Cic. *Rep.* 2.36.

[17] Linderski (1982, 33; 1986a, 2208); Santangelo (2013a, 760-762). Also: Rüpke (2018a, 115).

[18] Linderski (1986a, 2208, also: 1982, 33).

[19] Santangelo (2013a, 761).

[20] *Infra* §§ 5.1, 6.5.

[21] Liv. 1.36; Val. Max. 1.4.1 (Nepot.); Dion. Hal. *Ant. Rom.* 3.71; Plin. *HN.* 34.21.

[22] Although Dionysius of Halicarnassus (*Ant. Rom.* 3.71) suggests that Priscus erected the statue, Sehlmeyer (1999, 83-86) is reluctant to date its erection with specificity. Whilst the statue reputedly stood in Dionysius' time, Pliny (*NH.* 34.21) claims it was destroyed in the conflagration of the *curia* during the funeral of Clodius, a circumstance that might be corroborated by Livy's (1.36.5) use of the perfect tense (*fuit*) to describe the statue.

that the narrative had currency in the second century. 'Quintus' in the *de diuinatione* explicitly remarks that the story of Navius and Priscus had already been told in a variety of earlier sources.[23] 'Scipio Aemilianus' in the *de republica* comments that Navius was of *summa gloria*,[24] which I take to mean that Cicero believed Navius' story to already be well-known in the early 120s when his dialogue is set. Bremmer suggests that the Navius narrative found its formulation as an aetiological myth – one which pitted 'political' power against 'augural' power – in the second half of the second century.[25] He posits that this formulation was the result of a dissolving cohesion amongst the Roman élite and the evolving use of augurs and auspices in political conflicts into the first century. Thus, Navius' reputation as an augur appears to have been solidified before the late republic, as the conflict between an augur and king continued to find parallels and resonances for different audiences at various times.

In his evaluations of Navius, Cicero never questions Navius' position as an augur. He writes as if Navius belonged to the augural college as a matter of historical (or at least legendary) reality. Yet Rüpke suggests that Navius' 'augural aspects' were designed to 'raise the standing of the historical college',[26] thus imputing later manipulation of the story to fit a specific agenda. Glinister reminds us that embedded within the stories are reminders that Navius could not have been a member of the augural college as it was in Cicero's day. Cicero is explicit that Navius was not a senatorial expert on augural law and procedure, but rather that he was a mere swineherd.[27] Yet these inconsistencies appear not to have troubled Cicero, or indeed most later writers who easily conceptualise Navius as an augur. Dionysius of Halicarnassus stands alone in recognising that Navius was not officially an augur, but instead stresses that the augurs would invite Navius to their consultations despite him not being one of

[23] Cic. *Div.* 1.31.
[24] Cic. *Rep.* 2.36.
[25] Bremmer (1993, 173). Cf. Piccaluga (1969, 170) who suggests the story is one of tradition against innovation, equally relevant to the second century.
[26] Rüpke (2008, 809 col. 2 n.3). Cf. Rüpke (2012c, 20).
[27] Glinister (2017, 68). Also: Piccaluga (1969, esp. 159-161, 201-202).

their number.[28] Nonetheless, if we trust Dionysius and Livy, the bronze statue of Navius erected in the Comitium depicted him *capite uelato*, a pose which might suggest an approximation with the augurate.[29] It seems to have largely been taken for granted that Navius was either an augur, or so close to being one that few functional distinctions were made.

In Cicero's evaluations of Navius, we have seen two main threads. Focusing on his augural competence, Cicero stresses the status of this paragon of an augur, the potency of his augural acts and his legacy for the augural *disciplina*. Where he focuses more on the miracle of the whetstone, he hints at the relevance of the narrative of an augur using his art to stand against the tyranny of monarchical power. While this latter aspect had a wider resonance than just in the late republic, we might easily imagine how the actions of Navius the augur resonated with Cicero the augur himself.

Although Linderski is undoubtedly right to cast Cicero's Navius as '*optimus augur*',[30] Cicero never *explicitly* uses this phrase to describe this legendary augur. Yet we do see Cicero explicitly use this term – as well as the similar *summus* and *bonus* – to describe other *augures* across his oeuvre. Although the laudatory tone of such praise – *bonus*, *summus*, *optimus* – is generic, and was obviously not language reserved for *sacerdotes* alone, I wish to trace the *augures* who Cicero explicitly praises (either genuinely or sarcastically) with these terms: Romulus, M. Claudius Marcellus, C. Laelius *Sapiens*, M. Antonius, Ap. Claudius Pulcher, C. Claudius Marcellus, and Ti. Sempronius Gracchus. In so doing, I seek to uncover some of the reasons why Cicero claimed these *augures* to be deserving (either genuinely or ironically) of praise.[31]

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[28] Dion. Hal. *Ant. Rom.* 3.70, with Vaahtera (2001, 137).

[29] Liv. 1.36; Dion. Hal. *Ant. Rom.* 3.71, as emphasised by Sehlmeyer (1999, 83).

[30] Linderski (1986a, 2208).

[31] Achard (1973) attests to the flexibility of Cicero's use of *bonus* in his evaluations of people, with brief comments (219-220) about his use of *optimus* as well. Lacey (1970) believes Cicero used *boni* to describe those whom he considered followed the rule of law. Cf. Stone (2005), who thinks of *uir bonus* and *uir optimus* as (67) 'formal honorifics', and similarly Clemente (2018) for the *lex Ouinia* creating the notion of the *optimus ciuis*. Romulus: *FS* 2914; M. Marcellus: *FS* 1206; Laelius: *FS* 2164; Antonius: *FS* 669; Pulcher: *FS* 1227; C. Marcellus: *FS* 1204; Gracchus: *FS* 3009, but with caution, see *infra* n.114.

4.1.2 Romulus

The legendary augur Romulus is described as *optumus* in the *de diuinatione*. Romulus and his brother Remus were both believed to have been augurs since at least the time of Ennius, and it is this tradition into which Cicero taps.[32] Yet 'Quintus' sidesteps the thorny problem of the contest of auguries between the brothers.[33] Instead, he emphasises not only Romulus' augury in the foundation of Rome but also his excellence as an augur: *principio huius urbis parens Romulus non solum auspicato urbem condidisse, sed ipse etiam optumus augur fuisse traditur*.[34] 'Quintus' not only stresses the utmost importance of the act of augury in the foundation of the city, performed by Rome's prototypical ancestor, but also the status of Romulus as *optumus augur*.[35] By placing Romulus' augural excellence in apposition to Romulus' auguries in the foundation of the city, he strengthens and reinforces the status of those auguries. Unlike with Attus Navius, Romulus' act as augur is not considered in terms of its legacy for the augural *collegium* nor as an act to be imitated by subsequent generations of *augures*. Rather, Romulus' act is for the legacy of Rome itself, as the augury performed by this *optumus augur* founded the city which would go on to greatness.

4.1.3 M. Claudius Marcellus

Although the description of Marcellus as an *augur optumus* in the *de diuinatione* might seem laudatory, in context, it becomes obvious that such a description was intended to be read as scathing sarcasm.[36] The description must first be read in light of the opening chapters of *de diuinatione*, in which 'Quintus' has already heralded Romulus as an *optumus augur*.[37] In this

[32] Enn. *Ann.* 72-91 (Skutsch); Cic. *Div.* 1.107. Remus: *FS* 2907. On Ennius' tradition: Neel (2015, 33-41).
[33] E.g. Liv. 1.6-7; Dion. Hal. *Ant. Rom.* 1.86-87; Val. Max. 1.4.*praef.* (Nepot.).
[34] Cic. *Div.* 1.3. Also: Rasmussen (2003, 149); Vaahtera (2001, 97-122). Cf. Cic. *Div.* 2.70, *Rep.* 2.16; Liv. 1.7.
[35] Catalano (1960, 562-563). For Cicero's use of Ennius in *Div.*: Ungern-Sternberg (1993, 99-100); Elliott (2013, 183-185).
[36] Cic. *Div.* 2.77. *Contra* Turcan (2000, 7) who finds genuine praise.
[37] Cic. *Div.* 1.3.

comparison, Cicero intimates the distance between Marcellus and Romulus, *the* exemplary ancestral augur. Cicero elaborates further on the irony of Marcellus as an *optumus augur*. As 'Marcus' recounts, Marcellus was known to have said that, whilst undertaking military manoeuvres, he would travel in a closed litter 'so as not to be hindered by the auspices'. As Driediger-Murphy has emphasised, Marcellus had an *obligation* to act on auspices if he saw them, thus he must 'physically avoid observing […] signs if he wishe[d] to dodge the *obligation* to act upon them'.[38] This intersection of wilful ignorance and the avoidance of his obligations provides the impetus for the sarcastic remarks of 'Marcus'.

Criticism is also levelled at unnamed augurs of the later first century. 'Marcus' likens the actions of Marcellus to those of present-day augurs who, 'Marcus' asserts, give advice that to prevent *iuges auspicium* – auspices occurring whilst oxen were yoked – one should simply unyoke draught-cattle so as to never allow the auspices to occur.[39] Marcellus is therefore used to illustrate a wider anxiety about augural practice: that divination relied on the active and accurate perception of signs which could be actively avoided. Thus, 'Marcus' highlights and problematises an embedded expectation for augurs, which he claims that Marcellus and these nameless present-day augurs blatantly ignore: that they would keep themselves open, and thus responsive, to the occurrence of divine signs. In their blatant and wilful ignorance of signs, they were actively avoiding, and thus subverting, their obligations as augurs.

4.1.4 C. Laelius *Sapiens*

In the second *Philippic*, Cicero sarcastically refers to M. Antonius – cast as a wildly incompetent augur – as a *bonus augur*, and directly juxtaposes him with a *bonus augur* who is everything that Antonius is not: C. Laelius.[40] I intend first to address Cicero's praise of the

[38] Driediger-Murphy (2019, quote: 116, also 71, 86-88). Emphasis added. Also: Develin (1978, 9); Levick (1987, 236).
[39] Cic. *Div.* 2.77. For *iuges auspicium*: Festus 92L *s.v. iuges*.
[40] Cic. *Phil.* 2.83, with Champion (2017, 209 and n.117).

genuine *bonus augur*, C. Laelius, before addressing his sarcastic intimation that such words could describe Antonius as augur.

Although Cicero does not explicitly refer to it in the second *Philippic*, it is tempting to attribute Cicero's positive evaluation of C. Laelius as augur with his sobriquet *Sapiens*, and thus to imagine that his pre-eminent *sapientia* resulted in, or contributed to, his estimation of Laelius as *bonus augur*. At face value, Cicero's perception of Laelius as a *bonus augur* for his pre-eminent *sapientia* would generally fit the context of the second *Philippic* and the force of the juxtaposition with M. Antonius. As we shall see,[41] Cicero's references to Antonius as a *bonus augur*, and the juxtaposition of Antonius with Laelius, occur in the context of Antonius' ignorance of augural procedure during P. Cornelius Dolabella's election as *consul suffectus* in 44. Yet even in this context, it is not clear whether Cicero considered Laelius' proverbial *sapientia* to have informed his worth as augur. Thus, it is essential to examine how Cicero construed Laelius' *sapientia* to consider its interrelationship with Cicero's positive evaluation of the *bonus augur*.

Whilst Plutarch claims that Laelius gained the sobriquet for being σοφός or φρόνιμος in desisting in his efforts to pass legal reform in the face of powerful opposition,[42] Cicero gives a different impression in the *de natura deorum*. There, 'Cotta' – a *pontifex* himself – claims that he would rather listen to Laelius' discourse on *religio* than to any leader of the Stoics.[43] 'Cotta' clarifies that Laelius had the authority to speak on such matters of *religio* because he was an augur and because he was *sapiens*.[44] 'Cotta' alludes to Laelius' augurate and his *sapientia* being correlate and parallel in this regard, and that both gave him the authority to speak on matters of *religio*. In this, 'Cotta' potentially contrasts Laelius' *sapientia* with the 'wisdom' of the Stoics to whom he refuses to listen. In so doing, 'Cotta' either narrowly construes Laelius' *sapientia*

[41] *Infra* § 4.1.5.
[42] Plut. *Vit. Ti. Gracch.* 8.5.
[43] This discourse is most likely Laelius' oration opposing the *lex Licinia* of 145: Cic. *Brut.* 83-84. Cotta: *FS* 823.
[44] Cic. *Nat. D.* 3.5.

as not being that gained by Stoic philosophy,[45] or more broadly suggests that Laelius' *sapientia* should not be confused with the *sapientia* of philosophers generally. Hellegouarc'h has demonstrated that the quality of *sapientia* – in non-philosophical contexts – was qualified as having been gained based on one's science, knowledge, or expertise,[46] and it is potentially this meaning of *sapientia* to which 'Cotta' here refers.

Yet Laelius' *sapientia* takes on a different aspect in the later *de amicitia*. Whilst Cicero tells us that he chose Laelius as the main interlocutor of his treatise on friendship on the basis of his legendary intimacy with P. Cornelius Scipio Aemilianus Africanus,[47] the opening chapters stress the reasons for Laelius' nickname *Sapiens* so that Cicero might demonstrate that Laelius' proverbial wisdom gave him the authority to speak on the matter.[48] Laelius' son-in-law, 'C. Fannius Strabo', thus expounds the reasons why other famous Romans, namely M. Porcius Cato and L. Acilius, had been given the nickname *Sapiens*:

> *Acilius quia prudens esse in iure ciuili putabatur, Cato quia multarum rerum usum habebat. multa eius et in senatu et in foro uel prouisa prudenter uel acta constanter uel responsa acute ferebantur; propterea quasi cognomen iam habebat in senectute sapientis. te autem alio quodam modo, non solum natura et moribus, uerum etiam studio et doctrina esse sapientem: nec sicut uulgus, sed ut eruditi solent appellare sapientem* […] (Cic. *Amic.* 6-7).

'Fannius' qualifies this final assertion by likening Laelius' wisdom to that of Socrates, positing that people considered Laelius to be wise for his philosophical introspection: *hanc esse in te sapientiam existimant, ut omnia tua in te posita esse ducas, humanosque casus uirtute inferiores putes*.[49] Thus, 'Fannius' shapes Laelius' wisdom not only as a natural capacity for sagacity, but also for his predilection for philosophy. Cicero stresses that Laelius' *sapientia* was (at least partially) rooted in philosophy to ensure that he is considered the most appropriate interlocutor

[45] Cf. Cic. *Tusc.* 4.51. See Badian (2004, 264) for Scipio Nasica, in moving against the *pontifex maximus*, as following the Stoic maxim that a *sapiens* is never a *priuatus*. On Nasica and Gracchus: *infra* § 6.5.
[46] Hellegouarc'h (1972, 271-274). Whilst Livy (42.47.9) suggests that there was a contest in the senate over types of *sapientia*, in the resistance against Q. Marcius Philippus' *noua sapientia* in the third Macedonian War (Briscoe (1964)), there is no indication of such conflict in the use of the term in Cicero.
[47] Cic. *Amic.* 4-5, especially comparing this to his use of 'Cato' in *sen*.
[48] E.g. Cic. *Amic.* 1, 5.
[49] Cic. *Amic.* 7, with Miller (2015, 186).

for a treatise on friendship. Whilst Laelius' legendary friendship with Africanus generally made him an apt choice, Cicero seems to have felt the need to establish Laelius' philosophical credentials to bolster his authority to speak on the virtues of *amicitia*. Yet, on balance, 'Fannius' applies broad brushstrokes in qualifying Laelius' wisdom. Not only should he be considered wise for his philosophical erudition, but he deserves the title of *sapiens* for his innate *mores*, and his devotion to *studium* and *doctrina*. Yet for 'Fannius', Laelius' *sapientia* is explicitly not the *prudentia* for which Cato received the *cognomen*. Thus, Laelius' *sapientia* emerges as distinct from the prudence and good sense that are the focus of Plutarch's later estimation.

Considering the evidence together, therefore, to what extent could we consider Laelius' *sapientia* to be the principal reason (or a contributing factor) as to why Cicero qualifies him as a *bonus augur*? In the *de natura deorum*, 'Cotta' claims that Laelius' position as an augur, alongside his *sapientia*, gave him a greater authority to speak on *religio* than Stoic philosophers. His *sapientia* – potentially referring to his knowledge and expertise – is set as parallel and correlate (*eundemque*) with his status as an *augur*. Yet in the *de amicitia*, 'Fannius' characterises Laelius' *sapientia* in broad terms, incorporating his devotion to *studium* and *doctrina*, his philosophical erudition, and his *mores* generally. There is only one reference, in the discussion of Laelius' *sapientia* in the *de amicitia*, to his position as augur. 'Fannius' acknowledges that Laelius always practised augury most diligently (*diligentissime semper*) and was so dutiful that only the death of his greatest friend, Africanus, could cause him to miss a meeting of the augurs that was being held in the *horti* of D. Brutus for the deliberation of augury.[50] It is possible to conceive of Laelius' *diligentia* as informing his devotion to *studium* and *doctrina*, and thus his *sapientia*. Elsewhere, Cicero refers specifically to augury as a *disciplina* or a *scientia*,[51] and in this light we might think again of the definition of *sapientia* provided by Hellegouarc'h; that *sapientia* could be based on one's science, knowledge, or

[50] Cic. *Amic.* 7.

[51] Cic. *Leg.* 2.32-33, *Div.* 1.33, 1.105, 2.74, 2.76, *Sen.* 12, *Nat. D.* 2.9-10; Linderski (1982, 28; 1986a, 2240); Volk (2017, 340). Cf. Cic. *Nat. D.* 2.12; Farney (2007, 154).

expertise.[52] Whilst not explicit, it is conceivable that Laelius' *diligentia* towards the performance and practice of augury, referred to by 'Fannius', could be seen as a contributing factor in his *sapientia*.[53] Yet, the evidence is, overall, frustratingly unclear as to whether Laelius' *sapientia* informed Cicero's evaluation of him as *bonus augur*. It is perhaps simply possible that Cicero's inference to Laelius as a *bonus augur* in his second *Philippic* would recall Laelius' *sapientia* given that it was proverbial.

4.1.5 M. Antonius

Cicero places us on firmer footing in relation to the qualities that Antonius did not have as his (sarcastic) *bonus augur*. Cicero places his comparison between Antonius and Laelius in the context of the former's acclamation *alio die* during P. Cornelius Dolabella's election as *consul suffectus* in 44; that his election should be postponed to another day based on Antonius' observance of inauspicious signs.[54] Yet Cicero had already labelled Antonius as *bonus augur* several chapters earlier, when he first introduced Antonius' behaviour during Dolabella's election.[55] Cicero thus bookends Antonius' behaviour during Dolabella's election as proof of his incapacity as an augur, and uses Laelius to emphasise the ideal augur against whom Antonius pales in comparison.

Cicero explicitly draws out two major strands of Antonius' incapacity as an augur. He rebukes both his *inscientia* and *impudentia* and suggests that both are entangled (*implicata*).[56] Cicero rebukes Antonius for being ignorant of correct augural *scientia* in believing that he possessed a *sacerdotium* that would allow him to hinder or nullify Dolabella's election and that

[52] Hellegouarc'h (1972, 271-274).

[53] On *diligentia*: Hellegouarc'h (1972, 251-253); Moatti (2003, 306). There are few comparative instances where Cicero extols the *diligentia* of a *sacerdos*, excepting Cic. *Rab. perd.* 27 where L. Valerius Flaccus, *flamen Martialis* (*FS* 3396) is praised for his *diligentia* in performing magistracies, his *sacerdotium*, and *caerimoniae* in service of the *res publica*.

[54] On *alio die*: Linderski (1986a, esp. 2198, 2201 n.196, 2213). On Antonius, Cicero and Dolabella's election: Denniston (1926, 180-186); Tucker (1976, 176-177); Konrad (2004, 183-185); Santangelo (2013b, 273-278); Driediger-Murphy (2019, 138-144).

[55] Cic. *Phil.* 2.80.

[56] Cic. *Phil.* 2.81.

he had resolved months beforehand that he would do so in this manner.[57] Cicero's qualm is that augurs only had the right to report the observation of *auspicia oblatiua* – signs that occurred unexpectedly (and without being solicited) during the course of an action performed in a *comitium* – yet Antonius had already resolved that he *would* find such signs months beforehand.[58] In making such a mistake, Cicero contends that Antonius wilfully confused his role as augur with his role as consul.[59] As consul of 44, Cicero intimates, Antonius *could* have declared in advance that he was going to watch the skies (*seruare de caelo*) during the election, incurring a *uitium* and thus postponing the election whether or not he had actually observed *auspicia impetratiua* – omens that were the result of deliberate magisterial searching for divine signs.[60] Whilst some scholars are adamant that Antonius could not have possibly made such a blunder (or whether it was actually a blunder at all),[61] these are nonetheless the grounds on which Cicero claims that Antonius lacked *scientia* in augury. Cicero's focus on Antonius' lack of proper understanding of augural *scientia*, despite being an augur, suggests that Cicero ascribed importance to the *augures* having at least basic *scientia* in their craft. Antonius lacked even basic expertise and thus, in Cicero's estimation, lacked the basic tools needed to be an augur.

Cicero adds to this by rebuking Antonius for his *incredibilis stupiditas*,[62] and bemoaning that *nec scit quod augurem nec facit quod pudentem decet*.[63] Thus, Antonius' lack of *scientia* is directly intertwined with his lack of shame and his *impudentia* in obviously

[57] Cic. *Phil.* 2.80-82.
[58] Levick (1987, 228).
[59] Cic. *Phil.* 2.81; Cristofoli (2004, 211-213).
[60] Driediger-Murphy (2019, 138-144). A consul's right in 44 to find an *auspicium impetratiuum*, and thus obstruct proceedings with *obnuntiatio*, is highly contested due to seemingly contradictory evidence, especially of the *leges Clodiae* and *Aelia et Fufia*: McDonald (1929); Weinstock (1937); Weinrib (1970); Gruen (1974, 255-257); Mitchell (1986); de Libero (1992, 64-68); Fezzi (1997); Cristofoli (2004, 208-215); Santangelo (2013b, 273-278).
[61] E.g. Weinstock (1937, 221); Weinrib (1970, 403 n. 33); Santangelo (2013b, 278); Rolfe (2015, 80-81). Cf. McDonald (1929, 169-170); Tucker (1976, 176); Schäublin (1986, 175-178).
[62] Cic. *Phil.* 2.80.
[63] Cic. *Phil.* 2.81. Cicero later (2.84) emphasises his own status as augur and demands to know what Antonius thinks he means by proclaiming *alio die*.

providing false auspices (*ementita auspicia*).[64] Antonius' *impudentia* is stressed a handful of other times on the basis that, if Antonius had known months ago that he would find an *auspicium oblatiuum*, he cannot have actually seen anything during the course of Dolabella's election.[65] Cicero asks, *quid uideras, quid senseras, quid audieras?*,[66] in the full knowledge that the answer must be *nihil*. The implication is that Antonius did not look to the skies that day, and thus, that he must have falsified the auspices. This falsification, Cicero continues, has cast a *religio* upon the Roman people, yet Cicero hopes that the great calamity resulting from such impudence will come down upon Antonius alone, and not upon the Roman people.[67]

As his coup de grâce, Cicero twice accuses Antonius of not being sober when he made the proclamation.[68] Cicero links Antonius' apparent lack of sobriety with his *prudentia*; his intelligence and sagacity.[69] Thus, we should not read Cicero's claims of Antonius' lack of sobriety in terms of his actual drunkenness, but rather as Cicero's hyperbolic insistence that Antonius *must* have been drunk because his decisions are those of an intoxicated man. Thus, Cicero's apparently simple sarcastic insistence that Antonius was a *bonus augur* belies the complex ways in which he intimates that Antonius lacked capacity as an augur. Antonius blatantly disregarded his duties as an augur by wilfully fabricating the existence of signs, and in so doing, demonstrated his lack of knowledge and wisdom and his *impudentia* in allowing the Roman people to be put in danger.[70]

Cicero returns to ironically labelling Antonius as a *bonus augur* in his fifth *Philippic* in the context of Antonius' *lex agraria*, in a way that hearkens back to his actions as a *bonus augur* during Dolabella's election.[71] Cicero asserts that Antonius passed his *lex agraria* with the co-

[64] Also: Cic. *Phil*. 1.81, 2.6, 2.99.
[65] Also: Cic. *Phil.* 2.81, cf. 2.84.
[66] Cic. *Phil.* 2.83.
[67] Cic. *Phil.* 2.83; Schäublin (1986, 175-178); Konrad (2004, 182-185).
[68] Cic. *Phil.* 2.81.
[69] Cic. *Phil.* 2.81. On *prudentia*: Hellegouarc'h (1972, 256-258, 264, 271-274); Moatti (2003, 305-307); Santangelo (2012).
[70] Cf. Cic. *Vat.* 19-20 on Vatinius.
[71] Cic. *Phil.* 5.9; Manuwald (2007, 580-582).

operation of his consular colleague Dolabella, whose election Antonius had made *uitiosus* by his announcement *alio die*, and gibes *nihilne ad auspicia bonus augur pertinere arbitratus est?*.[72] In thus referring to Antonius' status as a *bonus augur* once more,[73] we are again reminded of the augural incompetence he displayed at Dolabella's election. We are also prompted to see Antonius' later acceptance of Dolabella's consulship – a consulship that Antonius had made *uitiosus* – as another demonstration of Antonius' stupidity and incompetence as an augur.[74] Whilst Cicero's reference to Antonius as *bonus augur* comes as a final coda to his denunciation of the *lex Antonia agraria*, Cicero casts the entirety of Antonius' actions during the passage of this law as an indication of Antonius' augural incompetence. Upon beginning to describe the *lex Antonia agraria*, Cicero characterises Antonius ironically as an *augur uerecundus*; an augur ashamed to interpret the auspices without his augural colleagues.[75] Yet, as Cicero immediately claims, the auspices which surrounded Antonius' passage of his *lex agraria* needed no interpretation, as the meaning of a thunderstorm sent by Iuppiter should be immediately obvious to any augur.[76] If Antonius could not interpret the most basic of Iuppiter's omens, he could not have been much of an augur at all. Thus, Antonius' *inscientia*, severe lack of modesty, and impudence towards the auspices are reasons why Cicero can sarcastically refer to Antonius as a *bonus augur*.

Although Cicero does not explicitly label Antonius a *bonus augur* in his *epistulae*, there are also hints at the latter's perceived unsuitability as an augur in letters addressed to Atticus and to Q. Cornificius. The letter to Atticus, from May 49, dryly recounts: *hoc quidem melius quam collega noster Antonius, cuius inter lictores lectica mima portatur*.[77] In his reference to Antonius as *collega noster*, Cicero evokes the augurate that he held alongside Antonius. Cicero

[72] Cic. *Phil.* 5.9.

[73] As Cicero's second *Philippic* was never delivered, Cicero's audience may not have appreciated the resonances of *bonus augur* in his delivery of the fifth *Philippic*, although there are suggestions that the speech had been published by the delivery of the third *Philippic*: Ramsey (2003, 158-159) with earlier bibliography.

[74] Also: Cic. *Phil.* 1.31.

[75] Cic. *Phil.* 5.7, cf. 10.13 for Antonius as *homo uerecundus* for not marching his army into Macedonia.

[76] Cic. *Phil.* 5.7-9, with Manuwald (2007, 576-582).

[77] Cic. *Att.* 10.16.5.

had already mentioned Antonius wandering through Italy with his train of followers in *lecticae* in an earlier letter to Atticus, and would do so again later in his second *Philippic.*[78] In both other mentions, however, Antonius' augurate is not referred to. Given that his position as an augur plays no functional role in his jaunt through Italy, and is only mentioned in one version, we cannot cast Cicero's condemnation of Antonius' behaviour as exclusively problematising the behaviour of an augur. Nonetheless, the explicit inclusion of Antonius' augurate in this letter to Atticus casts a deep shadow over Cicero's condemnation of him. In stressing his augural connection with Antonius, Cicero juxtaposes Antonius' actions as augur against Cicero himself, as his augural colleague. Moreover, Cicero exploits the image of Antonius as augur by suggesting that his behaviour in carrying around Cytheris – his mime-actress and prostitute – in a *lectica* preceded by *lictores*, crudely undermined the standards of propriety expected of an augur.[79] Cicero shares this comparison between himself and Antonius with Atticus, who Cicero believed would understand how the qualities of a good augur (i.e. Cicero) compared to those of Antonius.

The first of these qualities, I suggest, is the ability to understand and respect the boundaries of his power. In suggesting that Antonius' *lictores* escorted Cytheris, Cicero evokes Antonius' flagrant abuse of the power of his *imperium* that bestowed upon him the right to the symbolic protection of the *lictores*. Yet this *imperium*, and thus his *lictores*, had also been given to Antonius in breach of the *cursus honorum*, for Caesar had appointed him propraetor whilst Antonius was only tribune of the *plebs*.[80] Thus, Cicero compounds the extent to which Antonius participated in the breakdown of social and political standards and distinctions. Second, Cicero's implication of Antonius' less than wholesome relationship with Cytheris is intended to demonstrate the ridiculousness of an augur without *dignitas*. Not only does Antonius wilfully

[78] Cic. *Att.* 10.10.5-6, *Phil.* 2.58, cf. *Att.* 10.15; Plut. *Vit. Ant.* 9.4-5.
[79] For Cytheris: Starks (2004, 78-92), and esp. Cicero's portrayal: Panayotakis (2006, 132-133).
[80] Cic. *Att.* 10.8A *prescript*, with *MRR* 2: 260.

associate with a woman who is both an actress and a prostitute,[81] but, in suggesting that he has granted her his *lictores*, Cicero implies that Antonius also wilfully abrogated his own power and elevated someone branded with *infamia* and thus *indignitas* to a position of authority and power over himself as augur. Finally, whilst Antonius was not himself borne in Cytheris' *lectica*, Cicero hints – as Hudson suggests – at the feminising and decadent nature of Antonius' associations with *lecticae* generally, with which we might contrast the proper frugality and manliness of the augur.[82] Whilst each of these contrasts is taken to the extreme in Cicero's invective, the areas in which Cicero finds a discordance between Antonius the augur and Antonius with his actress speak more widely, I contend, to a shared understanding with Atticus of the expectations of a good augur, such as Cicero himself.

A similar juxtaposition is potentially evoked in a letter from Cicero to Q. Cornificius, from late in 44, during Cicero's sustained, and very public, opposition to Antonius: *nos hic cum homine gladiatore omnium nequissimo, collega nostro, Antonio, bellum gerimus, sed non pari condicione, contra arma uerbis*.[83] Cicero again links the augurates held by himself and Antonius, but here also that of Q. Cornificius, who had become augur a few years beforehand.[84] With such martial imagery, Cicero forges a connection with his augural colleague Cornificius, and suggests that they are both fighting together against Antonius, the augur whose proclivity for violence to resolve his problems will prove insufficient against Cicero's superior oratory; namely his *Philippics*.[85] In stressing Antonius as gladiator, Cicero implicitly suggests the kinds of qualities that he estimates that he and Cornificius shared as *augures* in standing against the gladiator augur Antonius. In standing against Antonius, *homo gladiator*, Cornificius and Cicero

[81] Gardner (1986, 246-247); Edwards (1997).
[82] Hudson (2021, 267-269). On the qualities implied by *lecticae*: Hudson (2013, esp. 45-46); Hudson (2021, 248, 267-269). Cf. Cic. *Phil.* 2.82.
[83] Cic. *Fam.* 12.22.1. On *homo gladiator*: Shackleton Bailey (1977, 484). Cf. Cic. *Fam.* 13.68.
[84] *FS* 1396.
[85] Cf. Cic. *Phil.* 5.10. On politicians as gladiators: Cic. *Cat.* 1.29, 2.24, *Rosc. Am.* 8, 17; Edwards (1997, 77).

must, Cicero implies, share a commitment to words rather than violence, established political mechanisms rather than brutality, and *honor* and *dignitas* rather than *infamia*.[86]

4.1.6 Ap. Claudius Pulcher

Returning to Cicero's evaluations of *boni augures*, a spirit of conciliation appears to have motivated the reference to Ap. Claudius Pulcher as a *bonus augur* in the *de diuinatione*.[87] 'Quintus' first qualifies this praise of Appius as having been something that he had often heard 'Marcus' say about his augural colleague, before proceeding to criticise the actions of this *bonus augur*.[88] 'Quintus' recalls that as censor in 50, Appius expelled C. Ateius Capito from the senate on the grounds of falsifying the auspices which led to the disaster at Carrhae, an act which, 'Quintus' comments, he was well within his rights to do as *censor*. Yet 'Quintus' criticises Appius for his belief that Ateius' falsification of the auspices led to the disaster. In such a belief, 'Quintus' asserts that Appius lacked capacity as an *augur*, as auspices (whether falsified or not) cannot be the cause of disasters, but rather only predict them. Instead, it is M. Crassus, in ignoring the negative auspices, who should have been at fault.[89] Nonetheless, whilst Cicero criticises Appius, he distances himself from the negative evaluation of one of his peers in the augural *collegium* (albeit posthumously, as Appius had died several years earlier[90]). Not only does he voice this criticism in the words of his 'brother', but he also declares first that 'Marcus' himself thought highly of Appius as a *bonus augur* and that he had often related this to his 'brother'.

[86] Qualities of gladiators: Ville (1981, 227); Barton (1993, esp. 12).
[87] Cic. *Div.* 1.29.
[88] Cic. *Div.* 1.29-30.
[89] Schäublin (1986, 170-171); Levick (1987, 235).
[90] For Appius' death before the battle of Pharsalus: Val. Max. 1.8.10; Luc. *Phar.* 5.120-136, with *Schol. Bern.* p.156 (Usener); Broughton (1951, 2: 276).

4.1.7 … and C. Claudius Marcellus

It is likely that a sense of conciliation is yet again the reason why Ap. Claudius Pulcher is referred to as an *optimus augur* in the *de legibus*, this time alongside C. Claudius Marcellus. 'Atticus' interrogates 'Marcus' for his opinion on the discrepancies that he has perceived in the works of augury written by both Appius and Gaius but hastens to add that both men were to be considered *optimi augures*.[91] In so labelling them, 'Atticus' stresses that their excellence as augurs was not to be diminished by the extent to which they disagreed in their augural works on a central point of the potency of augury, nor by the comments of 'Marcus' as to their misconceptions of augury. Once more, Cicero distances himself from specific negative comment about either of his augural peers (although, yet again, the criticism is made posthumously[92]) by stressing first a belief in their excellence as augurs. Yet the praise does not only allow Cicero to distance himself from his disagreement with the literary works of Appius and Gaius. Cicero's belief in the excellence of these *augures* might also have been informed by their literary works written about their craft.

The potential intersection between the potential worth of an augur and that augur's literary output can most easily be seen in Cicero's evaluation of Appius as expressed in his *epistulae*.[93] Cicero's representation of the high value of Appius' work on augury was undoubtedly influenced by the complexities of their protean friendship,[94] and by Appius' dedication of the work to Cicero himself.[95] This complexity is nowhere better attested than in a letter written to Caelius Rufus in May of 50, where Cicero assures Caelius that he has developed a lasting affection for Appius, and provides a list of reasons why he was gratified to have Appius' friendship:

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[91] Cic. *Leg.* 2.32.
[92] Rüpke (2008, 615 col.2 n.8) suggests that Gaius died shortly after 50; certainly before *Div.* and *Leg.*
[93] Cic. *Fam.* 2.13.2, 3.4.2, 3.9.3, 3.11.4.
[94] Constans (1921).
[95] Cf. MacRae (2016, 61) who cautions that literary dedications must be read amongst the 'complex expressions of friendship – *amicitia* – and reciprocity' governing relationships between the élite.

> *quid est causae cur mihi non in optatis sit complecti hominem florentem aetate, opibus, honoribus, ingenio, liberis, propinquis, adfinibus, amicis, collegam meum praesertim et in ipsa collegi laude et scientia studiosum mei?* (Cic. *Fam.* 2.13.2).

In the context of explaining to Caelius his decision to provide support to Appius during his imminent prosecution,[96] Cicero stresses – amongst other honourable reasons to support him – that he was a colleague of Appius in the augural *collegium*, and that Appius had dedicated his augural text to him.[97] We must suspect that Cicero took pains to emphasise all the obligations which required him to support Appius in light of Cicero's awkward relationship with Appius' prosecutor, Dolabella, who (at roughly this time) had announced his engagement to Tullia, Cicero's daughter.[98] Read through this lens, Cicero would have been remiss *not* to mention their shared augurate and Appius' literary output, especially as it was dedicated to Cicero himself. Nevertheless, the way in which Cicero frames Appius' augural work – both as *laus* of the augural *collegium* and as an expression of his *scientia* – requires interrogation. Cicero hints that Appius' literary efforts could be seen as praise of the augural *collegium* and, in this way, we might think about how Appius' literary efforts may have been perceived to increase the reputation and standing of the *collegium* of the augurs. This does not necessarily mean, however, that Appius' literary efforts increased Cicero's estimation of him as an augur.

Yet Cicero's comment that this work was a distillation of Appius' *scientia* means that it is likely that he perceived the work to have come from Appius' experience of being an augur. In a handful of other contexts Cicero describes the practice of augury as *scientia*.[99] This is perhaps most notable in the *de senectute* where Q. Fabius Maximus Verrucosus[100] is praised for possessing *scientia* in the *ius augurium*, a *scientia* which had presumably been gained throughout his sixty-two or sixty-three year tenure as an augur.[101] In two instances where Cicero

[96] For the prosecution: e.g. Cic. *Fam.* 3.10, 8.6.

[97] As White (2010, 93-94, 121) speaks of Appius as an intended secondary reader of the letter, we must read Cicero's affirmation of his friendship with Appius and his worthy qualities with Appius as a reader in mind. Cf. Pinkster (2010, 188).

[98] On which: Cic. *Fam*. 3.10.5, 8.13, with Collins (1952).

[99] Cic. *Leg.* 33, *Div.* 105, *Sen.* 12.

[100] *FS* 1595.

[101] Cic. *Sen.* 12. Cf. Liv. 30.26.7-9; Val. Max. 8.13.3; Plin. *HN.* 7.156; *CIL* 11.1828.

describes augury as a *scientia*, it is used as a synonym for the slightly more common *disciplina*.[102] Appius' perceived mastery over the *disciplina* of augury is brought into focus in the *de diuinatione*. There, 'Quintus' describes Appius as an augur of whom he heartily approves (*uehementer adsentior*), but that he is dismayed that some have given him the deprecatory nicknames of 'Pisidian' or 'Soran' due to his exceptional adherence to augury.[103] 'Quintus' scoffs at those who would say that there is nothing more to the auspices than simply to learn what they are, and stresses that people regard Appius' exceptional efforts as augur as ridiculous only because the *difficultas* and *labor* needed to truly master the *disciplinam* of augury has led to a neglect of the art.[104] Thus, 'Quintus' associates Appius the augur with exerting effort to master the *disciplina* of augury, in contrast to those who simply believe that all that is required is simple knowledge of the auspices.[105] Yet Appius' reproving nicknames also attest to a belief that Appius' mastery of the *disciplina* was misjudged, that he took this to an unnatural, even 'un-Roman', extreme.

Although *de diuinatione* was published after the letter to Caelius was written, it is safe here to consider the two contexts together. As augur, Appius' adherence to mastery over the *disciplina* and *scientia* of augury was widely known, and went far beyond the 'basic' level perceived by others as being of relevance to the performance of augury. In this way, we can potentially consider Appius' work on augural lore – the expression of his *scientia* as Cicero calls it – to be the distillation of the knowledge and expertise that he had gained during his time as augur, and an expression of the *labor* that Appius had invested.

It remains to be seen why Appius might have written the work. MacRae astutely reveals the extent to which expertise in Roman 'religion', expressed through writing about it, was an

[102] Cic. *Leg.* 2.32-33, *Div.* 1.33, 1.105, 2.74, 2.76, *Nat. D.* 2.9-10; Linderski (1986a, 2240); Volk (2017, 340). Cf. Cic. *Nat. D.* 2.12; Farney (2007, 154).
[103] Cic. *Div.* 1.105; Beard (1994, 759).
[104] Cic. *Div.* 1.105.
[105] Cf. Cic. *Div.* 2.71 where 'Marcus' contends that only a *peritus* and someone perfect at augury can understand what is meant by the obscure use of *silentium* in augury.

avenue of opportunity for élite self-assertion.[106] As MacRae argues, this kind of 'civil theology' could,

> figure as part of social performance among an elite dominated by a competitive urge toward distinction. Expertise on Roman religion, as expressed in the writing of these books, did not, of course, replace more traditional avenues for competition, such as holding office and military success, but it could underwrite claims to stand out among the Republican elite.[107]

Whilst MacRae is cautious not to over-estimate the importance of these works of 'civil theology' within the competitive landscape of the Roman élite, we should also be cautious not to simply subsume such efforts within the urge to gain *honor* for political advancement. Appius had already enjoyed the fruits of a successful career and was imminently poised to become censor. As with Cicero himself, we should not discount the possibility that literary works of this nature emerged due to a genuine interest in these topics, a desire to engage in wider debates of the time, and an impulse to demonstrate *scientia*. Although Appius was perceived to have distilled the *scientia* he had gained whilst an augur into his literary work, we cannot forget that the ability to engage with various aspects of 'civil theology' was not limited to *sacerdotes* alone.[108] Alongside the work of the *augures* Appius, Gaius, or Cicero himself,[109] texts were also written by non-*sacerdotes*, such as by P. Nigidius Figulus,[110] or M. Terentius Varro.[111] The existence of texts from non-*sacerdotes* shows that specialist knowledge was, by the late republic, no longer as zealously guarded as it appears to have been in the early and mid-republic.[112] Nevertheless, whilst Varro could also write on matters of 'civil theology', this does not preclude the possibility that texts written by augurs about their own dedication to the craft

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[106] MacRae (2016, 59-61).

[107] MacRae (2016, 59).

[108] Rüpke (2012c, 151); MacRae (2016, 55-62; 2017).

[109] Esp. *Leg., Nat. D., Div.* Also: M. Valerius Messalla Rufus, augur (*FS* 3417) and his work *de auspiciis*: Festus 152-154L *s.v. Marspedis*, 476L *s.vv. "bene sponsis, beneque uolueris"*, *"serpula serpserit*"; Macrob. *Sat.* 1.9.14, 1.16.28; Gell. *NA.* 13.14-16; L. Iulius Caesar, augur (*FS* 2007), writing on augural law: Macrob. *Sat.* 1.16.29. For these works generally: Rawson (1985, 93, 302-303).

[110] Figulus' works: Volk (2017, esp. 329, 342-343).

[111] Esp. his *Antiquitates rerum diuinarum*. Further, *supra* § 3.4.

[112] See esp. Moatti (2003). Moatti stresses that knowledge, especially of pontifical and civil law, was zealously guarded by *pontifices* until Cn. Flavius' transformative disclosure in the fourth century. For Flavius: *infra* § 5.2. On *ius ciuile* and *ius pontificum*, especially in Varro's *Antiquitates rerum diuinarum*: MacRae (2017).

had a special status.[113] Appius' privileged insights, as an augur devoted to the *scientia* of augury, would necessarily be vastly different from those of an outsider, such as Varro, writing on matters of 'civil theology'. Thus, whilst a desire not to criticise Appius or Gaius appears to have motivated the reference of 'Atticus' to them as *optimi augures*, it is highly likely that their augural works raised Cicero's estimation of them as *augures*. This is especially clear for Appius. Whilst others appear to have perceived his adherence to augury as inherently un-Roman, Cicero praises Appius' augural work as the distillation of his augural *scientia*, and which Cicero considered to be an expression of *laus* for the augural *collegium*. Although non-*sacerdotes* were also writing texts of 'civic theology', that did not necessarily mean that similar contributions from *sacerdotes* were devoid of value for these individuals as *sacerdotes*, nor were perceived as lacking in value for their *collegia*.

4.1.8 Ti. Sempronius Gracchus

The augur Ti. Sempronius Gracchus also receives laudatory attention from Cicero in the form of one of these apparently simple superlatives.[114] 'Quintus', in *de diuinatione*, lauds Gracchus as *summus augur et uir sapiens ciuisque praestans*.[115] Gracchus' excellence as an augur is emphasised in parallel to his *sapientia*, and his pre-eminence as a citizen. In the defence of divination proposed by 'Quintus', Gracchus is lauded not only as an excellent augur, a wise man, and an outstanding citizen, but also for the high offices he had obtained: he had been consul twice, and a censor. Thus 'Quintus' provides a type of *laudatio* for Gracchus, like those *laudationes* considered in **CHAPTER 1**,[116] but here is more willing explicitly to state the contribution of Gracchus' excellence as an augur in the overall estimation of his worth. 'Quintus' emphasises these elements of Gracchus' status and worth to stress that even the most

[113] Cf. Scheid (2006, 33).
[114] Gracchus: *FS* 3009, but with caution as Rüpke asserts that it was *Gracchus* who stepped down as consul after ritual errors were discovered.
[115] Cic. *Div.* 1.36.
[116] *Supra* § 1.3.

respectable of Roman *nobiles* had recognised and responded to divine signs, which must reflect upon the worth of those signs themselves. Even Gracchus, an augur and a leading citizen, recognised that the presence of snakes in his home was a divine sign and summoned the *haruspices*, and accepted their interpretation at the cost of his own life.[117] We must read the adulation of Gracchus in the context that his lofty status and eminent qualities were beneficial for the argument 'Quintus' advanced, to draw attention to the importance and embeddedness of divination and the *haruspices*. If Gracchus, as a superb citizen and utmost augur, had accepted divination, and thus accepted his own death, these practices must have value.[118] Thus we must recognise why Cicero chose to emphasise Gracchus' personal excellence, the extent to which his excellence in the augurate was seen in context of his other personal achievements and the *honores* that he held, and the role of this laudatory language within the *de diuinatione*.

Nevertheless, 'Quintus' had potentially already alluded to the specific reason why Gracchus was to be considered a *summus augur*.[119] He earlier recounts that Gracchus had made augural mistakes during the election of the consuls for 162 – C. Marcius Figulus and P. Cornelius Scipio Nasica Corculum – and that he had realised these errors whilst reading the augural books and subsequently confessed his error.[120] Unsurprisingly in the context of the affirmation of divinatory activity, the predominant focus of Cicero's interlocutor is on how Gracchus' confession affirmed the *auctoritas* of the auspices: *sed et ipse augur Ti. Gracchus auspiciorum auctoritatem confessione errati sui conprobauit*.[121] Nonetheless, the confession is hinted at as the reason for Gracchus' *sapientia* and distinction. These are the qualities that come to the forefront in the *de natura deorum*, where 'Balbus' lauds Gracchus as a potent *exemplum*:

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[117] Also: Cic. *Div.* 2.62; Val. Max. 4.6.1; Plin. *HN.* 7.122; Plut. *Vit. Ti. Gracch.* 1.4; Santangelo (2005). Cf. Cic. *Div.* 1.104.

[118] 'Quintus' elsewhere uses a plethora of Roman *exempla*, as emphasised by 'Marcus': Cic. *Div.* 2.8, with Schofield (1986, esp. 52).

[119] Wardle (2006, 200). Cf. Cic. *Fin.* 4.65, *De or.* 1.38.

[120] Cf. Cic. *Nat. D.* 2.11-12, *QFr.* 2.2.1; Plut. *Vit. Marc.* 4-5; Val. Max. 1.1.3 (with *infra* § 6.1); with Linderski (1986a, 2166 n.61, 2170-2171); Rasmussen (2003, 154-157); Orlin (2010, 98-100); Santangelo (2013a, 751-752). For this as a clash of 'political' ambitions: Briscoe (1969, 68-69); Scullard (1973, 226-227).

[121] Cic. *Div.* 1.33, cf. 2.74-75.

> *quae quaerimus exempla maiora? uir sapientissimus atque haud sciam an omnium praestantissimus peccatum suum, quod celari posset, confiteri maluit quam haerere in re publica religionem; consules summum imperium statim deponere quam id tenere punctum temporis contra religionem* (Cic. *Nat. D.* 2.11-12).

In lauding Gracchus as an exemplar for his openness – his unwillingness to hide or obscure ritual faults for personal gain and to his own detriment – 'Balbus' stresses that Gracchus was *uir sapientissimus* and *praestantissimus*. Cicero leaves it open as to whether Gracchus' exceptional wisdom and excellence were pre-existing qualities which enabled him to confess his ritual fault, or whether he should be considered *uir sapientissimus et praestantissimus* as a result of his confession of the ritual faults. Either way, 'Balbus' constructs a direct parallel between these qualities and Gracchus' action. Thus, *sapientia* here is not his wisdom based on knowledge or expertise, but rather his prudence and good sense in putting the interests of the *res publica* before his own and sacrificing his own reputation rather than standing *contra religionem*. Not only does 'Balbus' consider Gracchus' actions to have proven his worth as *uir sapientissimus* and *praestantissimus*, but also suggests that his actions have asserted the supreme *auctoritas* of augurs (*magna augurum auctoritas*) in contrast to the divine nature of the *ars* of the *haruspices*.[122]

Yet in drawing an explicit connection between Gracchus' wisdom and his actions as augur, and in stressing the supreme *auctoritas* of augurs, 'Balbus' deliberately blurs the distinctions between Gracchus' roles as augur and presiding magistrate. Whilst Gracchus was augur and discovered his mistakes whilst reportedly reading the augural books, the mistakes were made whilst he was acting as the presiding magistrate at the consular elections. Yet 'Balbus' has Gracchus exclaim, when the *haruspices* initially reported that Gracchus had acted improperly, *"itane uero, ego non iustus, qui et consul rogaui et augur et auspicato?"*.[123] In so doing, 'Balbus' has Gracchus assert that his role and knowledge as an augur should make his

[122] Cic. *Nat. D.* 2.12, with Corbeill (2012, 249-250). Cf. *Leg.* 2.31, where the *auctoritas* of the *ius augurum* is based on the dominance of auguries over political assemblies and thus over their decisions, which as Santangelo (2013a, 750-751) argues, 'reverberate[d]' onto the *augures* who had control over them.

[123] Cic. *Nat. D.* 2.11. Astin (1964, 434) doubts the accuracy of this report of Gracchus' words.

actions whilst presiding magistrate above reproach; his augurate should be sufficient proof that he cannot have made a mistake.[124] In this way, 'Balbus' exploits the interrelation of Gracchus' positions to stress the importance of his augurate even whilst *rogator*, and thus highlights Gracchus' augurate in the appreciation of his wisdom. Considering the representations of Gracchus in both the *de natura deorum* and the *de diuinatione* therefore, Cicero primarily associates Gracchus' exemplary wisdom with his confession of his mistakes, and he does so in ways which evoke Gracchus' augurate.

Cicero uses the terms *summus*, *optimus*, and *bonus* to describe a range of historical and contemporary *augures*. The apparent simplicity of such praise (either genuine or sarcastic) belies the complex and rewarding ways in which we can read these evaluations and thus uncover some of the distinctive qualities held by *augures* as opposed to other prominent Romans. Where the adulation is genuine, it is given to those *augures* who have either bestowed a legacy or praise upon the augural *collegium* (Navius, Romulus, Pulcher), or for their actions which have proven that, as augurs, they demonstrated qualities of worth, namely being exceptional for their *scientia* and *sapientia* (Pulcher, C. Marcellus, Gracchus, and potentially Laelius). Where the adulation is intended to be read sarcastically, Cicero focuses on the wilful ignorance of augural signs and thus the subversion of augural obligations, and on the disconnect between the qualities of *inscientia* and *impudentia* and the experience of being an augur. In his evaluations of M. Marcellus and M. Antonius, Cicero hints at the inability of these augurs to perceive and meet the demands of their augural roles. Cicero's perception that Antonius, particularly, was unable to properly distinguish the demands of the distinct roles which he performed does not stop at his inability to reconcile his position as augur with his consulship. It is also a prominent thread in Cicero's evaluations of Antonius as *flamen*-designate of *diuus Iulius* and as *Lupercus*.

[124] Beard, North and Price (1998, 2:172 n.4); Rasmussen (2008, 261, 264).

4.2 *FLAMEN* AND *LUPERCUS*: M. ANTONIUS

Cicero's treatments of Antonius as the *flamen*-designate of *diuus Iulius* and as *Lupercus* in 44 are interrelated, as both principally concern his relationship with Iulius Caesar and both speak further to his lack of qualities as a *sacerdos*. As Antonius did not become inaugurated as the *flamen* of *diuus Iulius* until after the treaty of Misenum,[125] Cicero's condemnation of Antonius in his *Philippics* focuses on Antonius' refusal to take up this position.[126] In his second *Philippic*, whilst Cicero decries the abhorrent Antonius – as a *sacerdos* either of a *tyrannus* or a dead man[127] – his primary focus is Antonius' avoidance of the position. Cicero stresses Antonius' lack of consistency: he avoided and disregarded some of the honours granted to Caesar – especially avoiding becoming the *flamen* of *diuus Iulius* – whilst accepting and advancing other Caesarian honours.[128] This refusal is mentioned again in Cicero's thirteenth *Philippic*, in carving out for the senate various polarities in the qualities held by Antonius and Octavian.[129] Cicero stresses Octavian's *grauitas* and *constantia*, and uses Antonius' refusal to take up the flaminate, and his actions as *magister* of the *Luperci Iuliani* in the *Lupercalia* of 44 to make this contrast.[130] Cicero directly juxtaposes Octavian's *constantia* against Antonius' wavering attitudes towards the dead Caesar and his refusal to become *flamen*. So too is Octavian's *grauitas* contrasted with Antonius' actions as *magister* of the *Luperci*. Cicero implies that the *Luperci* and the rites of the *Lupercalia* were synonymous with a lack of inhibition and with savagery[131] – traits generally antithetical to Octavian's *grauitas* – and specifically invokes Antonius' role in that event, his placing of a diadem on Caesar's head, as an action which precipitated Caesar's death.

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[125] Plut. *Vit. Ant.* 33.1. Cf. Cass. Dio 44.6.4.
[126] Cic. *Phil.* 2.110-111, 13.41; Cole (2013, 170-184).
[127] Cic. *Phil.* 2.110, with Ramsey (2003, 323). Cf. Clark (2007a, 254); Cic. *Att*. 7.11.1. Ker (1958, 172 n.1) replaces *tyranni* with *Caesaris*.
[128] Cic. *Phil.* 2.110-111.
[129] Cic. *Phil.* 13.41-42.
[130] Cole (2013, 183-184). For *Luperci Iuliani*: Vuković (2016).
[131] Vé (2018, esp. 148, 163). Also: Cic. *Cael*. 26, but cf. Otto (1913, 163-165); Holleman (1975); Ferriès (2009, 379); Cic. *Att.* 12.5, with Ferriès (2009, 380).

This must be read in parallel to Cicero's treatment of Antonius' involvement in the *Lupercalia* in his second *Philippic*.[132] For Cicero, this narrative is driven by his desire to vilify Antonius' premeditated act in attempting to reinstall kingship.[133] Whilst Cicero references Antonius as *nudus*, his primary focus is Antonius' inability to discern the boundaries of his roles, stressing that he has not remembered the incompatibility of his role as *Lupercus* and his role as consul: *ita eras Lupercus ut te consulem esse meminisse deberes*.[134] The implications of Antonius' involvement as *Lupercus* are further decried in the thirteenth *Philippic*. Cicero stresses that Antonius did not shudder to mention that day when he, *ausus est obrutus uino, unguentis oblitus, nudus gementem populum Romanum ad seruitutem cohortari*.[135] Here Antonius' position as *Lupercus* is most vividly depicted to illuminate the incongruities between Antonius' role as consul and his position as *Lupercus*, and his inability to separate those two roles. In this, we are reminded of Cicero's earlier depiction of Antonius as unable to distinguish between his roles as consul and augur in his perception of inauspicious signs on the day of the election of Dolabella.[136] In his criticisms of Antonius, therefore, we see Cicero's demand for an appreciation of role distinctions in their fullest form. Cicero insists that Antonius should have been able to understand that the demands of being a consul were entirely different from those of being an augur, *flamen*-designate and *Lupercus*, and that he should have been able to appreciate those meaningful distinctions and act accordingly.

It must be acknowledged that whilst Varro characterised the *Luperci* as *sacerdotes*,[137] Cicero is hesitant in applying such terminology to the *Luperci*.[138] Such hesitation is potentially the result of the very qualities that Cicero decries in these passages. The description of Antonius

[132] Cic. *Phil.* 2.85-86. Cf. Plut. *Vit. Ant.* 12; Cass. Dio 44.11.2, 45.30.1-5, 46.5.2; App. *B Civ.* 2.109.
[133] Vuković (2015, 87-91); Cole (2013, 173-174).
[134] Cic. *Phil.* 2.85, with Vuković (2015, 89).
[135] Cic. *Phil.* 13.31, with North (2008b, esp. 146-147).
[136] *Supra* § 4.1.5. Cf. North (2008b, 159) who suggests that this contrast of real and imagined roles was *central* to the *Lupercalia*.
[137] Varro, *Ling.* 5.85.
[138] Cic. *Cael.* 26 for the *Luperci* as *sodalitas*, with Vé (2018, 148). Cf. Ferriès (2009, 379-382, 390).

as *obrutus uino, unguentis oblitus*, and *nudus* evocatively sums up the lack of *grauitas* represented by the *Lupercus*, and the extent to which the *Lupercus* broke established rules of social propriety.

Cicero's evaluation of *pontifices*, individually and belonging to a *collegium*, coalesce around some of the issues that we have already seen in the analysis of the treatment of *augures*, and of Antonius in various sacerdotal roles. These include the importance of understanding the boundaries and distinctions between one's roles (and moments where such distinctions were perceived as having less value), the importance of acting in ways which contributed to (and did not diminish) one's *collegium*, and the importance of displaying, in ways beneficial to the *res publica*, qualities such as *scientia*.

4.3 *PONTIFICES*: *CLARISSIMI* AND *AMPLISSIMI CIUES*

It is perhaps unsurprising that Cicero best develops and articulates his evaluations of *sacerdotes* in the *de domo*. In a contentious passage that has been discussed already,[139] Cicero reminds the *pontifices* that amongst the divinely inspired things established by the *maiores*, none is more so than:

> […] *ut amplissimi et clarissimi ciues rem publicam bene gerendo religiones, religiones sapienter interpretando rem publicam conseruarent* (Cic. *Dom.* 1).

A few lines later, Cicero additionally insists that if the *pontifices* use their *auctoritas* and *sapientia* to destroy Clodius' machinations:

> *erit causa cur consilium maiorum in amplissimis uiris ad sacerdotia deligendis iure ac merito laudare possimus* (Cic. *Dom.* 2).

In both instances, Cicero describes the *pontifices* in similar terms.[140] He evaluates the *pontifices* as the *amplissimi et clarissimi ciues*, and later, just as the *amplissimi uiri*.[141] The *exordium* is usually cited as a good indication that Rome's magistrates and *sacerdotes* were drawn from the

[139] *Supra* § 3.2.

[140] Although the pontifical college as a whole were to make the decision, Cicero often singles out the *pontifices* alone. On the composition of the pontifical college: *supra* ch.3 n.5.

[141] Santoro L'Hoir (1992) reminds us that Cicero chose the label *uir* and thus that it is itself an expression of Cicero's praise.

same circles; that there was no separation between those men who were chosen as *sacerdotes* and as magistrates.[142] In thus describing the *pontifices* as *amplissimi et clarissimi ciues* and as *amplissimi*, we should thus expect Cicero to use the same virtue terminology to describe them as he would a magistrate. Such a connection might seem to frustrate my attempt to find distinctiveness between *sacerdotes* and magistrates. Yet, the following will show that Cicero deliberately and carefully borrowed this terminology in this instance to describe the *pontifices*, and that distinctions as to the value and importance of *sacerdotes*, rather than magistrates, can nonetheless be maintained.

Whitehead has argued that the term *uir clarissimus* was primarily technical and honorific, used by Cicero to denote consular status, as consuls held 'the highest grade of *dignitas* and the *gloria* which necessarily attends this achievement'.[143] Whitehead acknowledges that the term was also used metaphorically, to indicate those who in some way had not claimed consular status, but were deemed to have deserved it based on a perception of their consular *dignitas*.[144] To my mind, Whitehead has not proven that the term was technical, and thus that Cicero must have, by necessity, labelled every man of consular status as *uir clarissimus*. Nevertheless, Whitehead's analysis has shown that the perception of *dignitas* was a relevant factor in Cicero's estimation of the *uir clarissimus*. The consulship was an important indicator of *dignitas* – as the quality which signified a Roman man's rank and standing based on his prestige and worthiness,[145] and which was informed by his *auctoritas*[146] – but did not necessarily guarantee it. Thus, Cicero's invocation of the terminology of *uir clarissimus* thrusts us into the aristocratic culture of competitiveness, as *dignitas* was informed by *honores*, and

[142] Esp. Scullard (1981, 23); Beard (1989, 44; 1990, 24; 1994, 730); Beard, North and Price (1998, 1: 28); Turcan (2000, 12); Berthelet (2015, 15-16; 2020, 127); Goldberg (2015, 334).
[143] Whitehead (2005, 179). Whitehead (141-144) persuasively refutes the earlier suggestion of Gelzer (1912, 32-35 = 1969, 40-44) that *clarissimus* denoted '[d]ie Existenz einer einheitlichen senatorischen Rangklasse über den Curulsenatoren', based on considerations of *nobilitas*. Epigraphic evidence attests that *uir clarissimus* had become a recognised and distinct honorific title by the first or second century CE: Sandys (1927, 193); Wilson (1998, 23).
[144] Whitehead (2005).
[145] Esp. Cic. *Inv. rhet.* 2.166; Scipio Aemilianus fr. 32 (*FRL*) = Isid. *Orig.* 2.21.4. For *dignitas*: esp. Hellegouarc'h (1972, 388-415); Griffin (2017, esp. 50).
[146] Balsdon (1960, 45); Lind (1979, 29-30).

thus *gloria*.[147] As was suggested in **CHAPTER 1**, gaining a position within a *sacerdotium* could be perceived as informing one's place within this competitive landscape.

Considering the *de domo* as a whole, it emerges that Cicero used *uir clarissimus* to apply both to *sacerdotes* and magistrates alike, and there does not seem to be any detectable distinction in Cicero's use of the term for *sacerdotes* and other influential Romans.[148] For example, Cicero describes the *pontifex* and consul of 79, P. Servilius Vatia Isauricus, as *uir* […] *clarissimus atque amplissimus*.[149] There is no explicit indication that Cicero's high regard for him, expressed in these superlatives, had any immediate connection to his position as *pontifex*. Cicero frequently described Vatia as *uir clarissimus* and had done so since his second *Verrine* oration.[150] Whilst it is likely that Vatia's role as *pontifex* contributed to, or even amplified, Cicero's reckoning of him as *uir clarissimus*, there is no detectable distinction in the use of the term between *sacerdotes* and other influential Romans. Further, as the example of Vatia from the *de domo* also shows, Cicero similarly appears to have used *amplissimus* to apply to *sacerdotes* and other Romans alike.[151]

Cicero's decision to label the *pontifices* as *clarissimi* and *amplissimi* might therefore appear to suggest that there was not a distinct vocabulary of praise for *pontifices* which did not rely on the competitive, aristocratic culture of *honores* and *gloria*. Yet as the following discussion demonstrates, this cannot be maintained when we consider other contexts in which *pontifices* were positively evaluated by Cicero. In light of this, it is possible to perceive that in

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[147] Esp. Hölkeskamp (1987, 212-213, 219-220; 1993, 26, 31-38; 2018, 424); Morstein-Marx (2009, 117-118).

[148] Cic. *Dom*. 29: Cn. Pompeius Magnus (coss. 70, 55, 52, augur: *FS* 2756); 43: P. Servilius Vatia Isauricus (cos.79, *pontifex*: *FS* 3072); 64: P. Decius Mus (cos. 340) and P. Decius Mus (cos. 312, *pontifex*: *FS* 1439); 70: Q. Metellus Nepos (cos. 57); 84: Clodius' grandfather (but cf. Whitehead (2005, 182) who identifies him with C. Claudius Pulcher (cos. 92). Whilst reconstructions of the Pulchrii are difficult, none (to my knowledge) show this Pulcher as Clodius' grandfather: e.g. Wiseman (1985, 16-17); Tatum (1999, 33-36)); 102: Q. Catulus (cos. 102), with Roller (2018, 235-236, 259-261) (but cf. Whitehead (2005, 187) who states that this refers to Cicero himself); 110: an uncertain *uir clarissimus*, with Watts (1923, 264); 123: Q. Caecilius Metellus Macedonicus (cos. 143, augur: *FS* 983); 120: M. Livius Drusus (*tr. pl.* 91, *pontifex*: *FS* 2271). Whitehead (2005, 175) generally notes the lack of distinction in Cicero's use of the term between consuls, censors, *pontifices maximi* and *augures*. For a catalogue of *clarissimus* in Cicero: Whitehead (2005, 181-188).

[149] Cic. *Dom.* 43. Isauricus: *FS* 3072.

[150] Cic. *Verr.* 2.1.56, *Prov. cons.* 1.12, with Grillo (2015, 82), *Red. sen.* 25, *Leg. agr.* 2.50, cf. *Red. pop.* 17.

[151] Cf. Cic. *Har. resp.* 12.

the *exordium* of the *de domo* Cicero deliberately engages with a vocabulary of praise that had no particular resonance for *pontifices*. In describing them just as he would other leading Roman *ciues* who were high in his estimation, Cicero is able to emphasise that the *pontifices*, as leading Romans, must make a decision which would best preserve the *res publica*. Not only does Cicero stress to them as *pontifices* that they had a duty to interpret *religiones* wisely,[152] but also underscores to them that, as the most notable and greatest citizens, they had a duty to protect the *res publica* and were worthy of praise if they were to do so. Whilst we have already seen several contexts in which Cicero insists that *sacerdotes* recognise the precise limitations of their roles, here we appear to see the opposite. Yet, although he insists that the *pontifices* perform their duties well by interpreting *religiones* wisely (a role which, as we will remember, whilst unusual for the *pontifices* to perform, was not utterly foreign to their *modus operandi*),[153] he additionally emphasises that they remember their wider duty to the *res publica* as leading Roman *ciues*. Yet as we shall presently see in terms of Cicero's evaluations of specific *pontifices maximi* (e.g. Ti. Coruncanius and the Scaevolae) these duties to the *res publica* appear also to inform the worthiness of *pontifices* for receiving praise.

4.4 *PONTIFICES MAXIMI*: THE *PERITI*

In turning to examine Cicero's estimation of individual *pontifices*, we shall discover that his evaluations largely centre on how these men were considered as *periti*; experts in various aspects of their jurisdiction and role as *pontifices*, and how they used this expertise for the benefit of the *res publica*.

[152] For which: *supra* § 3.2.
[153] *Supra* § 3.2.

4.4.1 Ti. Coruncanius (and others)

Whilst Cicero held the first plebeian *pontifex maximus*, Ti. Coruncanius, in high esteem as an exemplary *nouus homo* whose rise to prominence he himself had emulated,[154] he most frequently praises Coruncanius as an authoritative expert.[155] Whilst Cicero's Coruncanius often lacks personality, he is usually exalted for simply being wise and knowledgeable when grouped with C. Fabricius Luscinus and M'. Curius Dentatus.[156] In most of these groupings with Luscinus and Dentatus, there is little concrete indication as to why Cicero considered Coruncanius to be wise. Yet in the *de amicitia*, it is commented that Coruncanius, Luscinus, and Dentatus were adjudged by the *maiores* as *sapientes*, in a context which clarifies that their perceived wisdom was not that of philosophers, but rather a practical wisdom gained through experience and skill.[157] Yet outside this grouping, where Cicero specifically evaluates Coruncanius as *pontifex maximus*, his wisdom takes on new aspects.[158] In the *de domo*, Cicero evokes the *scientia* of Ti. Coruncanius, and stresses that he is said to have been called *peritissimus pontifex*.[159] We have already seen how, in the *de diuinatione*, Ap. Claudius Pulcher is praised for having mastery over the *scientia* of augury.[160] Here we see something similar for a *pontifex*. In the context of the *de domo*, Cicero refers to the *scientia* of the *peritissimus pontifex* Coruncanius generally in relation to the *ius pontificum*, and specifically to the rules governing the dedication of sacred spaces. Yet the perceived expertise of this *pontifex maximus* was not limited to the *ius pontificum*. Cicero frequently groups Coruncanius with a range of other *pontifices maximi* and praises them for having expertise in a wide range of matters. In the *de senectute*, Coruncanius – as well as the *pontifex maximus* P. Licinius Crassus Dives,[161] and the

[154] Cic. *Sull.* 23.
[155] Coruncanius: *FS* 1399. On naming variations for Coruncanius: Graves in Smith (1844, *s.v.* Ti. Coruncanius).
[156] Cf. Cic. *Amic.* 39, *Sen.* 43, *Nat. D.* 2.165. On the lack of personality: Dyck (2003, 196); Davie (2017, 231). Cf. David (1980, 85-86).
[157] Cic. *Amic.* 18. Also: *Sen.* 15, *Brut.* 55.
[158] For Coruncanius as exemplary *pontifex maximus*: e.g. Lippold (1963, 305-306); Szemler (1972, 84); Berthelet (2011, 122).
[159] Cic. *Dom.* 139.
[160] *Supra* § 4.1.7.
[161] *FS* 2235.

jurist Sex. Aelius Patus Catus – is praised for his *prudentia* in the *ius ciuile* and its instruction.[162] A little later in the same text, Crassus and the *pontifex maximus* P. Cornelius Scipio Nasica Corculum are praised for their *studium* in both the *ius pontificum* and *ius ciuile*.[163]

By contrast, in the *de oratore*, all three *pontifices maximi* – Coruncanius, Crassus, and Corculum – are praised for their *sapientia* (with Corculum additionally praised as *prudentissimus homo*). Yet here their *prudentia* and *sapientia* are qualified as not necessarily relating to their knowledge or expertise in a wide range of matters, but rather as the result of them proffering consultations about both divine and human matters and for their provision of *consilium* and *fides* to both the senate and people and to the lawsuits of their friends.[164] Thus, in this instance, these *pontifices maximi* have *prudentia* and *sapientia* because they were generous and open about deploying their wide range of knowledge to the benefit of their friends, the senate, and the people of Rome. Thus, two prominent threads have emerged as to Cicero's praise of Coruncanius. First, Coruncanius is considered with Luscinus and Dentatus, and is praised very generally for wisdom and expertise. Second, Coruncanius explicitly emerges as *pontifex maximus* and is grouped with Crassus and Corculum as *pontifices maximi*. These three men emerge as worthy of Cicero's praise as *pontifices maximi* not only because they have expertise in both pontifical and civil law, but because they were willing to share that knowledge for the benefit of the *res publica* and its *ciues*. Those *pontifices maximi* who receive Cicero's praise, therefore, are primarily those men known for their contributions to jurisprudence.

4.4.2 P. and Q. Mucius Scaevola

Cicero's praise of *pontifices maximi* who, with their intelligence and expertise, have made contributions to the definition and development of jurisprudence continues with the *pontifices*

[162] Cic. *Sen.* 27. Powell (1988, 162) considers this to be *iurisprudentia*. Also: Cic. *Leg.* 2.52; Lippold (1963, 305-306). Coruncanius is credited with being the first to give *responsa* in public: Pompon. 1.2.2.35, 1.2.2.38; Draper (1988, 217-218).
[163] Cic. *Sen.* 50. Corculum: *FS* 1379.
[164] Cic. *De or.* 3.134, with May and Wisse (2001, 263-264).

maximi P. Mucius Scaevola, and his son Q. Mucius Scaevola.[165] Yet Cicero is less complimentary of the ways in which these two *iurisconsulti* and *pontifices maximi* deployed that knowledge in their contributions to the creation and codification of the *ius ciuile*. The intelligence of the Scaevolae as *pontifices maximi* is stressed in the *de legibus*, where 'Marcus' praises them as *pontifices maximi et homines meo quidem iudicio acutissimi*.[166] 'Marcus' qualifies how their expertise was more specifically in questions of law, qualifying them as both *pontifices* and likewise (*idem*) *peritissimi* in *ius*.[167] Yet Cicero later finds fault with the ways in which the Scaevolae, as *pontifices maximi*, used their expertise. Whereas P. Scaevola was said to have claimed that *"saepe* [...] *ex patre audiui, pontificem bonum neminem esse, nisi qui ius ciuile cognosset"*,[168] 'Marcus' questions such an assertion, and goes as far as to claim that the knowledge of the Scaevolae in civil law has caused them to abrogate their responsibility for pontifical law, thereby lessening the *auctoritas* of the position of *pontifex maximus* and the pontifical college as a whole:[169]

> *quaero* […] *quid sit quod ad ius pontificum ciuile appetatis ; ciuilis enim iuris scientia pontificum quodam modo tollitis* […] *itaque si uos tantummodo pontifices essetis, pontificalis maneret auctoritas, sed quod idem iuris ciuilis estis peritissimi, hac scientia illam eluditis* (Cic. *Leg.* 2.52).

'Marcus' claims that the status of the Scaevolae as *periti* in civil law has enabled them to evade the confines of pontifical law. Although 'Marcus' only questions the influence of their expertise in civil law on a very specific issue – that of inheritances – he speaks to a greater reason for censure. Whilst he perceived these *pontifices maximi* to have applied their exceptional *scientia* in civil law, in so doing they lessened the *auctoritas* of pontifical law and thus of the *pontifices* themselves. 'Marcus' finds fault with the way in which these *pontifices maximi*, although laudable as *periti*, defined the civil law to the detriment of pontifical law and, ultimately, of the

[165] Publius: *FS* 2476; Quintus: *FS* 2478.
[166] Cic. *Leg.* 2.52, cf. *Nat. D.* 3.80, *Amic.* 1.1; August. *De civ. D.* 4.27.
[167] Cic. *Leg.* 2.47. Also: *Off.* 3.70; Vell. Pat. 2.26.2-3; Pompon. 1.2.2.41.
[168] Cic. *Leg.* 2.47.
[169] Bruck (1954, 24-45); Santangelo (2011, 172; 2013a, 754); Bollan (2013, 141-142, 172). Cf. Rawson (1973, 340); Kronenberg (2017, 325).

pontifices. In this, 'Marcus' criticises the Scaevolae for not appreciating the inherent importance of the *ius pontificum* over the *ius ciuile*. In this way we can perceive a fundamental difference in Cicero's evaluations of the Scaevolae, as opposed to those of Coruncanius, Crassus, and Corculum. All these *pontifices maximi* are praised as experts in the *ius pontificum* and *ius ciuile*, and were key figures in the development of jurisprudence and the definition and separation of sacral and civil jurisprudence.[170] Yet Coruncanius, Crassus and Corculum are perceived to be *sapientes* because they shared that expertise for the benefit of the *res publica* and the Roman people, whereas the Scaevolae were worthy of disapprobation because they were perceived to have inappropriately eroded the boundaries between the *ius pontificum* and *ius ciuile*, and in so doing, lessened the perceived importance of their positions.

4.5 *PONTIFICES*: C. AURELIUS COTTA AND *PHILOSOPHIA*

There is a similarly palpable emphasis on understanding the primacy of the demands of one's role as *pontifex* in Cicero's philosophical works, primarily in the *de natura deorum*, written late in his life. Cicero explores this through one of his central interlocutors, 'Cotta'. Potentially motivated by his own philosophical introspection whilst he was also an augur, Cicero casts 'Cotta' – both *pontifex* and Academic Sceptic – in his dialogue and brings the potential conflict between these roles to the forefront. Yet, Cicero makes 'Cotta' firmly believe that he is capable of separating his philosophical beliefs and questions from his identity and role as a *pontifex*.[171] Responding to the pleas of 'Balbus' that he remember that he is both *princeps ciuis et pontifex*,[172] 'Cotta' emphasises that on questions of *religio* he is led by the *pontifices maximi* Ti. Coruncanius, P. Scipio, and P. Scaevola, and the augur C. Laelius, and not by the Stoic

[170] For the Scaevolae and Cicero teasing out the boundaries between *ius pontificum* and *ius ciuile*: D'Ippolito (1985, 128); Scheid (2005, 279); Harries (2006, esp. 23-25, 42-43, 66, 149-152); Santangelo (2013a, 735); MacRae (2017, 38). Cf. Johnson (2015).
[171] On casting 'Cotta', *pontifex* and sceptic, in *Nat. D.*: Beard (1986, 42, 44-45); Wynne (2019, 53-54, 111-114, 165-172).
[172] Cic. *Nat. D.* 2.168, also: 3.5.

philosophers Zeno, Cleanthes or Chrysippus.[173] In 'Cotta' stressing that he appeals to the wisdom of established Roman practitioners, exemplary *pontifices maximi* and *augures*, rather than to leading Stoic philosophers, a hierarchy of importance is established. Whilst both were sources for questions of *religio*, it is perceived as fundamental for 'Cotta' as *pontifex* to rely on Roman *sacerdotes* for his answers. 'Cotta' also boasts that maintaining a distinction between his own philosophical knowledge and his role as *pontifex* was an easy endeavour. In this he could rely on the expertise of these *sacerdotes* as his guide, and the suggestion is also made that he drew comfort from the institutional longevity of the practices established by the *maiores*, especially those founded by Romulus and Numa.[174] Thus, we see 'Cotta' insisting that his role as *pontifex* take precedence, and he is resolute that, in answering questions of *religio*, it is to the established practices and wisdom of Roman *sacerdotes* that a *pontifex* must turn, rather than towards philosophical introspection and the wisdom of philosophers.[175]

Yet Beard perceives a fundamental incongruity between 'Cotta' as *pontifex* and the philosophical stance he takes in the work, seeing an inherent tension in such a dual role.[176] She claims that Cicero deliberately exploited such a tension, as he 'was not only anxious to provide an integration between traditional religious practice and Hellenizing philosophy; he was also concerned to highlight the problems of such an integration'.[177] That Cicero might be highlighting potential tensions between philosophical knowledge and the performance of one's duties as a *pontifex* can also be seen in 'Cotta's' earlier invocation of Coruncanius and P. Scaevola as *pontifices maximi*, in his rebuttal to Epicureanism:

> *'at etiam de sanctitate, de pietate aduersus deos libros scripsit Epicurus.' At quo modo in his loquitur? ut <Ti.> Coruncanium aut P. Scaevolam pontifices maximos, te audire dicas, non eum qui sustulerit omnem funditus religionem nec manibus, ut Xerxes, sed rationibus deorum immortalium templa et aras euerterit* […] (Cic. *Nat. D.* 1.115).

[173] Cic. *Nat. D.* 3.5.
[174] Cic. *Nat. D.* 3.5-6, also: 1.61, cf. 2.72, with Dyck (2003).
[175] Linderski (1982, 16); Wynne (2014, esp. 255, 267-268).
[176] Beard (1986, esp. 43, 45). Cf. Wynne (2014, esp. 268; 2019, 114-118); Rasmussen (2000, 20).
[177] Beard (1986, 45).

The simile of Epicurus and Xerxes illustrates 'Cotta's' belief that philosophical introspection and argumentation – namely Epicureanism – could be as dangerous in overthrowing the foundations of *religio* as Xerxes was in destroying temples and other sacred places.[178] 'Cotta' also suggests that Epicurus' writings on *sanctitas* and *pietas* might, albeit deceptively, hold the same authority as pronouncements from Coruncanius or P. Scaevola. In so doing, 'Cotta' stresses yet again that for a *pontifex*, established Roman practitioners – the exemplary *pontifices maximi* – must be considered the utmost authorities for such matters. Although 'Cotta' insists that he can separate his performance of the role of *pontifex* from his philosophical introspection, underpinning Cicero's use of 'Cotta' is an ongoing tension between these potentially incompatible stances, expressed largely as a conflict between sources of authority. 'Cotta' is caught between his belief in the wisdom of philosophy, which sought to question one's place in life and the social constructs which fuel one's actions, and his role as *pontifex*, which relied on the inheritance of the institutions and practices of the *maiores* and on the wisdom of exemplary *sacerdotes*.

Whilst Cicero might have been motivated to reconcile the tensions between sacerdotal office and philosophical inclination late in his life with the *de natura deorum*, in various other places in his oeuvre we can nonetheless see Cicero's conviction that *sacerdotes* must uphold the institutions of the *maiores*, and that to do so is wise. 'Marcus' as augur,[179] and in a voice very close to Cicero's own,[180] claims in his *de diuinatione* that 'it is for the wise' (*sapientis est*) to preserve the institutions of the *maiores*, and he links this wisdom to the preservation of *sacra* and *caerimoniae*.[181] As we have seen, the *exordium* of the *de domo* also follows similar lines.[182]

[178] Wynne (2019, 107) suggests that this comparison to Xerxes may not be 'wholly pejorative'; that Xerxes was simply motivated by a different perspective on how the gods should be treated. Cf. Cic. *Leg.* 2.26, with Dyck (2003, 115-116; 2004, 328-329); MacRae (2016, 36).
[179] On Cicero's self-representation as 'Marcus' the augur in *Div.*: Linderski (1982, 29-30); Schofield (1986, esp. 51); Wynne (2019, 256-257).
[180] That he speaks in his own voice is confirmed by the fact that he has just referred to his own *Nat. D.* For Cicero's 'voices' in *Div.*: Schofield (1986).
[181] Cic. *Div.* 2.148. Also: *Nat. D.* 3.9.
[182] *Supra* § 3.4.

From its outset, Cicero invokes the memory of the *maiores* and reminds the *pontifices* that they have inherited the *maiores*' legacy. Cicero then stresses that the ancestors have made it the responsibility of the *pontifices* to ensure the well-being of the *res publica* and that they must do so by interpreting *religiones sapienter*.[183] Cicero goes on to insist that if the *pontifices* use their *auctoritas* and *sapientia* to nullify the assertions of Clodius, then there shall be a reason to praise the *maiores* in their selection of the greatest men for the *sacerdotia*.[184] This affirmation of the *pontifices* as preservers of the legacy of the *maiores*, and Cicero's emphasis on the pontifical college using their authority and wisdom, continues throughout the *de domo*. Cicero is quick to emphasise that he has dared not probe into the knowledge of the *pontifices* or *augures*,[185] but that Clodius has taken up the role of an instructor to the *pontifices* – as experts on sacred matters – and has thus appropriated their role. Against this, Cicero exhorts the *pontifices*: *huncin uos, qui estis antistites caerimoniarum et sacrorum, auctorem habetis et magistrum publicae religionis?*[186] An almost identical argument can be found in the *de haruspicum responso*:

> *ad pontifices reicietur, quorum auctoritati fidei prudentiae maiores nostri sacra religionesque et priuatas et publicas commendarunt* (Cic. *Har. resp.* 14).

Cicero later clarifies the *sapientia* and *prudentia* of the *maiores*:

> *ego uero primum habeo auctores ac magistros religionum colendarum maiores nostros, quorum mihi tanta fuisse sapientia uidetur ut satis superque prudentes sint qui illorum prudentiam non dicam adsequi, sed quanta fuerit perspicere possint* [...] (Cic. *Har. resp.* 18).[187]

Gildenhard has taken umbrage at Cicero's emphasis on the intellectual qualities of the *maiores*, and has suggested that whilst *sapientia* and *prudentia* were 'prime values at Rome',[188] Cicero's emphasis on them in this context is peculiar.[189] Gildenhard suggests that Cicero constructs an

[183] Cic. *Dom.* 1. On this: *supra* § 3.2.
[184] Cic. *Dom.* 2.
[185] Cic. *Dom.* 33, 39, 121, 138. For Cicero's 'posture of respect' for the knowledge of *pontifices* and *augures*: North (1998, 47-49); Gildenhard (2011, 315); Kenty (2016, 447, 456).
[186] Cic. *Dom.* 104. On the pontifical college as *antistites*, *supra* § 3.3.
[187] On these passages: van Haeperen (2002, 49-51). Also: Cic. *Mil.* 83.
[188] For *prudentia*'s semantic range and force: Santangelo (2012, 47-54). Cf. Hellegouarc'h (1972, 273-274).
[189] Gildenhard (2011, 334).

elaborate argument in which *sapientia* is cast as essential for *religio*, and that this *sapientia* must be that developed through philosophical questioning (in the mode of the *de natura deorum*, for example).[190] He then counters Cicero by asserting that 'to be in dialogue with the gods does not require theoretical knowledge of their nature(s)', and thus argues that Cicero has crafted a deliberate rhetorical fiction.[191] We cannot ignore the influence of Cicero's rhetorical strategy. Moreover, Gildenhard is right to emphasise that philosophical knowledge was not necessary for approaching the gods.[192] Yet, to my mind, he is mistaken to insist that the *sapientia* referred to must be philosophical. As we have seen, Cicero advocates for a plethora of ways in which *sapientia*, informed by knowledge, experience, and good sense, rather than philosophical questioning, was laudable for *pontifices* in the performance of their roles, and was beneficial for the entire *res publica*. Most notably, the *pontifices maximi* Coruncanius, Crassus and Corculum were perceived as *periti* in a range of fields, and were adjudged as *sapientes* because they used their *scientia* and their expertise to Rome's benefit. This is not far removed from Cicero's stance in the *de domo* and *de haruspicum responso*. In their immeasurable *sapientia* and *prudentia*, the *maiores* bestowed a legacy on the *pontifices* to follow their example. It was the responsibility of the *pontifices* to do so, and adjudge *religio sapienter* – by using their knowledge, expertise, and prudence, and not philosophical introspection – to make the decision that would best preserve the legacy of the *maiores* and thus, best preserve the *res publica*.

Beard goes further, positing that the perception of expertise was *fundamental* to the experience of being a *pontifex*.[193] From her close reading of Cicero's *de domo*, Beard argues that '[i]t is immediately clear that (although no specific training was required to enter the priesthood) once a man had become a pontifex his status was that of religious expert; he *knew*

[190] Gildenhard (2011, 332-335). Cf. Moore (1989, 114-116).
[191] Gildenhard (2011, 334).
[192] Cf. Ando (2003, esp. 5, 11; 2008, 5-6).
[193] Beard (1990, 36-37). Also: Beck (2018, 97-98).

things about religion that other men did not know and gained from that knowledge considerable authority (*auctoritas*)'.[194] From the preceding analysis, it would appear that Beard's emphasis on knowledge is apt. Cicero expected the *augures* and *pontifices* to gain *scientia* of various elements under their purview. Yet the possession of knowledge alone could not define a *sacerdos*, nor were *sacerdotes* alone in having knowledge of augury or the *ius pontificum*. A passage of M. Porcius Cato's *Origines* appears to confirm this for an earlier period. In the *de senectute*, we are told that Cato had a reputation for being well-informed on matters of pontifical and augural law, and wrote on both topics.[195] Yet Cato, who was – very probably – not a *sacerdos* himself, and thus spoke only as an informed outsider,[196] recognised the poignant distinction between having knowledge of the *ius pontificum* and *augurium* and actually being a *pontifex* or an *augur*:

> *tamen dicunt deficere uoluisse. ego me nunc uolo ius pontificium optime scire; iamne ea causa pontifex capiar? si uolo augurium optime tenere, ecquis me ob eam rem augurem capiat?* (M. Porcius Cato, *FRHist* 5 F105 = Gell. *NA.* 1.12.17).

In its original context, Cato sought to emphasise that intentions or desires were not equivalent to deeds.[197] Cato perceived a fundamental connection between the *pontifices* and the act of knowing, specifically their having knowledge of the *ius pontificium*. Similarly, he saw the *augures* as having command of the practice of augury. Whilst Cato makes the act of knowing fundamental to the identity of being a *pontifex*, perhaps in terms Cicero would later recognise, he also reveals the conviction that pontifical identity did not solely comprise having knowledge of the *ius pontificium*.[198] As Cornell stressed, Cato makes a subtle distinction: 'a wish to have

[194] Beard (1990, 36). Beard reacts against older views which considered Roman *sacerdotes* to be religious 'amateurs' as they did not have any formal training, on which, e.g.: Scullard (1981, 28).
[195] M. Porcius Cato, *FRHist* 5 T6a = Cic. *Sen.* 38, with *FRHist* 1: 193.
[196] Cato's augurate relies on identification of *nostro* or *uestro* in Cic. *Sen.* 64. If *nostro*, the reference is to an augural college which Cato and C. Laelius are both members, but if *uestro*, simply the augural college of C. Laelius. I follow Powell (1988, 235) in reading the latter, thus making Cato's augurate unlikely. For discussion and bibliography: Rüpke (2008, 854 col. 1 n.2).
[197] Generally: *FRHist* 3: 138-139.
[198] Cf. Johnson (2007, 140 n.385).

priestly knowledge is not the same as actually having it, and is even further removed from being a priest'.[199]

Whilst the possession of knowledge appears to have been fundamental to Cicero's conception of *sacerdotes*, it cannot exclusively define them. Nor could the *sacerdotes* of the late republic claim to have exclusive access to such knowledge.[200] Remembering Beard's formulation, I must disagree with her that the possession of this knowledge necessarily made a *sacerdos* an 'expert'. As we have seen, Cicero praises only a handful of *pontifices maximi* as *periti*, for their possession of exceptional *scientia*. It is the exceptional depth of their *scientia*, and how they used it for the benefit of the *res publica*, that made them worthy of Cicero's high praise.[201] Thus, whilst Cicero appears to have expected *pontifices* (and *augures*) to have knowledge of their craft, only a few could be considered experts in it. This tends to fit with the findings of **CHAPTER 2**. Whilst many qualities could be expected of so-called 'part-time' *sacerdotes*, especially *pontifices* and *augures*, and these qualities might be seen to improve one's interactions with the gods, they were, for the most part, never insisted upon absolutely. The possession of exceptional *scientia* was not necessary to be a *pontifex*, but having it (and using it for the benefit of the *res publica*) garnered Cicero's approval. In this context we are also reminded of M. Antonius' *inscientia* as an augur.[202] Whilst his severe lack of *scientia* in the augural *disciplina* did not prohibit him from becoming an augur or performing the duties of the augurate, it was rather a fertile ground upon which Cicero could publicly condemn and vilify him.

[199] *FRHist* 3: 139.
[200] Non-*sacerdotes* writing on 'civil theology': *supra* § 4.1.7.
[201] Cf. Cic. *Div.* 1.105 where the nicknames of Ap. Claudius Pulcher as 'Pisidian' or 'Soran' suggest that excessive *scientia* in augury might be perceived as un-Roman, and thus as grounds for criticism, on which *supra* § 4.1.7.
[202] *Supra* § 4.1.5.

4.6 *PONTIFICES*: THE *SENES*

In the *de senectute*, another cluster of *pontifices* is singled out for praise: the *senes* L. Caecilius Metellus, P. Licinius Crassus Dives, and M. Aemilius Lepidus.[203] 'Cato' lauds the *senex* and *pontifex maximus* L. Caecilius Metellus, who remained as *pontifex maximus* for twenty-two years:

> *ego Lucium Metellum memini puer, qui cum quadriennio post alterum consulatum pontifex maximus factus esset, uiginti et duos annos ei sacerdotio praefuit, ita bonis esse uiribus extremo tempore aetatis, ut adulescentiam, non requireret* (Cic. *Sen.* 30).

'Cato' claims that Metellus kept his youthful vigour until the end of his life whilst performing the role of *pontifex maximus*. Elderly *pontifices* – alongside *augures*, lawyers and philosophers – are singled out for their capacity to remember and retain their faculties, provided that they maintain *studium* and *industria*.[204] Yet Valerius Maximus, in asserting Metellus as an *exemplum* in a very similar manner, adds an intriguing addendum:

> *cuius uitae spatium aequauit Metellus, quartoque anno post consularia imperia senex admodum pontifex maximus creatus tutelam caerimoniarum per duo et uiginti annos neque ore in uotis nuncupandis haesitante neque in sacrificiis faciendis tremula manu gessit* (Val. Max. 8.13.2).

Valerius adds that Metellus took care of *caerimoniae* even in his old age, and that his old age did not prevent him from keeping his hand steady and his voice clear.[205] Valerius brings into high relief the need for a *pontifex maximus* to be able to perform sacrifices accurately and offer vows. Yet we must consider whether Valerius is unique in making this connection, or whether it was implicit in Cicero's statement that Metellus did not feel the loss of youth in the twenty-two years that he held the position of *pontifex maximus*. Briscoe has recently posited Cicero's *de senectute* as the source for Valerius' *exemplum*, but contends that the minor detail that the span of Metellus' life equalled that of M. Valerius Corvinus (a detail also present in the Elder

[203] Metellus: *FS* 978; Crassus: *FS* 2235; Lepidus: *FS* 507. On old age in Rome, especially in Cicero: Harlow and Laurence (2002, esp. 117-131); Cokayne (2003). For caution as to Cicero's rationale for writing the *de senectute*, see Harlow and Laurence (2002, 121-123) who posit that the treatise not only reflects Cicero's own fears of obsolescence, but his fear of Octavian's youth.

[204] Cic. *Sen.* 22.

[205] Cf. Plin. *HN.* 11.174 for a Metellus, *pontifex*, who was tongue-tied and thus practised so that he might properly dedicate an *aedes* to *Ops.* Morgan (1973, 35-37; 1974, 140-141) considers these men to be the same.

Pliny's *naturalis historia*)[206] must have come from another source (common to both Valerius and Pliny) – potentially Varro.[207] Whilst this source may have specifically mentioned the faculties that Metellus was able to retain in his old age, it is also possible that Valerius is instead simply making Cicero's meaning explicit.

L. Caecilius Metellus is mentioned again in the *de senectute*, alongside the *senes* and *pontifices maximi*, P. Licinius Crassus Dives, and M. Aemilius Lepidus. Here 'Cato' emphasises the *auctoritas* bestowed by old age:[208]

> *apex est autem senectutis auctoritas. quanta fuit in Lucio Caecilio Metello* [...] *quem uirum nuper Publium Crassum pontificem maximum, quem postea Marcum Lepidum eodem sacerdotio praeditum uidimus!* [...] *habet senectus honorata praesertim tantam auctoritatem ut ea pluris sit quam omnes adulescentiae uoluptates* (Cic. *Sen.* 60-61).

Old age was perceived to have conferred pre-eminent *auctoritas*. For Crassus and Lepidus, this *auctoritas* and their performance of the role of *pontifices maximi*, spoke to their quality as men – their *uirtus*.[209]

4.7 *Nouus Pontifex*: L. Pinarius Natta

By contrast, in the *de domo*, Cicero refers to Natta's youth and inexperience as a *pontifex*, variously labelling him an *adulescens*, *nouus pontifex*, *imperitus adulescens*, and *nouus sacerdos*.[210] Although the term *adulescens* did not strictly demarcate a period of life and could be used to condemn or castigate someone for their juvenile actions performed at any age,[211] the cumulative effect of these descriptions implies Natta's actual youth. The youth of this *pontifex* gave Cicero fertile ground to denounce his actions, and in these criticisms, we can deconstruct more of Cicero's expectations for *pontifices*.

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[206] Plin. *HN.* 7.157.

[207] Briscoe (2019, 195-196), following Münzer (1897, esp. 109). Cf. Bosch (1929, 13-22); Klotz (1942, 12-14, 23).

[208] Cf. Cic. *Sen.* 64.

[209] On *uirtus*, e.g.: Balmaceda (2017, esp. 15-16).

[210] Cic. *Dom.* 118 (*adulescens*), with Dyck (2018, 337-338) on the manuscript tradition, 135 (*nouus pontifex*), 139 (*imperitus adulescens* and *nouus sacerdos*). Natta: *FS* 2711.

[211] As opposed to the English 'adolescence', on which: Laes and Strubbe (2017, esp. 26-29, 42, with earlier bibliography 15-17). Cf. Varro *ap.* Censorinus, *DN.* 14.2; Santoro L'Hoir (1990, 221 n.3).

Laes and Strubbe suggest that the characteristics of youth that Romans disliked 'may be summarised in one word: *ferocitas*, impetuosity or restlessness'.[212] In a similar vein, Moatti has suggested that, from the 60s, anxieties about youth were motivated by a reaction against the 'desire to break with the past and for innovation',[213] that there was cultural unease about the potential for young men to force innovation. Along similar lines, Harlow and Laurence suggest that the *adulescens* represented a potential threat to Rome as this state of 'transition or liminality' required careful nurturing to ensure his transition into a 'morally upright citizen'.[214] Whilst any (or all) of these might be inferred as reasons for Cicero's unease towards *adulescentes*, Cicero's description of Natta as an *imperitus adulescens* rather suggests that Cicero's main objection to Natta, as the *pontifex* involved in the dedication of his house, was the *adulescens*' ignorance, inexperience, and lack of skill. This is also highlighted in Cicero's description of him as *ignarus*.[215] It is well understood that Cicero focused on Natta's youth and inexperience to question the validity and appropriateness of the dedication of his house. His youth did not automatically make the dedication of the shrine invalid, but his inexperience reflected poorly on Clodius' authority to dedicate the shrine.[216] In a way, Cicero takes the spotlight away from Natta and places it back on Clodius and his decision to choose the youngest and most inexperienced member of the entire pontifical college – also related to him by marriage – to assist him in performing the dedication. It was this choice, Cicero argues, that undermines the validity of the dedication. Cicero retorts to Clodius:

> *at si conlegium pontificum adhibendum non uidebatur, nemone horum tibi idoneus uisus est, qui aetate honore auctoritate antecellunt, cum quo de dedicatione communicares?* (Cic. *Dom.* 132).

By relying on Natta's relative lack of *auctoritas* and *honos*, in comparison to the other members of the pontifical college, Cicero implies that Clodius himself lacked those virtues, and that this

[212] Laes and Strubbe (2017, 46). Cf. Evans and Kleijwegt (1992, 190); Eyben (1981, 332).
[213] Moatti (2015, quote: 37, further 37-39).
[214] Harlow and Laurence (2002, 65).
[215] Cic. *Dom.* 139.
[216] Esp. Scheid (1984, 261-262); Beard (1989, 53-54); North (2008a, 29); Lennon (2010, 429); Santangelo (2013a, esp. 748); Berthelet (2015, 121; 2020, 122).

reflected upon his dedication.[217] A similar reference, earlier in the *de domo*, adds *dignitas* and *scientia* to this list of qualities that Natta (and by extension Clodius) lacked:

> *opus erat enim auctoritate, quae est in his omnibus, sed tamen auget et aetas et honos dignitatem; opus erat etiam scientia, quam si omnes consecuti sunt, tamen certe peritiores uetustas facit* (Cic. *Dom.* 117).

Cicero's emphasis on *scientia* foregrounds Natta's inexperience. Given Cicero's praise of *pontifices maximi* with *scientia*, Natta's lack of *scientia* as a *pontifex* as a ground for censure is perhaps unsurprising. As Beard comments, we must note 'Cicero's hesitancy in his discussion of Pinarius Natta, a living contradiction, as pontifex without knowledge'.[218] Elsewhere Beard questions the process by which *sacerdotes* gained knowledge, and queries the extent to which that knowledge could be gained through training, or whether it was expected to be innate.[219] Whilst we lack clarity on this, it has reasonably been suggested that – perhaps analogously to the *tirocinium fori* – *sacerdotes* gained *scientia* through experience; through watching and participating in rites and rituals performed by other members of their *collegia*.[220] This idea of watching the performance of rites can perhaps be glimpsed elsewhere in the *de domo*, where Cicero emphasises that Natta, assisting in his first ever dedication, looked out upon and saw not one of the whole pontifical college:

> *qua re quis est qui existimare possit huic nouo pontifici, primam hanc post sacerdotium initum religionem instituenti uocemque mittenti, non et linguam obmutuisse et manum obtorpuisse et mentem debilitatam metu concidisse, praesertim cum ex conlegio tanto non regem, non flaminem, non pontificem uideret* [...]*?* (Cic. *Dom.* 135).

Cicero suggests that Natta, as *adulescens*, was unsuitable for assisting in the dedication because he was – as indeed any novice in the pontificate might be – overwhelmed whilst performing the necessary rites at his first ceremony. Something similar is repeated several chapters later, where Cicero emphasises that Natta performed the dedication *furtim*, *mente ac lingua titubante*.[221] Cicero then suggests that Natta's unease was mirrored by Clodius, who worked *ita raptim et*

[217] Esp. Santangelo (2013a, 748). Cf. Yakobsen (2018, 31).
[218] Beard (1990, 37 n.49).
[219] Beard (1989, 54).
[220] Prescendi (2010); Berthelet (2015, 121).
[221] Cic. *Dom.* 139.

turbulente uti neque mens neque uox neque lingua consisteret.[222] Cicero not only attempts to indicate the secrecy, haste, and imprecision of the dedication, but its consequences for Natta's performance of the rites. That an *adulescens* might be overwhelmed, and thus not able to perform with a steady voice and hands, resonates with Valerius Maximus lauding the elderly *pontifex maximus* L. Caecilius Metellus for his unwavering voice in offering *uota* and a hand that did not tremble in the performance of sacrifices, despite his age.[223] The parallels between Natta and Metellus are compelling, and demonstrate that it mattered how one's capacities might hinder accurate, and thus meaningful, interactions with the divine. Natta's youth and consequent inexperience as a *pontifex* directly contributed to the extent to which his ritual interaction with the gods was meaningful.

Whilst Natta's suitability as *pontifex* is adduced so that Cicero can cast aspersions on the validity of Clodius' dedication, his evaluations of this *sacerdos* are scathing. Cicero's stress on Natta's youth and inexperience speak to his continued emphasis on the need for *scientia* for *pontifices*, and the expectation for *pontifices* to learn by watching and through experience. Cicero's emphasis on Natta's youth also stresses the extent to which, as a young *pontifex*, Natta lacked *honos*, *dignitas*, and *auctoritas*, and the mental and physical fortitude necessary to perform his first dedication with a steady hand, mind, and voice. These limitations for a young *pontifex* remind us that Cicero is principally concerned with the quality of interactions with the gods, and the possibility that young *pontifices* might frustrate meaningful interactions with the divine. Yet again the problem is expressed as one of degree; the more a *sacerdos* possessed certain virtues, the more successful those interactions could be (and vice versa).

Given the dedication of the *aedes Libertatis*, for which he co-opted Natta's assistance, Clodius has been a looming spectre throughout Cicero's evaluations of Natta as *pontifex*. The depth and intensity of Cicero's hatred against Clodius – both as *quindecemuir* and as someone

[222] Cic. *Dom.* 139.
[223] Val. Max. 8.13.2, *supra* § 4.6.

posturing as a '*sacerdos*' – are highly revealing as to Cicero's attitudes towards *sacerdotes* more generally.

4.8 *QUINDECEMUIR* AND *'SACERDOS'*: P. CLODIUS PULCHER

Cicero labels P. Clodius Pulcher as a *sacerdos* on eight occasions, though most often not in direct reference to Clodius' position as *quindecemuir*.[224] As we shall see, Cicero intended most of these labels to be seen sarcastically, as if Clodius were posturing as a *sacerdos* in a variety of inappropriate settings. Thus Cicero evaluates Clodius' actions *as if he were* a '*sacerdos*', and in this we can use Cicero's irony and sarcasm to uncover Cicero's evaluations of *sacerdotes* more generally. Thus, we can mine Cicero's evaluations of Pulcher as '*sacerdos*' for his embedded and ingrained assumptions about the worth of *sacerdotes* more widely, and only occasionally in reference to Clodius as *quindecemuir*.

Whilst Cicero mostly refers to Clodius as '*sacerdos*' sarcastically, we have no firm indication as to when Clodius actually became a *quindecemuir* (and thus a *sacerdos*).[225] Clodius' position as *quindecemuir* can only be inferred from a single mention in the *de haruspicum responso*, giving us the *terminus ante quem* of 56.[226] A handful of these references to Clodius as '*sacerdos*' were made at times when we know that Clodius was a *quindecemuir*, but in contexts which show that Cicero did not intend to refer specifically to this position. Given this complexity, we must be aware of the many potential resonances of Clodius being evaluated as a '*sacerdos*', and conscious of the blurred lines between Clodius the imagined '*sacerdos*' and an actual one.

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[224] Pulcher: *FS* 1265.

[225] For (*quin*)*decemuiri* as *sacerdotes*: e.g. Cic. *Verr.* 2.4.108; Ov. *Fast.* 4.257; Val. Max. 1.8.2; Tac. *Ann.* 6.12, 11.11, 16.22; *CIL* 6.32324; Cohee (2001, 84).

[226] Cic. *Har. resp.* 26, further *infra* § 4.8.4. For the contest as to the date of delivery of *Har. resp.*: Kumaniecki (1959, 135-136, with earlier bibliography); Courtney (1963, 155-56); Wuilleumier and Tupet (1966, 8-10); Lenaghan (1969, 24-27); Bruwaene (1971); Stockton (1971, 454); Devijver (1972, 198); Rüpke (2008, 625); Beard (2012, 21); Corbeill (2018, 178).

4.8.1 *sacerdos Bonae Deae*

Cicero refers to Clodius as '*sacerdos*' in a handful of contexts where he evokes Clodius' infiltration of the rites of the *Bona Dea* in 62. The first of these is in a letter to Atticus from April 59. There, having already mentioned Clodius by name, Cicero later refers back to him as *iste sacerdos Bonae deae*.[227] By specifically casting Clodius in the role of '*sacerdos*', Cicero goes further than simply referring to Clodius' infiltration of Caesar's home that night. Rather, Cicero ironically intimates that Clodius was arrogant enough to believe that he belonged there, as if he were a *sacerdos* devoted to the worship of *Bona Dea*. In this, we see the first instance of a recurrent theme; that Cicero believed Clodius to have behaved as if posturing as a '*sacerdos*'. By suggesting that Clodius was a *sacerdos* of a cult overseen and attended only by women,[228] Cicero intentionally highlights Clodius' self-emasculation through his infiltration of the rites.[229] Further, it enables Cicero to comment on the incongruity of Clodius' behaviour as opposed to that of proper *sacerdotes*. In Cicero's estimation, Clodius supposedly infiltrated the rites of *Bona Dea* dressed as a woman and pretended to perform the duties of a slave, as a flute-player.[230] Thus, by here eschewing a description of Clodius as a female slave and instead casting him as a '*sacerdos*', Cicero evocatively – albeit implicitly – stresses the extent of Clodius' *indignitas*, a contrast which relies upon an understanding of the utmost *dignitas* expected of *sacerdotes*.

The irony of the description is further fuelled by the extent to which Clodius – as the female slave turned '*sacerdos*' – wilfully transgressed cultural boundaries. Clodius, the *sacerdos Bonae Deae*, contravened social stratifications as an aristocrat posturing as *seruus*. So too does he transgress distinctions between gender roles, as *uir* posing as *femina*.[231] In this, the

[227] Cic. *Att.* 2.4.2; Brouwer (1989, 364).
[228] Brouwer (1989, esp. 258) stresses that men, although restricted from aristocratic worship of *Bona Dea*, were involved elsewhere, especially in private dedications.
[229] On 'gendering' Clodius: Leach (2001). For emasculation in oratory: Edwards (1993, 63-97); Corbeill (1996, 128-73).
[230] E.g.: Cic. *Att.* 1.13, *Sest.* 116, *Har. resp.* 44, *Clodium et Curionem,* fr. 22 (Crawford); Plut. *Vit. Caes.* 10.
[231] Cf. Parker (1997, 49).

irony of Clodius as *sacerdos Bonae Deae* allows us to infer that Cicero expected *sacerdotes* to uphold and respect such established, traditional, and inviolable Roman cultural norms. Thus, Cicero toys with the label of *sacerdos*, suggesting that although Clodius wilfully transgressed these norms, he should, ironically, still be worthy of the title. It is possible that Cicero ordinarily deliberately excluded those who engaged in such norm breaking – such as the *Luperci* – from the semantic range of *sacerdos*.[232] In this way, Cicero potentially alludes to an expectation for '*sacerdotes*' to uphold Rome's social and cultural norms, whilst excluding from this label those positions that sought to eschew or problematise such assumptions. Thus, embedded within the apparently simple description of Clodius as *iste sacerdos Bonae Deae* is a complex set of assumptions for how Cicero expected '*sacerdotes*' to behave and where he was willing to use the label and where he was not.

Clodius is also invoked as '*sacerdos*' in the context of his infiltration of the rites of the *Bona Dea* in the *de domo*, where Cicero claims that the dedication of his house was *illius castissimi sacerdotis*.[233] Whilst Clodius was most likely a *quindecemuir* at the time of this reference to Clodius as '*sacerdos*', Gildenhard sees this 'sarcastic gibe' as a specific allusion to Clodius' infiltration of the rites of *Bona Dea*.[234] Such an interpretation seems sound. Gildenhard argues that by invoking Clodius as *castissimus*, Cicero references the charge of *incestum* brought against Clodius for infiltrating the rites.[235] Although Clodius was officially acquitted, Cicero (albeit without proof) fervently believed Clodius to be guilty, claiming his acquittal was induced by bribery of the jury.[236] Yet by invoking *incestum*, Cicero both reminds us of his belief in Clodius' guilt and places Clodius' *castitas* into doubt. Tatum has stressed that the decision to charge Clodius with *incestum* was a unique solution to the problem that there

[232] *Supra* § 4.2.
[233] Cic. *Dom.* 103, with Begemann (2015, 84).
[234] Gildenhard (2011, 325).
[235] Gildenhard (2011, 325).
[236] Cic. *Att.* 1.16, *Har. resp.* 36; Balsdon (1966, 72); Crawford (1994, 234 n.5); Tatum (1990, 208; 1999, 82-85). Cf. Lintott (1967, 160); Vanderbroeck (1987, 30) who emphasise Clodius' use of 'armed gangs' to secure acquittal.

were no established *leges* that could comprehend Clodius' alleged actions, and the charge was brought against Clodius regardless of the fact that the *castitas* of the Vestals who attended the rites of the *Bona Dea* was never in doubt.[237] As Tatum proposes, the charge of *incestum* was considered appropriate because 'the intrusion of a man into the excessively feminine rites of the Good Goddess – a festival necessarily attended by the Vestals – was tantamount to an assault on the Vestals' *pudicitia* and posed a danger to their chastity'.[238] With this perspective on the charge of *incestum*, Clodius becomes analogous to the male lover accused of destroying the *castitas* of a Vestal.[239] Yet, I contend that Cicero's description of Clodius as a *castissimus sacerdos* rather places the emphasis on Clodius as the '*sacerdos*' for whom unerring *castitas* was expected. Like Vestals accused of *incestum*, Cicero's intimation is that Clodius' own *castitas* was in issue in his trial.

In this way, Cicero intends for direct parallels to be drawn between Clodius, the apparent *castissimus sacerdos*, and the Vestal Virgins. Not only is *castitas* a fundamental expectation of Vestals,[240] but this discourse is embedded in the *de domo*. Having labelled Clodius as the *castissimus sacerdos*, Cicero then explicitly refers to the Vestals as *castissimae sacerdotes*.[241] Cicero uses such an explicit comparison between Clodius and the Vestals to emasculate him yet again.[242] Perhaps more importantly, given that a Vestal's sacerdotal identity relied on her unfaltering *castitas* and that she could not remain as *sacerdos* if she lost it, Cicero constructs Clodius, the *castissimus sacerdos*, as a paradox. It is a contradiction in terms to be a guilty *castissimus sacerdos*. This convoluted metaphor assists in Cicero's overarching rhetorical ploy in the *de domo*. Just as the Vestals were ritually impure if found guilty of *incestum*, so too must Clodius, guilty in Cicero's mind of *incestum*, be ritually impure. This

[237] Tatum (1999, 75). Cf. Jordan (1886, 51-52).
[238] Tatum (1999, 75). Whilst Tatum inappropriately elides *pudicitia* with *castitas*, his logic and argument are still sound.
[239] For punishment of male culprits: Cadoux (2005, 165).
[240] *Supra* § 2.1.
[241] Cic. *Dom.* 144.
[242] *Castitas* was, however, not only the reserve of women: e.g. Cic. *QRosc.* 21, 47, *Verr.* 2.100, 2.137, *Flac.* 68, *Har. resp.* 68, *Sest.* 93, *Cael.* 73, *Phil.* 5.12, *Inv. Rhet.* 2.36, *Att.* 11.6.

ritual impurity should make Clodius incapable of dedicating *sacra*, and thus incapable of dedicating the *aedes Libertatis*.[243] The ritual impurity of Cicero's *castissimus sacerdos* should, as it would for a corrupted Vestal, disavow Clodius of any ability to act in a ritual capacity.

4.8.2 *sacerdos stuprorum*

Ritual purity also appears to have been at the forefront of Cicero's mind in the *pro Sestio*, where Cicero claims, refusing to mention Clodius by name, that he has had to deal *cum stuprorum sacerdote*.[244] Whilst this oxymoron is forcefully ridiculous, Cicero also intends for specific inferences to be drawn from his juxtaposition of *sacerdos* with *stuprum*. By the late republic, *stuprum* was most often used to describe unlawful and transgressive sexual defilement, often of *uirgines* or *matronae* but sometimes also of young men.[245] *Stuprum* stripped them of their *pudicitia*.[246] In referring to Clodius as a *sacerdos stuprorum*, Cicero draws simultaneously on two allusions. The first is to Clodius' alleged sexual relationship with his own sister.[247] In the *de haruspicum responso*, Cicero connects Clodius' apparent authority on matters of *religiones* and *sacra*, even after he has been exiled from the worship of *Bona Dea*, to his imagined position of authority on matters of *pudicitia*,[248] having come from the bedroom of his own sisters:

> *itaque nunc proxima contio eius exspectatur de pudicitia. quid enim interest utrum ab altaribus religiosissimis fugatus de sacris et religionibus conqueratur, an ex sororum cubiculo egressus pudorem pudicitiamque defendat?* (Cic. *Har. resp.* 9).

Cicero intimates that Clodius has held *contiones* to discuss topics about which he cannot claim authority. As he has come from his sister's bedroom, he cannot defend the principles of *pudor* or *pudicitia*, and as he has been expelled from the rites of the *Bona Dea*, he cannot lament on matters of *sacra* or *religiones*. Clodius is incapable of speaking of these values and matters

[243] Cf. Gildenhard (2011, 325). For caution as to the existence of an *aedes Libertatis*: Begemann (2015, 84-85).
[244] Cic. *Sest.* 39, with Kaster (2006, 58).
[245] Fantham (1991); Gallia (2014, 230).
[246] Fantham (1991, 271); Langlands (2006, 32).
[247] Their relationship: Cic. *Dom.* 26, 92, *Mil.* 73, *Har. resp.* 39, 59, *Sest.* 16-17, 39, 116, *Pis.* 28, *Cael.* 32, 36, 78, 116, *Att.* 2.1.5, *QFr.* 7, *Fam.* 20.15; Kaster (2006, 409-411); Seager (2014, 234).
[248] On *pudicitia* as a symptom of the state: Langlands (2006, 191, 316).

because his behaviour has shown him not only to be disrespectful of them, but utterly devoid of said values.

Cicero's second allusion is to Clodius' invasion of the rites of the *Bona Dea*, namely to the alleged adulterous sexual activity between Clodius and Pompeia, the then-wife of Iulius Caesar. The continuation of this affair is said to have been the pretext by which Clodius infiltrated the rites of the *Bona Dea* in 62.[249] There are numerous instances where Cicero refers to Clodius' invasion of the rites of the *Bona Dea* as an act of *stuprum*.[250] In the *de haruspicum responso*, for example, Clodius states that:

> *in Clodium uero non est hodie meum maius odium quam illo die fuit cum illum ambustum religiosissimis ignibus cognoui muliebri ornatu ex incesto stupro atque ex domo pontificis maximi emissum* (Cic. *Har. resp.* 4).

Later in the same speech, Cicero contrasts the purity of the rites of the *Bona Dea* with the impurity of *stuprum*, stressing that Clodius was one *qui puluinaribus Bonae deae stuprum intulerit*.[251] This sense that Clodius' immorality had corrupted the rites of the *Bona Dea* is elsewhere emphasised in the *de domo* and the *pro Milone*. In these contexts, Cicero stressed that Clodius had polluted the rites with his *stuprum*.[252] Lennon has persuasively illustrated how Cicero constructs Clodius as *pestis* and thus that his polluting actions – his *scelera* – contaminated *religio* and made his dedication of Cicero's house ritually invalid.[253] In the distance between pollution and purity, Clodius, cast as *sacerdos stuprorum*, again becomes a contradiction. One cannot be an impure *sacerdos*; both a source of pollution and someone who properly engages in dedicatory rituals.

[249] E.g. Cic. *Att.* 1.13; Suet. *Iul.* 6; Plut. *Vit. Caes.* 9-10; Cass. Dio 37.45.
[250] In addition to examples here: Cic. *Pis.* 95, *Clodium et Curionum*, fr. 22 (Crawford), *Har. resp.* 44.
[251] Cic. *Har. resp.* 8.
[252] Cic. *Mil.* 87, *Dom.* 105. Cf. *Verr.* 2.4.102.
[253] Lennon (2010, esp. 427, 444; 2014, 167-187). On Roman pollution, also: Fantham (2012). Cf. Corbeill (2008) on Clodius as polluting *prodigium*.

4.8.3 *ille popularis sacerdos*

Later in the *pro Sestio*, Cicero also refers to Clodius as a *sacerdos*, referring to him merely as *ille popularis sacerdos* who would be given a candidature for the consulate.[254] Such language is exactly mirrored in the *in Pisonem*, delivered in the following year, where Clodius, as *ille popularis sacerdos*, sacrifices friends and allies to the beasts.[255] In both, Cicero is confident that when he talks out of context of *ille popularis sacerdos*, his audience would understand the reference to Clodius. It is accepted that in both instances, Cicero invokes the *Bona Dea* scandal of 62.[256] We can find confirmation for this in the *de haruspicum responso*, where Clodius' actions at the rites of the *Bona Dea* are linked directly to the idea of the *popularis*. Cicero describes Clodius stepping out of his woman's costume – the one that he wore to infiltrate the rites of the *Bona Dea* and engage in *stuprum* with Pompeia – and emerging fully-fledged as *popularis*.[257] Seager suggests that this implies that Clodius gained immense publicity or notoriety in having attempted to invade the rites, thus becoming known amongst the people.[258] Whilst a possible reading, Cicero might also be making a direct comparison between Clodius as '*sacerdos*' – as one who destroys secret rites, shatters social and gender hierarchies, and engages in *stuprum* – and Clodius a *popularis*, in the sense of one who frequently engages in *ratio popularis*.[259] Although we should not expect to find a dogmatic statement from Cicero outlining the rhetorical strategies pursued by all those who engaged in the *ratio popularis*, he nonetheless consistently and distinctively characterises Clodius as *sacerdos popularis*.[260]

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[254] Cic. *Sest.* 66.
[255] Cic. *Pis.* 89, with Asc. *Pis.* 15.2. On the date of delivery of *Sest.*: Nisbet (1961, v, 199); Marshall (1975).
[256] Watts (1931, 245); Gardner (1958, 125); Nisbet (1961, 159); Kaster (2006, 264).
[257] Cic. *Har. resp*. 44, cf. *Dom.* 77.
[258] Seager (1972, 331). For *popularis* as someone 'popular' or seeking to be well known ('popular'): Robb (2010), and on this passage (88).
[259] For *ratio popularis*: Robb (2010); Mouritsen (2017, 123). For Clodius and *ratio popularis*: Seager (1972); Gruen (1966, 120-127); Lintott (1967); Baudry (2007, 176-177). Cf. Robb (2010, esp. 36-68); Mouritsen (2017, 121-122).
[260] For *homo popularis*: Cic. *Sest.* 116, *Har. resp.* 42, *Dom.* 80, with Santoro L'Hoir (1992, 21).

Whilst Santoro L'Hoir characterises Cicero's *homo popularis* as one who embodies *leuitas* and *blanditia*,[261] I contend that Cicero casts Clodius the *sacerdos*' engagement with the *ratio popularis* in a much more sinister light. In the *de haruspicum responso*, Cicero labels Clodius' quaestorship as his first *iactationem* and *adscensus ad popularem*, during which he violated *deos hominesque, pudorem, pudicitiam, senatus auctoritatem, ius, fas, leges* and *iudicia* and thus attempted to tear away *sacra* and *religiones* (amongst other things) from the *res publica*.[262] Thus, Cicero's representation of Clodius as *popularis* serves to cast him as a destroyer of the established status quo. In this light, Cicero's reference to Clodius as a *sacerdos popularis* is yet again a contradiction in terms. This fits with Cicero's evaluations of Clodius elsewhere and demonstrates, yet again, Cicero's expectation for *sacerdotes* to be responsible for maintaining and protecting *sacra* and *religiones*. As we shall see in the discussion of Clodius as *religiosissimus sacerdos*, this rhetoric of Clodius as the overthrower of established tradition pervades the *de domo* and *de haruspicum responso*.[263]

In Cicero's *pro Sestio*, where Clodius as *ille popularis sacerdos* first appears, Cicero constructs a contrast between those who follow the path of *dignitas* and thus will defend *religiones*, *auspicia, potestates magistratuum, senatus auctoritas, leges, mos maiorum, iudicia, iuris dictio, fides, prouinciae, socii, imperi laus, res militaris, aerarium*, and those who desire to agitate the status quo and destroy the tenets of civilised society.[264] Mouritsen has recently problematised this as being a 'deceptively simple model' of the traditional view of *optimates* and *populares*, and has demonstrated that it is actually a 'bold rhetorical self-reinvention' for Cicero.[265] He has astutely shown that whilst Cicero characterises Clodius as a self-styled champion of the people and the *ratio popularis*, he also inverts that rhetoric to contend that Clodius failed to win popular approval. As Clodius' rhetoric is hollow and self-serving, Cicero

[261] Santoro L'Hoir (1992, 21).
[262] Cic. *Har. resp.* 43, with Robb (2010, 87).
[263] *Infra* § 4.8.4. For *popularis* rhetoric in *Dom.*: Kenty (2018, 246-249).
[264] Cic. *Sest.* 98-99, with Seager (1972, 329); Robb (2010, 55-56).
[265] Mouritsen (2017, 121-122).

reveals Clodius to be an insincere champion of the *ratio popularis*.[266] Mouritsen then posits that Cicero in fact styles *himself* – and others who had the true interests of the *res publica* at heart – as truly representing 'popular' interests.[267] In this way, Cicero makes Clodius the false champion of the people, more interested in destroying *religiones*, *auspicia* and the tenets of the *res publica*. Cicero's *popularis sacerdos* emerges yet again as a harsh juxtaposition.

4.8.4 *religiosus sacerdos*

In contrast to this cluster of Ciceronian references to the rites of the *Bona Dea*, Cicero labels Clodius as a *religiosus sacerdos* in both the *de domo* and *de haruspicum responso.* Although Clodius was most likely *quindecemuir* when these speeches were delivered, we must also see these references in light of the various other contexts in which Cicero has represented Clodius as a '*sacerdos*'. In the *de haruspicum responso*, Cicero states *in ea causa esse dixit domum meam a religiosissimo sacerdote P. Clodio, consecratam*.[268] Similarly, in the *de domo*, whilst mentioning Clodius' brother Ap. Claudius Pulcher, Cicero refers to Clodius as *hoc quidam homo nobilis, non alienus ab hoc religioso Libertatis sacerdote*.[269] In both, Cicero associates Clodius' dedication of his house with Clodius' status as an apparent *religiosissimus*/*religiosus sacerdos*. Here my concern is primarily with Clodius as *religiosus sacerdos*, but I shall return to the implications of Cicero's specific invocation in the *de domo* of Clodius as *sacerdos* of *Libertas*.[270]

In his search for Clodian quotations, Corbeill suggests that Clodius – during his *contio* in which he gave his interpretation of the *prodigia* in the *ager Latiniensis* – labelled himself a *religiosissimus sacerdos* for having dedicated Cicero's house.[271] Yet Cicero's earlier descriptions of Clodius as both *religiosus sacerdos* and *homo religiosus* in the *de domo* show

[266] Also: Robb (2010, esp. 65-66).
[267] Mouritsen (2017, 121-122). Cf. Stone (2005, 62-63).
[268] Cic. *Har. resp.* 9.
[269] Cic. *Dom.* 111, with Lennon (2010, 434).
[270] *Infra* § 4.8.5.
[271] Corbeill (2018, 184).

that Cicero was already using these terms to sarcastically refer to Clodius, and thus demonstrate that these epithets were, most likely, of Cicero's own formulation. References in the *de domo* to Clodius as *homo religiosus* are frequent. At 116, Clodius is *homo religiosus* in connection with the tender of Cicero's house.[272] At 105, Clodius as *religiosus* is emphasised twice. First, Cicero exhorts the pontifical college to stop and castigate Clodius:

> *aspicite, pontifices, hominem religiosum et, si uobis uidetur, quod est bonorum pontificum, monete eum modum quendam esse religionis: nimium esse superstitiosum non oportere* (Cic. *Dom.* 105).

Barton and Boyarin suggest *homo scrupulosus* is an accurate synonym for *homo religiosus*, and thus that the term was intended (non-sarcastically) to refer to individuals who performed their actions 'with vigilant care and concentration'.[273] On this passage of the *de domo* in particular, Barton and Boyarin suggest that Cicero stresses Clodius' 'pretensions to scrupulousness'.[274] This sense of pretence is fundamental to Cicero's depiction of Clodius, as a man pretending not only to be scrupulous, as *homo religiosus*, but also pretending to be a *sacerdos*. The invocation of Clodius as *sacerdos religiosus*, again casts him as a paradox. In invoking the continuum between *religio* and *superstitio*, and defining Clodius as someone who is *religiosus* but who engages in *superstitio*, Cicero characterises Clodius' behaviour as excessive and extreme.[275] In labelling Clodius as *religiosus* in the context of his relationship with the pontifical college, and as part of Cicero's exhortation to the *pontifices* to remind Clodius of his place, Cicero continually stresses that whilst Clodius adopted the pretence of being a *sacerdos*, and thus appropriately connected with religiosity, it was the responsibility of the *pontifices* to reassert the status quo and remind Clodius of his place.

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[272] Cic. *Dom.* 116. Also: *Pis.* 28.4.

[273] Barton and Boyarin (2016, 23). Similarly: Ronca (1992, 44-55); Erker (2008); Mason (2019, 17). Cf. Warde Fowler (1908, 170-171) who posits that *religiosus* came to be applied in an identical way to *superstitiosus*, that is, (171) 'always used of persons addicted to rites or fancies outside the pale of the Roman State-religion'. As we shall see, this passage demonstrates that Cicero aligns Clodius as *homo religiosus* and *homo superstitiosus*, but relies on the ironic distance between the two terms.

[274] Barton and Boyarin (2016, 34).

[275] For *religiosus* as the 'correct amount' of attentiveness to the gods and with *superstitio* as the extreme – and thus undesirable – extent of this: Festus 366L *s.v. religiosi*; Cic. *Verr.* 2.4.113; Sachot (1991); Ronca (1992); Margel (2006), but cf. Gell. *NA.* 4.9.2-11.

These threads can also be seen in Cicero's other invocation of Clodius as *religiosus*. Cicero describes Clodius with mock sincerity in the most generous terms possible, and reprimands the pontifical college for not being moved by Clodius' arguments:

> *hoc auctore tam casto, tam religioso, tam sancto, tam pio potestis, pontifices, non commoueri, cum suis dicat se manibus domum ciuis optimi euertisse et eam isdem manibus consecrasse?* (Cic. *Dom.* 105).

We have already seen the various resonances of these *uirtutes* as distinctive expectations for *sacerdotes*.[276] Such resonances take on even more meaning when we consider how Cicero places these *uirtutes* in juxtaposition with his apparent status as *auctor*. Cicero's ironic intimation is that the *pontifices* have a new *auctor*, whose qualities are such that the *pontifices* should be moved and thus persuaded by him. This claim has already been made explicitly, earlier in the *de domo*. Cicero exhorts the *pontifices*: *huncin uos, qui estis antistites caerimoniarum et sacrorum, auctorem habetis et magistrum publicae religionis?*[277] Cicero reminds the *pontifices* that whilst they are the *antistites* of *caerimoniae* and *sacra*, and thus in a position of control and authority, Clodius as their *auctor* and *magister* has wrested authority from the *pontifices*.[278] In this, Cicero creates a dichotomy between himself and Clodius. Cicero reminds the *pontifices* that he has defended the gods and their temples,[279] and that he has respected that the knowledge held by the *pontifices* and *augures* was theirs alone.[280] In contrast, Cicero constructs Clodius not only as instructor to the *pontifices* on matters of *sacra* and *caerimoniae* but also as *auctor* who attempted to overthrow and supplant their authority.[281] This rhetoric is established in the *exordium* of the *de domo*. As we will remember, Cicero invokes the memory of the *maiores* to remind the pontifical college that they are the inheritors of the legacy of the *maiores* and thus that it is their responsibility to protect the *res publica* by

[276] *Supra* ch.2.
[277] Cic. *Dom.* 104.
[278] For *antistites*: *supra* § 3.3. Cf. *magistri* of *collegia*: Kloppenborg (1996, 18-22); Bendlin (2011, 217-218, 252); Clark (2011, 349-351).
[279] Esp. Cic. *Dom.* 7, 141; Gildenhard (2011, 324).
[280] Cic. *Dom.* 33, 39, 121, 138; North (1998, 47-49); Gildenhard (2011, 315); Kenty (2016, 447, 456).
[281] Stroh (2004, esp. 338, 349).

interpreting *religiones* wisely. Cicero goes on to insist that if the *pontifices* use their *auctoritas* and *sapientia* to nullify the assertions of Clodius, then *erit causa cur consilium maiorum in amplissimis uiris ad sacerdotia deligendis iure ac merito laudare possimus*.[282] In thus setting up the *pontifices* as solely responsible for the safety of the *res publica*, Cicero's framing of Clodius as *auctor* and *magister* of the *pontifices* is a striking indictment.[283] The posturing of Clodius as holding a position of authority – as a *religiosus sacerdos* – is thus represented as being against the wishes of the *maiores* themselves, or even a usurpation of the *maiores* themselves. In the *de haruspicum responso*, Cicero stresses that it is the *maiores* who should be considered as the *auctores* and *magistri* of *religiones*: *ego uero primum habeo auctores ac magistros religionum colendarum maiores nostros*,[284] and but that Clodius is now *antistes sacrorum* rather than the *pontifices*.[285] Clodius has taken a position of power reserved for the *pontifices*.

The crescendo of this rhetoric in the *de domo* is Cicero actively casting Clodius as that most veritable of the *maiores*, Numa Pompilius.[286] Again he uses this comparison to exhort the *pontifices*:

> *'dedicatio magnam,' inquit, 'habet religionem.' nonne uobis Numa Pompilius uidetur loqui? discite orationem, pontifices, et uos, flamines; etiam tu, rex, disce a gentili tuo, quamquam ille gentem istam reliquit, sed tamen disce ab homine religionibus dedito ius totum omnium religionum* (Cic. *Dom.* 127).

With no shortage of hyperbole, Cicero implies that Clodius had now, in effect, replaced Numa and that he was now in a position to make pronouncements on all *religiones*.[287] In this, Cicero hectors the pontifical college to learn from Clodius in an ironic form of exemplarity – that the pontifical college must follow Clodius' example rather than that of the *maiores*.[288] Clodius does not himself look to the *maiores* as models to be emulated but has now supplanted them, as the

[282] Cic. *Dom.* 2. Also: *Har. resp.* 14.
[283] On *pontifices* and *auctoritas*, also: Cic. *Dom.* 4, 100; Santangelo (2013a, 746-749).
[284] Cic. *Har. resp.* 18.
[285] Cic. *Har. resp.* 14.
[286] For Cicero and Numa: Cic. *Rep.* 2.26-27.
[287] Nisbet (1939, 175).
[288] Cf. Gildenhard (2011, 315).

new *auctor* of *religiones*.[289] In this twisted version of exemplarity, Cicero also subverts the ordinary logic of learning from and emulating one's own ancestors. Here, Cicero specifically demands that the *rex sacrorum* learn from Clodius, who, despite Clodius' contrived 'adoption', was a member of his *gens*. Whilst the *rex sacrorum* is not named, we know from the *de haruspicum responso* that the *rex sacrorum* at that time – no more than a year after the *de domo* was delivered[290] – was a L. Claudius.[291] Cicero thus sarcastically begs L. Claudius to learn from Clodius as a living exemplar.[292] Yet, Cicero has already shown that Clodius does not learn from his own ancestral *exempla*, neither those who worshipped *sacra priuata* nor those who have presided over *sacerdotia* for the public interest.[293] In stressing the extent to which Clodius subverts tradition and refuses to learn from the past, Cicero casts Clodius as a destabilising force within the *res publica*, someone who refuses to play by the same rules as everyone else. As Baroin evocatively suggests, Cicero depicts Clodius as a 'creature devoid of memory: without any memory of his ancestors, of the religious tradition, or of his ritual duties'.[294] Yet this is the same person whom Cicero casts as the *auctor* and *magister* to the *pontifices*, the *sacerdos religiosus*. In this way, Cicero shatters any hope of Clodius maintaining his position as *sacerdos religiosus*. This subverter of tradition cannot be seen as *scrupulosus*, and his pronouncements on *religio*, *sacra* and *caerimoniae* cannot be listened to or relied upon, lest Clodius dictate terms to the pontifical college.

Clodius' status as *religiosus sacerdos* also emerges prominently in the context of his *contio*, in which he pronounced his interpretation of the *prodigia* heard in the *ager Latiniensis*. Although Clodius is unlikely to have explicitly called himself a *religiosus sacerdos* for

[289] For Cicero and *exempla maiorum*: van der Blom (2010, 68, 125-126).
[290] *Dom.* delivered on 29 September 57: Cic. *Att.* 4.2.2; Nisbet (1939, xxxvii). Cf. MacKendrick (1995, 147). For date of delivery of *Har. resp.*: *supra* n.226.
[291] Cic. *Har. resp.* 12. Although Mommsen (1864, 15 n.13) contested this identification, based on Suet. *Tib.* 1, Rüpke (2008, 610 col. 1 n.4) retains the original identification.
[292] Cf. Clodius as exemplar to Clodia rather than her ancestors: Cic. *Cael.* 34.
[293] Cic. *Dom.* 105, cf. *Har. resp.* 57.
[294] Baroin (2010, 30).

dedicating Cicero's house during this *contio*,[295] it is nonetheless likely that Clodius relied on his position as *quindecemuir* during these proceedings. Champion and Tatum have suggested that Clodius relied on his position as *quindecemuir* to give himself ample authority to speak on the response of the *haruspices* at this *contio*. They suggest that Clodius' position as an interpreter of *prodigia* allowed him to speak on this prodigy,[296] and Tatum makes a direct connection between his position as *quindecemuir* and his posture as *religiosus*.[297] Whilst Clodius convoked the *contio* as aedile,[298] Corbeill has Clodius claim that as a *quindecemuir* he was in a position of authority over the *haruspices* and that this granted him authority to speak on their response.[299] Yet, if Clodius had attempted to rely on his quindecemuirate for authority, he could have only done so informally. The (*quin*)*decemuiri* could officially only consult the Sibylline books at the instigation of the senate and had no extraneous or residual authority over *prodigia* or the *haruspices*.[300] On the *prodigia* heard in the *ager Latiniensis*, the senate appears to have asked only the *haruspices* for their interpretation.[301] Thus, *stricto sensu*, Clodius' position as *quindecemuir* was technically extraneous to his *contio*. That does not mean that Clodius' position could not have bolstered his *auctoritas*, and it is precisely this *auctoritas* as *quindecemuir* that Cicero attempts to shatter in the *de haruspicum responso*. We have already seen Cicero's attempt to deny his authority to speak of *religiones* and *sacra* after having been exiled from the worship of the *Bona Dea*, likening this to his authority to speak on matters of *pudicitia* considering his incestuous relationship with his sisters.[302] So too does Cicero conjure

[295] *Pace* Corbeill (2018, 184) with discussion *supra* 157.
[296] Tatum (1999, 218); Champion (2017, 53). Cf. Lenaghan (1969, 129).
[297] Tatum (1999, 218).
[298] Corbeill (2018, 178).
[299] Corbeill (2018, 172, 184). Cf. Gallini (1962, 269).
[300] E.g. North (1967, 482-484); Orlin (1997, 81-82); Rasmussen (2003, 170); Santangelo (2013b, 128). Cf. Boyce (1938, 170); MacBain (1982, 57-59); Corbeill (2018, 172).
[301] Corbeill's (2010, 146; 2018, 177-178) suggestion, that the senate asked the *haruspices* for their response to the prodigy rather than the *quindecemuiri* as Clodius' membership of the *quindecemuiri* would have presented a conflict of interests, is illogical. Clodius' interpretation of the prodigy – that the prodigy concerned the aborted dedication of Cicero's house, was given *after* the response of the *haruspices* and not before. There is no indication that the prodigy was considered *before* Clodius' *contio* to have concerned Cicero or Clodius (Cic. *Har. resp.* 8-10).
[302] Cic. *Har. resp.* 9, and *supra* § 4.8.2.

an imagine of Clodius the *quindecemuir* – here rendered as the *sacerdos Sibyllinus* – as infecting the Sibylline prophecies:

> *ne hoc quidem tibi in mentem ueniebat, Sibyllino sacerdoti, haec sacra maiores nostros ex uestris libris expetisse? si illi sunt uestri quos tu impia mente conquiris, uiolatis oculis legis, contaminatis manibus attrectas* […] (Cic. *Har. resp.* 26).

Cicero's implies that Clodius' impurities were contagious and would infect the *sacra*, and we have already seen how Cicero more widely constructs Clodius as a source of pollution, and thus incapable of interacting with *sacra* and *religiones* with purity.[303] Cicero also invokes the destructive force of Clodius' *impia mens*.[304] As we have seen, the quality of Natta's *mens*, as *pontifex*, came into question in his ability to assist in the dedication of Cicero's house.[305] Further, we have already seen the Stoic 'Balbus' in the *de natura deorum* stressing that a *pura*, *integra* and *incorrupta mens* improved the quality of one's worship of the gods.[306] As discussed, Cicero does not claim that rituals were invalidated if the voice and mind were impure, but rather that they could lessen the quality of these interactions with the gods. With Clodius, Cicero stresses something slightly different, positing that the intention with which one approaches *sacra* – in this case the Sibylline prophecies – can affect the quality of one's interactions with them. Cicero's claim that Clodius approached the prophecies with an impious *mens* is of course highly subjective, but not that far removed from the ways in which Cicero cautioned *augures* about their relationship with the auspices.[307] In a system which relied on moments of interpretation – i.e. of auspices or of the Sibylline prophecies[308] – it is perhaps unsurprising that Cicero would query Clodius' recourse to them. Cicero asserts here that one's intention in approaching the Sibylline prophecies and thus interpreting their message, must have been of relevance to the quality of that interaction. In this interaction there must be, at the very least, a

[303] *Supra* § 4.8.2, and esp. Lennon (2010, esp. 427, 444; 2014, 167-187).
[304] Tatum (1993a, 18).
[305] Cic. *Dom.* 135, 139, *supra* § 4.7.
[306] Cic. *Nat. D.* 2.71, with *supra* § 2.1. Cf. *Div.* 1.121.
[307] *Supra* § 4.1.3.
[308] The (*quin*)*decemuiri*'s consultation of Sibylline prophecies likely required interpretation, potentially through a complex acrostic: Scheid (1998); Keskiaho (2013).

perception of legitimacy. This has relevance for the *pontifices* as well. In the *de domo*, Cicero suggests that there should be an objective standard by which *religiones* should be interpreted. Whilst, Cicero claims, the undertaking of *religiones* was the interpretation of the *uoluntas deorum immortalium*, he qualifies that *pietas erga deos* is nothing but an 'honest opinion' (*honesta* [...] *opinione*) of their *numen* and *mens*.[309]

4.8.5 *sacerdos Libertatis*

Thus far we have seen Cicero cast Clodius as the '*sacerdos*' of the *Bona Dea*,[310] of the divine quality of *Libertas*, and for the Sibyl. In the characterisation of Clodius as *sacerdos* of *Bona Dea*, Cicero not only emasculated him, by suggesting that he was a *sacerdos* of a cult overseen and attended only by women, but also suggested that, by invading the rites, Clodius postured as if he *were* a *sacerdos* of *Bona Dea* and thus had the right to be there.[311] Although I can find no comparable instances, there is nothing necessarily derogatory in Cicero's invocation of Clodius as *sacerdos* for the Sibyl as he was *quindecemuir*, and thus as keeper and interpreter of the prophecies of the Sibyl.[312] Yet Cicero's suggestion of Clodius as the *sacerdos* of *Libertas* needs further explication.[313] Cicero invokes Clodius as the '*sacerdos*' of *Libertas* in the context of his choice to install a cult to *Libertas* on the site of Cicero's house. In this label, Cicero leans into the discourse of *Libertas* that was Clodius' rallying-cry for Cicero's exile, in that he was able to reinstate *Libertas* to Rome having both physically and metaphorically removed Cicero.[314] Throughout the *de domo*, we see Cicero carefully engage with *Libertas*, struggling with the tension that whilst he wanted to restore his house he could not be seen as posturing to try and remove *Libertas* from the city.[315] Thus, Cicero attempts to deny the validity of Clodius'

[309] Cic. *Dom.* 107.
[310] For divine qualities generally: Clark (2007a).
[311] *Supra* § 4.8.1.
[312] Cic. *Har. resp.* 26, cf. *Nat. D.* 3.5, for *quindecemuiri* as *interpretes Sibyllae*.
[313] Cic. *Dom.* 111.
[314] Clark (2007a, 209-212); Arena (2013, 212-213).
[315] Leach (2001, 345); Begemann (2015, 80-81).

consecration and to denigrate the specific *Libertas* that Clodius had brought into the city. Cicero accuses Clodius of installing an image of *Libertas* which once depicted a *meretrix* and which he had stolen from a Tanagrian tomb.[316] Cicero's implication is not only that this was an unworthy and impure *simulacrum* for the divine quality, but also that Clodius had only been able to install his Tanagrian *Libertas* having already crushed Roman *libertas*.[317]

Leach has suggested that Clodius must have been posturing as if he were a *sacerdos* devoted to *Libertas* to warrant such categorisation.[318] Linguistically, it is not uncommon for *sacerdos* to be qualified by a god or divine quality. Consider, for example, the *sacerdotes* of Ceres or Iuppiter in Sicily,[319] the Vestals, whose close relationship with Vesta is evoked grammatically,[320] or the *flamines* and *flaminicae* whose identities were qualified by the name of their god: *flamen/flaminica Dialis*, *Martialis*, *Quirinalis*, etc. Yet here Cicero implies Clodius' truly exceptional relationship with this deity. Not only does he label him as the *sacerdos Libertatis*, but he also suggests that the Tanagrian *Libertas* was Clodius' 'darling' (*ista tua pulchra Libertas*).[321] Cicero uses *pulchra* to insist upon the affectionate relationship between Clodius and *Libertas*, and exploits *pulchra* as a pun on Clodius' *cognomen* (Pulcher) to associate Clodius and the divine quality.[322] Whilst Cicero invokes such parallels, that Clodius became the 'champion' of *Libertas* does not necessarily seem untoward. Whilst associations with particular deities and divine qualities were exceptional, individuals or *gentes* could claim unique relationships with gods, goddesses, or divine qualities. In this we might think of P.

316 Cic. *Dom.* 111, with Leach (2001, 346).
317 Cic. *Dom.* 116. For the interplay between divine quality and statue: Rüpke (2010b, 189).
318 Leach (2001, 345).
319 *Supra* § 1.2.
320 Cic. *Dom.* 144. Implied at Cic. *Font.* 47.
321 Cic. *Dom.* 108, cf. 110. For *pulcra* as 'darling': Watts (1923, 263).
322 Begemann (2015, 86). Cf. Cic. *Fam.* 3.1.1.

Cornelius Scipio Africanus sequestering himself in the temple of Iuppiter,[323] or Iulius Caesar claiming his descent from Venus.[324]

Yet, Cicero suggests that Clodius was not only a champion of *Libertas* but also her *sacerdos*. Whilst the Vestals or *flamines*/*flaminicae* might be principally seen as dedicated to specific deities, there is little indication that they 'championed' those deities in the sense of actively installing their cults or dedicating cult sites to them. Not only were Vestals and *flamines*/*flaminicae* often involved in the rites of a plethora of deities, rather than focusing solely on one deity,[325] but there is also no indication that *sacerdotes* were responsible for actively attempting to install cults. *Sacerdotes qua sacerdotes* were never responsible for the vowing or dedication of a temple. As Orlin has shown, vows and dedications of temples were made by generals and consuls (or sometimes, where dedication did not follow a vow, their sons).[326] The role of the *sacerdos* – always a *pontifex* – was as an assistant for those dedications.[327] In the dedication of Cicero's house we see exactly this. Natta as *pontifex* assisted in the dedication, whilst Clodius dedicated the *aedes* and statue to *Libertas* under the authority of the *lex Clodia de exilio Ciceronis*.[328] Thus, in casting Clodius as a *sacerdos* who had dedicated the *aedes* to *Libertas*, Cicero instantly problematises Clodius' relationship with that divine quality.

The closest parallel to Cicero's ironic construction of Clodius both as *sacerdos* and as having an affectionate relationship with *Libertas* is perhaps in Ovid's descriptions of the office of *pontifex maximus* as 'belonging' to Vesta. Probably due to the closer associations created between Augustus as *pontifex maximus* and the Vestal Virgins, and Augustus' foundation of a

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[323] Liv. 26.19; Val. Max. 1.2.2; Gell. *NA.* 6.1.6; Cass. Dio 16.fr. 57.39; [Aur. Vict.] *De vir. Ill.* 49; Driediger-Murphy (2019, 22).

[324] Esp. Suet. *Iul.* 6.1. For ancestral myth, or 'legendary genealogies': Wiseman (1974); Smith (2006, 34-44); Padilla Peralta (2018, 299-300).

[325] Vanggaard (1988, 105-115); Wildfang (1999; 2001; 2006, 22-36); Rüpke (2008, 8); DiLuzio (2016, 184-222).

[326] Orlin (1997, 162, 178-187).

[327] Further, *infra* § 6.3.

[328] On Clodius' legal authority under the *lex Papiria de dedicationibus*: Orlin (1997, 168-171). Cf. Tatum (1993b); Ziolkowski (1992, 220-234); Lisdorf (2005, 452) for Cicero's inconsistencies with *dedicatio* and *consecratio* in *Dom*.

new shrine for Vesta on the Palatine,[329] Ovid retroactively applies such a relationship to Iulius Caesar as *pontifex maximus*.[330] Ovid has Vesta claim ownership of Caesar as *pontifex maximus*, that he is *meus* [...] *sacerdos*,[331] and later, retroactively applies this close relationship between the *pontifex maximus* and Vesta to the *pontifex maximus* L. Caecilius Metellus in the context of Metellus rescuing the *sacra* from the burning *aedes Vestae*.[332] In this, Ovid sought to create parallels between Augustus and Metellus.[333] Yet this relationship was not usual. Augustus' relationship with Vesta was innovative and relied on his own refashioning of the position of *pontifex maximus*.

Whilst Cicero's depictions of Clodius as '*sacerdos*' sit on an ambiguous continuum – between Clodius as *quindecemuir* and Clodius *as if he were* a '*sacerdos*' – Cicero's invocations of Clodius as '*sacerdos*' are nonetheless illuminating. Clodius as '*sacerdos*' is a figure of contradictions and harsh juxtaposition. In his various guises, and attached to various epithets – *popularis*, *religiosus*, *castissimus*, etc – Clodius the '*sacerdos*' is the overthrower of established *religiones* and *sacra*, supplanter of established traditions, agitator of accepted social constructs, unknowledgeable, ritually impure, and has an inappropriate relationship with deities and divine qualities. Embedded within this masterful use of this label, both 'real' and 'imagined', Cicero thus reveals those qualities and behaviours he expected of *sacerdotes* and that he believed his audiences would also expect.

4.9 *Vestales*: *exempla pietatis ad familiares?*

Unlike his élite male *sacerdotes*, Cicero's Vestals are not evaluated in terms of the personal qualities they displayed. It is perhaps unexpected, especially given the prevalence of *castitas* and *incestum* in treatments of the Vestals broadly across the ancient material, that Cicero's

[329] E.g. Herbert-Brown (1994, 70-81); Price (1996, 826); Littlewood (2006, 135-136); Bollan (2013, 244-245). Augustus: *FS* 1012.
[330] *FS* 2003.
[331] Ov. *Fast.* 3.697. For Ovid retroactively applying this relationship onto Iulius Caesar: *supra* § 3.4.
[332] Ov. *Fast.* 6.454.
[333] *Supra* § 3.4.

evaluations of individual Vestals rarely concern their *castitas* and that he rarely mentions Vestal *incestum*.

Where Cicero does allude to Vestal *incestum*, he appears loath to represent too critically the individual Vestals accused of the crime. In his *de domo*, he deliberately sidesteps Licinia's trial for *incestum*, preferring instead only to refer to the validity of her dedications of an *ara*, *aedicula*, and *puluinar* to *Bona Dea*.[334] In context, Cicero aims to stress that, despite Licinia's noble birth and possession of a *sanctissimum sacerdotium*, the *pontifices* had no qualms about decreeing that her dedications were not *sacrum*. His intention is to draw a comparison between the circumstances in which Licinia's dedications were deemed not to be *sacrum*, and the circumstances in which Clodius dedicated Cicero's house. In his *Brutus*, Licinia's trial is adduced only in the context of establishing the eloquence of L. Licinius Crassus who defended her.[335] The trial and acquittal of 73 of another Licinia, accused of *incestum* with M. Licinius Crassus, is also mentioned in the *Brutus* but only in reference to her defender, M. Pupius Piso Frugi Calpurnianus.[336] Her trial, which occurred simultaneously with that of the Vestal Fabia (accused of *incestum* with Catiline) is also alluded to as a measure of time in Cicero's *in Catilinam*.[337] Yet Cicero's mentions of these simultaneous trials serve as reminders of *Catiline's* nefarious activities, regardless of Catiline's acquittal.[338] The potential guilt of these Vestals is largely irrelevant to Cicero's purpose in mentioning them, and their actions merely become the background for Cicero to tackle other issues. This is especially true for the Vestal Fabia. Whilst Cicero works to degrade Catiline for committing *incestum*, in his *oratio in senatu in toga candida* Cicero is quick to emphasise that Fabia was guiltless of the crime, because – as Asconius emphasises – she was the half-sister of Cicero's wife Terentia.[339]

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[334] Cic. *Dom.* 136. For Licinia's (*FS* 2219) trial: *Per.* 63; Cass. Dio 26.87; Oros. 5.15.22; Macrob. *Sat.* 1.10.6; Plut. *Q.R.* 83; Obseq. 37.
[335] Cic. *Brut.* 160.
[336] Cic. *Brut.* 236. This Licinia: *FS* 2218.
[337] Cic. *Cat.* 3.9. Also: Sall. *Cat.* 15.1, 35.1; Plut. *Vit. Crass.* 1, *Vit. Cat. Min.* 19.3; Oros. 6.3.1; Cadoux (2005). Fabia: *FS* 1577.
[338] Also: Cic. *Pis.* 95, *Att.* 1.16.9.
[339] Cic. *Tog. cand.* 91.14-18; Asc. 91.19-23.

Where Cicero does focus on individual Vestals, he does not evaluate them on the basis of their virtues, nor for their performance of their roles as *sacerdotes*. Rather, it appears that the handful of Vestals who are explicitly praised by Cicero are commended for acting extraneously to the performance of their duties.

4.9.1 Claudia

The exemplary actions of the Vestal Claudia are invoked in Cicero's famous rebuke of Clodia in the voice of Ap. Claudius Caecus in the *pro Caelio*, where she is given as an exemplary ancestor in the Claudian line.[340] 'Caecus' chides Clodia for not having been roused by Claudia, *quae patrem complexa triumphantem ab inimico tribuno plebei de curru detrahi passa non est*.[341] As we have seen, Wildfang has made the persuasive suggestion that Claudia's intercession in the triumph was not successful because she possessed *sacrosanctitas* – as has commonly been supposed – but rather because she weaponised her inherent *sanctitas*.[342] Whilst such *sanctitas* was potentially afforded to her as a Vestal, Cicero principally praises Claudia's filial *pietas*. He rebukes Clodia for lacking filial *pietas*, that she has not lived up to the example of her ancestor. In this, we must question the extent to which Claudia is praised for her virtues and behaviours as a Vestal. Whilst she appears to have exploited her *sanctitas*, afforded to her as a Vestal, Cicero does not necessarily praise her for her actions *qua* Vestal.

DiLuzio has noted that, given the lengths to which Vestals were symbolically and practically isolated from their families, we might expect Claudia 'to be criticized for her overt intrusion into political life on behalf of her father'.[343] Yet Gallia has astutely shown that, in their lived experiences, Vestals were not as isolated and removed from the bonds of kinship as

[340] Claudia: *FS* 1152. For this speech generally: e.g. Austin (1960, 92); Flower (2002a, 162-164); Tatum (2011, 171-175); Webb (2019, 251-252).
[341] Cic. *Cael.* 34. For this narrative generally: Bauman (1992, 47); Flower (1996, 164-165); Pittenger (2008, 48); Gallia (2015, 78-80); Mueller (2002, 45).
[342] *Supra* § 2.5.
[343] DiLuzio (2016, 227-228).

is often supposed.[344] Cicero's use of Claudia as an ancestral exemplar shows exactly this. Not only was she famous for filial *pietas* – reminding us that she had retained her bond to her father – but she was also publicly remembered as an *exemplum* within her own *gens*. This importance of Claudia's filial *pietas* in the ancestral memory of the Claudian *gens* can potentially also be seen in her depiction on the reverse of both the *aurei* and *denarii* issued by her ancestor, C. Clodius Vestalis, in 41,[345] and in Suetonius' *Tiberius*, where she is praised amongst the illustrious members of the Claudian line.[346] Thus, Cicero stands at the forefront of a wider tradition in which Claudia the Vestal is praised for her filial *pietas* rather than for her virtues and actions as a Vestal.

4.9.2 Licinia

Claudia is not the only Vestal to be praised by Cicero for actions that were not necessarily expected of her as a Vestal. Something similar can be seen in his evaluation of the Vestal Licinia in the *pro Murena*.[347] There he praises Licinia for giving up her seat at the gladiatorial games for her relative, the consular candidate L. Licinius Murena.[348] Whilst the seat had been granted to her only by virtue of her position as a Vestal Virgin, Cicero praises her for granting that seat to a relative. Like Claudia, Licinia only gains Cicero's praise for actions deemed exemplary which lay outside the ordinary conduct expected of their *sacerdotium*.

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[344] Gallia (2015, esp. 76-80). Also: Cancik-Lindemaier (1990, 8).

[345] *RRC* 512/1-2 = *BMCRR* Rome 4195-4196. Earlier identifications saw the statue of Claudia Quinta from the Palatine temple of the Magna Mater: Grueber (1910, 1: 564 n.3); Sydenham (1952, 185, nos. 1134-1135); Seaby (1967, 32, *Claudia* 13); Zehnacker (1973, 522). As Quinta is not attested as a Vestal until the Tiberian period at the very earliest (*infra* § 6.4), an identification of the Vestal Claudia is more likely: Liegle (1932, 85); Bömer (1964, 148-149); Crawford (1974, 1: 521); Lahusen (1989, 25-26); Scheid (1994, 10); Gallia (2015, 80); Flower (2002a, 169); DiLuzio (2016, 169).

[346] Suet. *Tib.* 2.3-4. Suetonius confuses *fratrem* for *patrem*: Austin (1960, 93); Rüpke (2008, 609 col. 1 n.2); Webb (2017, 168-169).

[347] *FS* 2218.

[348] Cic. *Mur.* 73. Cf. Wildfang (2006, 99) who considers that this act was met with disapproval, although cites no evidence for this assertion.

4.9.3 Fonteia

A marginally closer intersection between *pietas ad familiares* and the content of a Vestal's ritual duties can perhaps be seen in Cicero's praise of the Vestal Fonteia.[349] In his defence of Fonteia's brother, M. Fonteius, Cicero evocatively describes Fonteia's act of weeping and of begging the jury not to convict Fonteius; a praiseworthy act of loyalty towards a close family member.[350] To make her pleas all the more poignant, Cicero stresses her devotion towards her duties as Vestal and thus to her service for all Roman citizens, reminding them that the one making these pleas was Fonteia, *quae pro uobis liberisque uestris tot annos in dis immortalibus placandis occupata est*.[351] Fonteia's ritual actions come to the forefront briefly, but only in service of reminding the jurors that the same woman who was now pleading with them for the safety of her brother usually beseeched the immortal gods on behalf of all citizens.[352] Thus, even here where the ritual actions of a Vestal are mentioned by Cicero, they are not the primary object of his praise.

In this way, we can perceive that the handful of Vestals who receive Cicero's praise are largely lauded for actions that were extraneous to the performance of their duties, in moments where they went above and beyond what was expected of them as Vestals, and always in the context of assisting their male relatives.

4.10 Ciceronian Evaluations: Conclusion

Various *sacerdotes* appear throughout Cicero's oeuvre, from the legendary Romulus to his bitter rival Clodius. Weaving together some of the threads of this tapestry, some blurred shapes in the form of common and relatively consistent themes begin to appear. Cicero's membership of the augural *collegium* appears to have motivated a desire to praise those legendary, historical, and contemporary *augures* who had imparted something to the *collegium* itself. Part of Cicero's

[349] Cic. *Font.* 46-48. Fonteia: *FS* 1733.
[350] Cic. *Font.* 46-48. For this loyalty towards her family: Gallia (2015, 79); DiLuzio (2016, 224).
[351] Cic. *Font.* 46. On Cicero's rhetoric: DiLuzio (2016, 191-192, 224); North (2000, 360-364).
[352] Cic. *Font.* 46, 48.

reason for praising Attus Navius is to stress the legacy he has bestowed upon the augural college, in that the potency of his auspices have informed the office and the importance of subsequent *augures* ever since. Something similar can be seen with Ap. Pulcher, whose text on augural lore – as the expression of the extensive *scientia* gained whilst he was an augur – is perceived to have bestowed *laus* upon the augural college. This focus on *scientia* emerges again in Cicero's evaluations of Antonius as augur and Natta as *pontifex*. Antonius' *inscientia* and *inpudentia* towards the augural *disciplina* were fodder for Cicero's invective against him. In his evaluations of Natta, we glimpse how Cicero perceived dangers in letting an *ignarus* and *imperitus pontifex* assist in his first ever dedication. Not only did he lack the skill and expertise to do so accurately, but as his voice and tongue were overwhelmed by the experience, the quality and efficacy of his interactions with the gods was therefore lessened.

Although we cannot be certain that Laelius is evaluated as a *bonus augur* for his proverbial *sapientia*, Gracchus, Coruncanius, Crassus, and Corculum are praised for their *sapientia* as *augures* and *pontifices maximi*. Their *sapientia* follows similar themes: they are judged to be wise for using the knowledge and expertise they gained for the benefit of the *res publica*, rather than in self-interest. Whilst Cicero generally expected *augures* and *pontifices* to know things about their disciplines, the gaining of *scientia* to the point of expertise in the *disciplina* of augury and the *ius augurium*, or of the *ius pontificum* (alongside the *ius ciuile*), is perceived to be laudable. We can see this with Pulcher, Coruncanius, Crassus, Corculum, and P. and Q. Scaevola. Yet, whilst Cicero's 'Quintus' praises Pulcher for his exceptional *scientia*, this mastery appears to have also led others to perceive that he had gone too far, to an almost 'un-Roman' extent, as can be seen in his derogatory nicknames of 'Pisidian' and 'Soran'. Whilst others appear to have conceived of augury as needing little more than a basic understanding, Cicero's 'Quintus' perceives Pulcher's exceptional *scientia* as the pinnacle to which all *augures* must aspire.

Cicero's reflections on the Scaevolae reveal that this expertise also had to be wielded for the 'right' purposes. Unlike Coruncanius, Crassus, and Corculum, the expertise of the Scaevolae in the *ius ciuile* came at the expense of the *auctoritas* of the *ius pontificum*, and thus of the *pontifices* themselves. We thus see hints of the perception of a hierarchy of roles: the Scaevolae, *pontifices maximi* and *iurisconsulti*, should have given precedence to their roles as *pontifices* and thus should have preserved the *ius pontificum*. The importance ascribed to understanding role distinctions and acting appropriately within the bounds of each role is further reinforced with Cicero's evaluations of Antonius and Clodius. Cicero frames Antonius' inabilities as augur, *flamen*-designate of *diuus Iulius*, and *Lupercus* as his refusal to understand the separation between his public roles. He demonstrates his *inscientia* and *inpudentia* in wilfully neglecting to understand distinctions in the types of signs that he could perceive as augur or as consul and demonstrates his savagery in equally misunderstanding the incongruity of his role as consul as opposed to his position as *Lupercus*. A long list of harsh juxtapositions defines Cicero's evaluations of Clodius, as both a real and 'imagined' *sacerdos*, and which tend to confirm the distance between 'real' *sacerdotes* – as those who uphold and preserve established traditions, social constructs, and the *mos maiorum* – and Clodius' behaviour in destroying these traditions and thus endangering the status quo. In these ways, knowledge of the boundaries of expected behaviour for these roles is crucially important for Cicero, both for those who held multiple roles, and for those who, in their actions, supplanted the roles reserved for others. Whilst modern scholars struggle to understand the distinctions between *sacerdos* and magistrate,[353] Cicero had no such qualms and demanded that *sacerdotes* understand the precise boundaries of each of their roles and respect the hierarchy of those roles.

Cicero appears to have struggled with understanding conflicts between one's roles particularly in his later life, as can be seen in the *de diuinatione* and *de natura deorum*, where he problematises how *sacerdotes* might also be philosophers. Probably motivated by his own

[353] *Supra* § 1.1.

struggle to reconcile his position as augur with his philosophical introspection, Cicero ruminates on the ways in which *pontifices* and *augures* could perform their duties despite their philosophical leanings. The solution Cicero insists upon is that, as *augur* or *pontifex*, one must respect the institutions and *sapientia* of the *maiores* and look to exemplary Roman *sacerdotes* for guidance on questions of *religio*. If *sacerdotes* actively listened to leaders of the Stoics, Sceptics, or Epicureans for such questions, then they would begin to follow the potentially destructive path of philosophical questioning. Instead, a *sacerdos* must respect tradition over interrogation and innovation. Yet Cicero appears self-consciously aware that his solution is fragile at best: how can one question the existence of divination, or even the existence of the gods, and simultaneously be an *augur* or *pontifex*?

Whilst maintaining role distinctions thus emerges as an essential element in Cicero's positive evaluations of *augures* and *pontifices*, such distinctions are almost entirely disregarded in his praise of Vestals, only a handful of whom receive individual laudatory attention. Although these Vestals relied on the privileges they had gained by virtue of being Vestals, Cicero praises them for going beyond their roles to assist their male relatives. They were praised not for being Vestals, but for the exceptional actions they performed. This contrast between Cicero's positive evaluations of male *sacerdotes* and the *Vestales* is – potentially – based on his understanding of the acceptable parameters of individuation. How far were Cicero's *sacerdotes* allowed to go in proving their individual worth? Although it is difficult to say with certainty, Cicero appears to rarely praise *sacerdotes* for simply performing their duties as *sacerdotes*.[354] Rather, Cicero praises his male *sacerdotes* for going above and beyond what was expected of them. Knowledge was expected, but expertise was lauded. This fits with Rüpke's suggestion that we should not look for instances where Romans desired to be 'different', but rather we should look for ways in which Romans attempted to prove themselves exceptional

[354] A possible exception is Cicero's stress on the *diligentia* of L. Valerius Flaccus the *flamen Martialis*, in the performance of his *sacerdotium* and the *caerimoniae* over which he presided: Cic. *Rab. perd.* 27: *supra* n.53.

within acceptable parameters.[355] One of these acceptable parameters is most definitely, for Cicero, that *sacerdotes* understood the precise boundaries of their roles,[356] but also perceived the existence of a hierarchy in those roles. Thus, Cicero's male *sacerdotes* are praised for being exceptional in performing the roles they were given and understanding the boundaries and limitations of those roles. This is best seen in Cicero's evaluations of Coruncanius, Crassus, Corculum, and the Scaevolae. Whilst all these *pontifices maximi* were involved in the process of the creation of Roman jurisprudence, and thus as *pontifices maximi* excelled in their expertise and mastery of the *ius pontificum* for which they garnered Cicero's praise, the Scaevolae did not recognise that their contributions to jurisprudence had caused the *auctoritas* of the *ius pontificum* to be lessened. They inappropriately gave preference to their roles as *iurisconsulti* above their responsibilities as *pontifices maximi*. By contrast, Cicero *only* praises Vestals where they have been perceived to have gone beyond their roles as Vestals to assist their male relatives. They gained distinction from other members of their *sacerdotium* by exploiting the privileges given to them for the benefit of others. Yet even here we can perceive the existence of a hierarchy of roles, but rather than their positions as *sacerdotes* taking precedence, Cicero expected the opposite: that their roles as daughters and sisters take precedence over their performance as Vestals. Thus, Cicero's evaluations of *sacerdotes* intersect with his gendered expectations of roles and actions. Whereas his male *sacerdotes* must work in service of the *res publica*, and thus abide by the strict demarcations of the roles they performed, his female *sacerdotes* must use the tools given to them as *sacerdotes* to work in service of male relatives and their *gentes*. As we shall see in the following analysis of Livy and Valerius Maximus, similar concepts of individuality come again to the forefront in their positive evaluations of *sacerdotes*, but are expressed in various other ways.

[355] Rüpke (2013a, 10).
[356] For role differentiation: *supra* § 1.2.

Cicero's evaluations of *sacerdotes* may have had wider resonances. Particularly in his speeches to the *pontifices* and the senate, we might perceive Cicero both relying on shared understandings of the ideals to which *sacerdotes* should aim and actively working to define those standards. Although the vast remit of Cicero's oeuvre, both temporally and thematically, means that various *sacerdotes* emerge at different times and with varying intensity, we can potentially perceive a relatively stable social vision in Cicero for *sacerdotes* within the proper functioning of Roman society. This social vision emerges most strongly in periods of intense political and civil discord, where Cicero works hard to articulate his vision for *sacerdotes*. As inheritors of the legacy of the *maiores*, Rome's *sacerdotes* must do their utmost to defend established social constructs, thus ensuring conservatism over innovation. This is, perhaps, best seen in the negative, in the ways in which he decries how Antonius and Clodius flouted *sacerdotia*, as social institutions upon which the *res publica* stood. This social vision for *sacerdotes* resonates with Cicero's expectation for the roles of *pontifices* and *augures* as explored in **CHAPTER 3**, that it was the principal duty of *sacerdotes* to protect and maintain the legacy of the institutions around them. That one must be devoted to the defence and maintenance of established social norms and institutions, is, of course, not unique in Cicero's estimation to a *sacerdos*. Yet we have seen that Cicero is nonetheless able precisely to articulate specific ways in which *sacerdotes* should achieve this social goal, and that the distinctive qualities for which he praises *sacerdotes* are informed by this overall vision. Although different in their specifics, as we shall presently see, Livy's evaluations of *sacerdotes* reveal that he expresses a relatively similar social vision for the role and importance of *sacerdotes*, even if the way in which he represents and evaluates *sacerdotes* is vastly different.

CHAPTER 5: LIVIAN EVALUATIONS

LIVY

In contrast to the Ciceronian corpus, in which we see an abundance of evaluations of *sacerdotes*, Livy's evaluation of individual *sacerdotes* is comparatively limited. Davies has gone so far as to say that it is a Livian trend to subsume the *sacerdotes* of his text under an 'anonymous plural'.[1] As we shall see, this trend is not totalising. A handful of *sacerdotes* emerge prominently from the text, and their actions and characters are evaluated by Livy – most notably Attus Navius, P. Licinius Crassus Dives, C. Valerius Flaccus, and various Vestal Virgins. Yet it must be immediately obvious, especially in contrast to Cicero, that this is a short list. Thus, whilst my primary focus is on Livy's representation of individual *sacerdotes*, I first explain his preference for the 'anonymous plural', before considering his evaluations of *sacerdotes* and concluding with thoughts on the potential impact of the principate on such evaluations.

We must acknowledge that there may simply be evidentiary reasons for any trends perceived in Livy's text. It is possible that the trend towards the 'anonymous plural' is simply a by-product of the accident of survival of Livy's extant books. The gaps in Livy's narrative, and the paucity and problematic nature of the *periochae* – especially for Livy's later books – rob us of an appreciation of how Livy may have evaluated certain figures and their actions.[2] It is also possible that, in his presentation of *sacerdotia* and *sacerdotes*, Livy is simply following his source material and thus only infrequently inserts evaluations into his moralising narrative where he gleaned them from his sources. Yet to ascribe such passivity to Livy is largely without merit, as his active authorial and moral voice is clear throughout his extant text. Thus, I posit that it is more than likely that it was Livy's choice to give more attention to *sacerdotia*, and it is this possibility that I wish to explore.

[1] Davies (2004, 65).

[2] E.g. Livy's 18th book, in which Ti. Coruncanius is made the first plebeian *pontifex maximus* (cf. *Per.* 18), or the 19th, in which L. Caecilius Metellus' actions as *pontifex maximus* must have been given more attention.

5.1 Anonymous Plural

The most common place in which Livy mentions individual *sacerdotes* is in the context of the deaths or replacements of various *sacerdotes publici* – a category which, for Livy, included *pontifices* (especially *pontifices maximi*), *augures*, *decemuiri*, the *flamen Dialis*, the *flamen Martialis*, the *flamen Quirinalis*, *reges sacrorum*, the *curio maximus*, *epulones*, and the *rex sacrificulus*.[3] These reports occur intermittently in Livy's earlier books, but then more regularly – in annalistic style – from book 23. Most of these reports are bare, and Livy usually gives them without any authorial comment on these people or any positive or negative evaluation of their actions.

Livy does, however, use the adjective *clarus* in several of these reports. For instance, he uses *uiri clari* to describe the men who died of pestilence in 463, three of whom, as Livy notes, were *sacerdotes*: the augurs M. Valerius and T. Verginius Rutulus, and the *curio maximus* Ser. Sulpicius Camerinus Cornutus.[4] Yet Livy also includes the consul P. Servilius Priscus in this list.[5] This thereby demonstrates that, for Livy, the descriptor *uiri clari* was not reserved for *sacerdotes* alone and that the term was applied to a wide variety of distinguished Romans. Livy uses it as a shorthand to describe groups of men of consular status, especially in his descriptions of those who stood in contested elections. In Livy's description of the election of M. Aemilius Lepidus to the position of *pontifex maximus* in 180, for example, he emphasises that Lepidus was elected from amongst a wide field of *uiri clari*.[6] Something similar can be said for the superlative *clarissimi uiri*. Either in Livy's own voice, or in his speeches, Livy lauds a wide variety of men as *clarissimi uiri*, including Cn. Cornelius Scipio Calvus and his brother

[3] Early, less annalistic reports: Liv. 3.7.6-8, 3.32.3-4; annalistic reports: Liv. 23.21.7, 25.2.2, 26.23.7-8, 27.6.15-16, 27.8.4, 27.36.5-6, 29.11.14, 29.38.6-7, 30.39.6, 32.7.14-15, 33.42.1, 33.44.3, 39.45.8, 39.46.1, 40.42.6-13, 41.13.4, 41.21.8-12, 41.28.7, 42.28.10-13, 43.11.13, 44.18.7, 45.15.10, 45.44.3.

[4] Liv. 3.7.6. Valerius is usually taken to be M'. Valerius Volesi Maximus, but cf. Rüpke (2008, 939): 'the historicity of the office is questionable in the extreme'. This might have been the son of M. Valerius (cos. 505): Ogilvie (1965, 407-408). On Rutulus, cf. Rüpke (2008, 947): he is 'scarcely historical'. Cornutus: potentially cos. 500: Ogilvie (1965, 408); Rüpke (2008, 907-908).

[5] cos. 463.

[6] Liv. 40.42.12. Lepidus: cos. 187 and 175, cens. 179, *pontifex* from 199 (*FS* 507). For *uiri clari* in censorship elections, also: Liv. 37.7.2 for 199, 37.57.9 for 189. On little evidence, Santoro L'Hoir (1992, 64) suggests this reflected official titulature.

P. Cornelius Scipio,[7] L. Cornelius Scipio Asiaticus,[8] M. Porcius Cato,[9] and P. Cornelius Scipio Africanus.[10] In each instance, the offices, positions, and titles that these *clarissimi uiri* held are left for the reader to remember, and thus these details become only incidentally relevant in Livy's characterisation of them as *clarissimi uiri*. Livy's estimation of the augur and *pontifex* Q. Fabius Maximus Verrucosus should also be adduced in this context. Livy remarks that Fabius was worthy of his *cognomen* '*maximus*', and cites his superlative number of magistracies, the importance of his contributions to the war against Hannibal, and his holding of two *sacerdotia* – being both *pontifex* and *augur* – as evidence of this.[11] Thus, it is the quantity and lustre of his *honores* (including membership of two *sacerdotia*), rather than necessarily the actions performed in those positions, that Livy suggests made Fabius worthy of being labelled *maximus*.

In these annalistic reports, Livy also notes a few instances where *sacerdotes publici* were considered to be *adulescentes*. In light of the discussion in the previous chapter as to Cicero's evaluation of L. Pinarius Natta, *adulescens pontifex*, it is essential to consider these instances. We saw Cicero suggest that the *adulescens*' comparative lack of *scientia*, *auctoritas*, *honos* and *dignitas* and that his mind and voice were overwhelmed, endangered the quality of his interaction with the gods. It is thus necessary to consider whether Livy's evaluation of *sacerdotes* as *adulescentes* was intended to imply similar concerns.

Livy emphasises that, on the election of Ti. Sempronius Gracchus as augur, Gracchus was *admodum adulescens*, *quod tum perrarum in mandandis sacerdotiis erat*.[12] Similarly, he

[7] Liv. 38.58.4. Calvus: cos. 222; Scipio: cos. 218.

[8] Liv. 38.59.10. Asiaticus: cos. 190.

[9] Liv. 34.5.2. Cato: cos. 195, later cens. 184, unlikely an augur: *supra* ch.4 n.196. One manuscript tradition preserves *grauissimus* rather than *clarissimus*: McDonald (1965, 179); Tränkle (1967, 373 n.5); Briscoe (1981, 55).

[10] Liv. 38.54.8. Africanus: coss. 205, 194, cens. 199, *salius*: *FS* 1372. Africanus as *clairor uir* (38.50.4) and *clarus uir* (38.53.4).

[11] Liv. 30.26.8-9. Verrucosus: *FS* 1595. For holding multiple *sacerdotia*: Szemler (1974).

[12] Liv. 29.38.7. For this Gracchus *not* as the father of the Gracchi, but perhaps a cousin: Badian (1968, 32-33); Münzer (*RE* IIA.1403 *s.v.* Sempronius (no. 52)); Scullard (1973, 285); Evans and Kleijwegt (1992, 192). *Contra MRR* 1.309; Rüpke (2008, 882-883); Sumner (1973, 38-39).

notes that Cn. Domitius Ahenobarbus was *oppido adulescens sacerdos* when he became a *pontifex*.[13] Further, on the death of the augur Q. Fabius Maximus, Livy comments that Fabius was *admodum adulescens*.[14] Evans and Kleijwegt posit that it is misconceived to think of *adulescens* in these passages as referring to actual youth, but rather that the term 'describes politicians who had either not yet acquired the correct age qualification for a particular office […] or who had yet to fulfill the order of offices required for a particular magistracy'.[15] This is a possibility, yet much of the evidence they cite specifically concerns the labelling of a man as *adulescens* upon his co-option to a *sacerdotium*, rather than of *adulescentes* entering the senate,[16] and as far as we know there were no strict qualifications on age for entering *sacerdotia*. Rather, many men became *sacerdotes* before embarking on a civic career.[17] Yet there is an even greater reason to disagree with Evans and Kleijwegt, and perceive Livy to be referring to the actual youth of these *adulescentes*. Whilst we cannot judge the age of Ti. Sempronius Gracchus or Cn. Domitius Ahenobarbus upon becoming augur or *pontifex* (respectively), Livy comments that Q. Fabius Maximus died *priusquam ullum magistratum caperet*.[18] Rather than a pejorative criticism of his youth, this passage rather sounds like Livy's lament for one who had died young. The shared use of *admodum adulescens* to describe both Fabius and Gracchus would therefore suggest that Livy simply records those instances where he gleaned from his sources that these men were young when they obtained positions within *sacerdotia*, rather than to record any specific misgivings about the consequences of their youth upon those positions.

In contrast to these bare mentions of various individual *sacerdotes*, it emerges very early in Livy that *sacerdotia* are given pride of place. In Livy's early books, the various *collegia* – of

[13] Liv. 42.28.13. For Ahenobarbus as cos. suff. 162: Rüpke (2008, 659); Münzer (*RE* v.1322); *MRR* 1.414; or as his son, otherwise unattested; Eilers (1991, 171-173); Briscoe (2012, 246), but cf. Carlsen (2006, 32-36).
[14] Liv. 33.42.6. For Fabius: *FS* 1593, cf. Sumner (1970, 96-97); Evans and Kleijwegt (1992, 186, 191-192).
[15] Evans and Kleijwegt (1992, 186). As Evans and Kleijwegt insist, this usage can only have existed after the *lex Villia annalis* of 180.
[16] Cf. Cic. *Phil.* 5.48 for Scipio Africanus and Ti. Flamininus as *admodum adulescentes consules*; Cic. *Brut.* 159 for Crassus as *admodum adulescens* when prosecuting, although Eilers (1991, 172 n.34): 'what is regarded as "very young" for a priest may be different from what is felt to be young for a prosecutor'.
[17] Szemler (1972, 189-192; 1974, 82; 1986, 2330-2331).
[18] Liv. 33.42.6.

pontifices, *augures*, and Vestal Virgins – are given focus, specifically as collectives established by Numa Pompilius as a *conditor* of Rome.[19] Although Romulus and Remus receive auguries in their contest for Rome's foundation, Livy implicitly suggests that they are not augurs themselves – they take auguries without the *lituus*, for example – as Numa is yet to officially establish the office.[20] Even Numa's first augur is kept unnamed by Livy.[21] One individual augur who briefly comes into focus in these early books is the legendary figure of Attus Navius, labelled as an *inclutus augur* of that time.[22] In a similar vein to Cicero's *de diuinatione*,[23] Livy focuses on the exceptionality of Navius' augury. He frames Navius' acts as imparting *tantus honos* to the augural *collegium* that no acts of importance were thereafter performed without the auspices having been taken.[24] So too can the episode be read as a clash of augural power against the dominance of the monarch. Although Livy gives credit to Navius as an individual *sacerdos*, he potentially receives such attention – at least in part – because his actions strengthened and empowered the augurate, an institution established by Numa. After this proof of the power of augury and the strengthening of the potency of the *augures*, individual augurs largely become irrelevant to Livy's text. Thereafter, the collective advice of the *augures* as a *collegium* is intermittently stressed. The *augures* appear at moments of uncertainty – mostly at times of contested elections or appointments – to provide their insights and, ultimately, to ensure that augury is performed in the way that Numa had originally intended.[25]

Something similar can be seen with Livy's *pontifices*. Whilst Livy gives us the identity of Numa's first *pontifex* – Numa Marcius[26] – he uses this narrative as a way of reinforcing that

[19] Liv. 1.20. On Numa as *conditor*: Miles (1988).
[20] For Numa establishing the augurate: Liv. 1.18.6, 4.4.2.
[21] Liv. 1.18.6-7, cf. *Per.* 1b.
[22] Liv. 1.36.3.
[23] *Supra* § 4.1.1.
[24] Liv. 1.36.6; Piccaluga (1969, 200).
[25] Liv. 3.20.6, 4.7.3, 8.15.6, 8.23.15, 22.34.11, 23.31.13, 39.16.7, 45.12.10, with discussion *supra* § 3.1.
[26] For Marcius: Rüpke (2008, 788). Curti (2000, 84) suggests that the *gens* Marcia was responsible for the tradition or invention of Numa Marcius as the first *pontifex* to 'create an ancestor for their very first *pontifex*, [C. Marcius Rutilus] Censorinus' (*FS* 2384).

it was Numa Pompilius who precisely set down the duties of the *pontifices*.[27] Livy reports that Numa Pompilius made all public and private *sacra* subject to the decrees (*scita*) of the *pontifex*, made the *pontifex* the person who could be consulted (*consultum*) by the *plebs* on these matters, and makes the *pontifex* the one who taught (*edoceret*) the appropriate funerary rites.[28] Thereafter, the *collegium* of the *pontifices* is stressed most prominently in their role as decision-makers and advisors to the senate. Livy associates the *collegium pontificum* with a vocabulary of actions, all of which tend to confirm that they continued to live up to Numa's original vision for the institution. As we saw in **CHAPTER 3**,[29] the *collegium* is consulted *(adhiberi* or *consuli*) on questions on which the senate sought its *sententia*, has decisions referred to it (*delegare*), and makes decrees (*decreta*) and other rulings based on its opinion (*censere*).[30] In thus stressing the *communal* role of the *pontifices* in these roles – roles which Numa originally laid down for them – Livy stresses the continuity of the *pontifices* as an institution. Further, in describing the *pontifices* in these ways, and by using a narrow vocabulary whereby the *pontificum collegium* makes rulings and proffers advice, Livy also casts the *pontifices* as best placed to ensure the longevity of Rome's *sacra* and institutions, especially those established by Numa Pompilius.[31]

We may even view Livy's mentions of the punishment of the Vestal Virgins who were seen to have broken their vows of *castitas* as another way in which Livy stresses the importance of the *pontifices* in ensuring Numa's legacy. I shall return to Livy's representation of particular Vestals as individuals,[32] but here, it is worth stressing the role of the *pontifices* in these narratives. For the most part, Livy's anonymous *pontifices* are responsible for ensuring that transgressive Vestals are punished. This is often done implicitly, where it is simply mentioned that various Vestals were punished, and it is left for the reader to know or remember that the

[27] Liv. 1.20.5.
[28] Liv. 1.20.6-7. For anachronism in Livy's account of the *pontifices*: Ogilvie (1965, 100).
[29] *Supra* § 3.1.
[30] Liv. 5.23.9, 5.25.7, 22.9.11, 22.10.1, 24.44.9, 26.34.13, 27.4.15, 27.37.4, 29.19.8, 29.20.10, 30.2.13, 31.12.4, 32.1.9, 33.44.1, 34.45.7, 37.3.1, 38.44.5, 39.4.12, 39.5.9, 39.16.7, 39.22.4, 40.19.2, 40.45.2, 41.16.2; Berthelet (2011, 124).
[31] Cf. Hahn (2015, 98-99) for the predominance of Numa's *sacra* in Livy's 'liturgy'.
[32] *Infra* § 5.4.

pontifices were in charge of these trials.[33] In the case of the Vestal Minucia, Livy makes it explicit that she was accused before the *pontifices*.[34] After the acquittal of the Vestal Postumia, Livy is more explicit that the *pontifex maximus*, on behalf of the *sententia* of the entire *collegium*, ordered her to abstain from frivolity and to cultivate greater *sanctitas* rather than smartness in her appearance.[35] Here the *pontifex maximus* emerges from the narrative but explicitly represents the collective voice of the *collegium pontificum* and is left unnamed.[36] P. Licinius Crassus Dives, explicitly mentioned as the *pontifex* responsible for ensuring the discipline of an unnamed Vestal, is the exception to this general pattern.[37] Yet Crassus is perhaps the greatest of Livy's exceptions to his general avoidance of representations of specific *sacerdotes* (and is considered fully below). Thus – if we exclude Crassus for the moment – Livy's mentions of the punishment of Vestals stress that this punishment was the prerogative of the *pontifices* as a collective, and in this way, they are cast not as harsh destroyers of life but as guarantors of the *castitas* of Vestals.[38] In this, the *pontifices* emerge, yet again, as protectors of Numa's legacy. In Livy, it is Numa who created the Vestals as a *sacerdotium* and made them *uenerabiles ac sanctae* with *uirginitas* and other *caerimoniae*.[39] Thus, the role of the *collegium pontificum* in protecting and ensuring this standard can be seen as another way in which the *pontifices* as a collective continued to ensure Numa's legacy.

Thus, Livy's 'anonymous plural' emerges as a way of stressing the status of Numa Pompilius as a *conditor* of Rome, whose institutional legacy had been maintained throughout

[33] Liv. 2.42.11; *Per.* 2, 8, 14, 20, 22, 28, 63.
[34] Liv. 8.15.7-8. Minucia: *FS* 2463.
[35] Liv. 4.44.11-12. On this: *supra* § 2.5.
[36] Named as Sp. Minucius in Plut. *Mor. cap. in. ut.* 6. Cf. Liv. 22.57.2-3 for the *pontifex maximus* disciplining L. Cantilius who had committed *incestum* with Floronia.
[37] Liv. 28.11.6-7.
[38] On the basis that the Vestals were 'married' to the *pontifex maximus*, Aron (1904, 33, 40-48) advocated that he alone had the power to sentence Vestal *incestum*. Similarly: Santinelli (1904, 73-82). The 'wedding' between Vestals and *pontifex maximus*, based on Gell. *NA.* 1.12.13 and the 'costume' of the Vestals sharing similarities with that of brides – Jordan (1886, 43-56); Dragendorff (1896, esp. 299-302); Wissowa (1912, 509-510) – has been shown as an unconvincing reading of the sources: DiLuzio (2016, 134-135). On the belief that the *pontifex maximus* represented the *rex*, Marquardt (1889, 1: 378); Warde Fowler (1899, 147) believed him to have *patria potestas* over the Vestals (and *flamines*), now criticised: Beard (1980, 13-15); Saquete (2000, 81-84); DiLuzio (2016, 186).
[39] Liv. 1.20.3. Further: *supra* § 2.1.

the centuries.[40] In stressing the institutional continuity of Numa's *sacerdotia*, Livy suggests that *sacerdotia* were one of the unshakable foundations of Rome's legacy. As Miles has argued, Livy establishes Rome's *conditores* – principally Numa – as pillars of institutional strength. In so doing, Miles suggests, Livy 'sets certain institutions apart from the rest as central to Roman identity and as sources of vital continuity between past and present'.[41] While we can trace an evolution in the composition of *sacerdotia* in Livy – most notably increases in size and the inclusion of plebeians – his narrative nevertheless stresses the unshakable continuity of these *sacerdotia* during and after these periods of change.

In this way, Livy places *sacerdotia* outside of the framework which informs much of the rest of his history. As Chaplin has emphasised, the 'driving force' of Livy's *ab urbe condita* is a 'tension between new and old, the struggle between change and continuity […] Livy's Romans, are constantly looking to the past as they create the future'.[42] Chaplin brings to the forefront the primary role of exemplarity in Livy's text; a focus which Livy foregrounds in his *praefatio*.[43] As is well understood, Livy's narrative is driven by a desire to make history didactic, and thus Livy provides a history rich with *exempla* worthy of imitation.[44] Prominent individuals become Livy's primary vehicles for his exemplary narrative, used to convey lessons of morality and to teach readers of exemplary qualities and virtues.[45] As L. Takács warns, the characters of Livy's narrative who exemplify certain moral categories can often be subsumed by them, becoming idealized versions of moral precepts at the cost of their individuality.[46] Thus it is remarkable that, for the most part, Livy prefers to place *sacerdotes* amongst their colleagues and thus within this 'anonymous plural'. In so doing, Livy largely removes individual

[40] Cf. Linderski (1993, 57) on Livy's recording of 'religious observances' as illustrations of the *mos maiorum*.
[41] Miles (1988, 204). Similarly, Hahn (2015, esp. 91, 97, 100).
[42] Chaplin (2015, 112). Cf. Miles (1988, 192).
[43] Liv. 1.*praef*.10.
[44] Luce (1990, 137; 1995, 230); Cizek (1992, esp. 356-359); Feldherr (1998, esp. 6, 12, 18-19); Chaplin (2000; 2015); L. Takács (2008, 205); Stevenson (2011, esp. 187); Haimson Lushkov (2015, esp. 9, 17). Cf. Walsh (1955).
[45] Walsh (1955, 370); Liebeschuetz (1967, 49); Luce (1977, 232, 245); Scheid (2015, 87).
[46] L. Takács (2008, 208).

sacerdotes from his predominantly exemplary tone. In this, we return to Davies' original logic of the 'anonymous plural'. Davies suggests that Livy's trend of avoiding individual *sacerdotes* – and thus speaking predominantly of *sacerdotia* – was the result of his respect for individual *sacerdotes* and their actions.[47] Davies' logic is that if *sacerdotes* are not mentioned by name and not given exemplary status, then they are placed beyond criticism and reproof.[48] This seems to be borne out by the evidence. Yet we must be wary of drawing a sweeping conclusion. There *are* several *sacerdotes* in Livy's extant text who emerge from his history and are placed into his exemplary framework. It is these representations that I shall presently consider.

Various *pontifices maximi* are the *sacerdotes* most commonly singled out by Livy and given individual treatment.[49] P. Licinius Crassus Dives emerges as perhaps Livy's most important *sacerdos*.[50]

5.2 *PONTIFEX MAXIMUS*: P. LICINIUS CRASSUS DIVES

Unlike any other *sacerdos*, Crassus' career is sketched out almost in its entirety – from his election as *pontifex maximus* to his funeral.[51] Livy recounts that Crassus' election as *pontifex maximus* was remarkable. Crassus managed to beat Q. Fulvius Flaccus (the consul) and T. Manlius Torquatus (twice consul and censor) to the position even though he was only *about to be* a candidate for the curule aedileship.[52] Livy stresses that no-one since P. Cornelius Calussa – one-hundred and twenty years beforehand – had been elected *pontifex maximus* without having first occupied a curule chair.[53] Livy frames Crassus' victory as that of a *iuuenis* against

[47] Davies (2004, 69-70, 73).
[48] Davies (2004, 69-70).
[49] Also: Liv. 3.54.5, for Q. Furius, *pontifex maximus*, holding the election of plebeian tribunes in the absence of a magistrate; Liv. 4.27.2, for A. Cornelius, *pontifex maximus*, vowing to celebrate games.
[50] Bauman (1983, 93) unconvincingly suggests Livy placed importance on Crassus due to Livy's 'gratitude' to Crassus for rendering assistance to M. Livius Salinator.
[51] *FS* 2235. Election: Liv. 25.5.2-4. Funeral: 39.46.1. For his civic career: 27.5.19 named *magister equitum*, 27.21.5 elected praetor, 27.22.3 given command over strangers, 28.38.7 and 28.44.12 elected cos. and not given remote province. The funeral of a *sacerdos* is otherwise only mentioned at Liv. 23.30.15: the extraordinarily lavish funeral of M. Aemilius Lepidus, augur (*FS* 506).
[52] Liv. 25.5.2-4.
[53] *FS* 1316.

two *senes* with all the *honores* that they had held.[54] Yet Livy provides us with no indication of *how* Crassus was able to claim this victory, or even whether he considered this remarkable feat to be ill-advised.[55] Yet, given the subsequent prominence of Crassus as *pontifex maximus*, I suggest that, in Livy's estimation, Crassus' remarkable election presaged his remarkable career.

Livy provides a *précis* of this career in the context of the commands given during the Punic War. Amongst the accolades ascribed to Crassus – that he was highly rated in war, of noble birth, wealthy, and a very eloquent speaker – Livy suggests that Crassus was considered to be *peritissimus iuris pontificii*.[56] Aside from a passing reference to the choice of P. Decius Mus, the *suasor* of law, as a *pontifex*,[57] this is the only time in which the expertise of a *sacerdos* is explicitly mentioned in Livy's surviving books, although Crassus' position as *pontifex maximus* is only indirectly attested. In this, the distance between Livy and Cicero is obvious; Crassus is but one of Cicero's expert *pontifices maximi*.[58] It is *possible* that Livy's near-total silence on the expertise of *pontifices* was not a deliberate authorial choice, but rather a symptom of the vagaries of the survival of evidence. The periods in which Livy might have included most of Cicero's expert *pontifices maximi* are not covered by the extant books, and thus how (or whether) Livy might have evaluated and represented them is entirely obscured. We only have a single line in the *periochae* for Ti. Coruncanius, simply describing him as the first plebeian *pontifex maximus*,[59] and only one for Q. Mucius Scaevola as *pontifex maximus*, describing his murder in the *uestibulum* of the *aedes Vestae* in 82.[60]

Yet, whilst Crassus is the only *pontifex maximus* to be explicitly extolled for his expertise, the possession of *scientia* by Livy's *sacerdotes* can nonetheless be seen at various

[54] Liv. 25.5.4.
[55] For Livy on youth, in the context of *adulescentes*, *supra* § 5.1.
[56] Liv. 30.1.6.
[57] Liv. 10.9.2. Mus: *FS* 1439.
[58] *Supra* § 4.4.1.
[59] *Per.* 18.
[60] *Per.* 86, cf. 70 on Asian proconsulship. Whilst Cicero evaluated *sacerdotes* for their *sapientia*, Livy assiduously avoids this. Moore (1989, 114-116, 152) posits that Livy avoids *sapientia* as Cicero had transformed the quality into one that could only imply a philosophical inclination, and thus to apply it to earlier Romans would be anachronistic.

moments. The role of the *pontifices* in controlling knowledge emerges poignantly in Livy's description of the actions of Cn. Flavius, curule aedile of 304.[61] Flavius, as Livy tells us, published the *ius ciuile* held *penetralibus pontificum* and posted the *fasti* on boards around the forum so that men might know when they could bring an action.[62] As is well understood, this action of wresting control over the *ius ciuile* and the calendar from the *pontifices*, and making these details public, marked a potent shift in the control of knowledge from the *pontifices*.[63] The publication of both, and especially those days that were *nefasti* and thus on which days civil actions could not be brought, deprived the *pontifices* of exclusive control over knowledge. Moatti characterises this secretive monopoly of power over knowledge as a 'source de pouvoir', which was threatened and shattered by Flavius' disclosure.[64] Valgaeren has challenged this position, positing that the *pontifices* never had a 'monopoly' over the information, and that Flavius' disclosure simply made this knowledge more accessible.[65] In purely practical terms, Valgaeren may be right that Flavius' actions changed little about the position of the *pontifices* in the interpretation of the calendar or their role in administering the *actiones* of the *ius ciuile*, but he underestimates the *symbolic* importance that accompanied the change. Knowledge once held by the *pontifices* alone – and which could be changed at will – was now exposed and set in stone on the public record. Various 'motives' have been ascribed to Flavius, many of which cast Ap. Claudius Caecus as the instigator and make Flaccus a pawn in Caecus' plans.[66] For my

[61] Although Flavius is *scriba* for Livy, Rüpke (1995, 246; 2008, 685) asserts he was *scriba pontificum* and thus *pontifex minor* (*FS* 1657), also: Pais (1915-1921, 221-222); Mitchell (1990, 233); Ryan (2002). Cf. Bauman (1983, 26); Giovannini (1998, 120) who label him *scriba* of the aediles. Whilst far from settled, his position as *pontifex minor* is fuelled by *assumptions* regarding his authority and access to the pontifical records, and not by firm evidence.

[62] Liv. 9.46.5. Livy's reference to *ius ciuile* is commonly taken as the *legis actiones* or *ius Flavianum*. Cic. *Att.* 6.1.8; Val. Max. 2.5.2 concur that the *fasti* and some sort of civil law procedure were published; Cic. *Mur.* 25; Plin. *HN.* 33.6.17-20; Macrob. *Sat.* 1.15.9 focus only on the *dies fasti*; Cic. *De or.* 1.186; Pompon. 1.2.2.7 focus only on the publication of the civil law. Cf. L. Calpurnius Piso Frugi, *FRHist* 9 F29 = Gell. *NA.* 7.9. On the publication of the *fasti*: esp. Michels (1967, 108-118); Rüpke (1995, 245-274). Cf. Humm (2005, 451-480).

[63] E.g. Wolf (1980); Giovannini (1998, 120-121); Curti (2000, 80); Purcell (2001, esp. 635-638); Moatti (2003, 311-312); Berthelet (2011, 125-126); Rüpke (2012b, 99-106); Beck (2018, 100); Hartmann (2020, 1-2, 57, 67). Cf. Draper (1988, 302).

[64] Moatti (2003, 312).

[65] Valgaeren (2012b, esp. 113-114). Cf. Valgaeren (2012a, 51-86); D'Ippolito (1985, esp. 126-127).

[66] E.g. Wolf (1980, 18); Bauman (1983, 28, 48); D'Ippolito (1985); Rüpke (1995, 247-249, 272-273; 2008, 685; 2012c, 107-108); Humm (2005, 441-449). Cf. Linderski (1985, 210).

purposes, what is more important is that *Livy* does not make this connection; Flavius' actions were his alone. Livy makes Flavius' contest with the *pontifices* even more prominent by going on to describe that Flavius dedicated a temple of Concordia in the forum, and that the *pontifex maximus*, Cn. Cornelius Scipio Barbatus, was forced – by the unanimous wish of the people – to provide his assistance and thus to dictate the proper words to Flavius during the dedication.[67] Thus Livy represents Cn. Flavius' actions as a contest between Flavius, as curule aedile, and the *pontifices* as a collective.[68] Yet whilst Livy's Flavius was successful in his contest with the *pontifices*, Livy acknowledges the various ways in which the *pontifices* continued to be measured by their relationship with various forms of knowledge. Whilst the *ius ciuile* was no longer under the direct control of the *pontifices*, Crassus (as we have seen) is later explicitly described by Livy as *peritissimus iuris pontificii*. Moreover, Livy's *pontifices* continue to function as advisors and arbitrators, and in this sense, their knowledge is continually emphasised through the verbs which Livy associates with the actions of the *pontifices*.[69] Whilst Livy therefore largely avoids directly evaluating the *pontifices maximi* as experts, there are ways in which his discourse around the *pontifices* continues implicitly to stress their individual or communal *scientia* and their application of that knowledge.[70]

Livy's positive evaluation of Crassus as *pontifex maximus* does not stop at his mastery of pontifical law. We have already seen that Livy explicitly casts Crassus as responsible for ensuring the discipline of an unnamed Vestal.[71] We can also see Livy's Crassus, as *pontifex maximus*, testing the boundaries of his 'priestly *auctoritas*', to use Santangelo's phrase.[72] Livy describes Crassus, as *pontifex maximus*, objecting to a vow made by the consul of 200, P.

[67] Liv. 9.46.6. For the temple as 'part of the same political project': Curti (2000, 80). Barbatus: *FS* 1376.
[68] This contest might also be framed as that between plebeians and patricians: Wolf (1980, esp. 22).
[69] For which: *supra* § 5.1.
[70] Cf. Livy's stress on the *commentarii pontificum*: 1.32.2, 4.3.9, 6.1.2, on which (and their interrelationship with the *annales maximi* and the *tabulae pontificum*): Beltrão (2013) with bibliography.
[71] Liv. 28.11.6. Interesting that Licinius is *pontifex* here – not *pontifex maximus* – although already the latter (25.5.2-4).
[72] Santangelo (2013a) and *supra* § 1.1.

Sulpicius Galba Maximus.[73] Whilst Crassus objected to the vow, the senate referred the issue to the entire pontifical college, who in turn disagreed with the *pontifex maximus*. In drawing attention to the status of Licinius as *auctor*, Livy describes a contest of *auctoritas*. Not only did the senate consider the *auctoritas* of the *pontifex maximus* inferior to that of the entire pontifical college, but the pontifical college also perceived the *auctoritas* of the *pontifex maximus* insufficient to be compelled to follow his decision.[74] Yet this interplay between *sacerdos* and *collegium* is not simply relevant to a discussion of *auctoritas*. It is also useful to reflect upon in the present context, in considering Livy's representations of individual *sacerdotes*. Livy describes Crassus, as *pontifex maximus*, stepping out from the anonymity of the *collegium* to make his own decision. Yet, that independent decision is queried and reversed by the *collegium* and Crassus is forced to capitulate to the *sententia* of the collective.[75] Crassus' independent action appears more prominently at two other points in Livy's narrative, in compelling C. Valerius Flaccus to be installed as the *flamen Dialis* against his will,[76] and in preventing the *flamen Quirinalis*, Q. Fabius Pictor, from leaving for his province.[77]

In 209, Crassus – apparently independently of the *pontificum collegium* – compelled C. Valerius Flaccus to be installed as the *flamen Dialis* against his will.[78] Livy's evaluation of Flaccus is treated separately below.[79] There is no scholarly consensus on *why* Crassus chose to install an unwilling candidate into the position. Some see the narrative as evidence of the undesirability of the *flaminate*: as no-one was willing, the *pontifex maximus* had to resort to installing Flaccus into the position.[80] Others question whether this was 'a paternalistic concern

[73] Liv. 31.9.5-10.
[74] Santangelo (2013a, 757-758).
[75] Cf. Berthelet (2011, 124). Crassus potentially stands merely as a representative of the *collegium* at Liv. 36.2.2-5 where he dictates a vow for the consul to repeat.
[76] Liv. 27.8.4-10.
[77] Liv. 37.51.1-6. Pictor: *FS* 1599.
[78] Liv. 27.8.4.10. Flaccus: *FS* 3393.
[79] *Infra* § 5.3, with full citation.
[80] Esp. Wardman (1982, 17-18); Rüpke (2016a, 29); Goldberg (2015, 337-338).

for [Flaccus'] welfare',[81] a genuine attempt to fill a vacancy in the flaminate, the result of callous political machinations,[82] or simply the 'idiosyncratic' choice of a *pontifex maximus*.[83] As Livy provides no comment on Crassus' motivations, we are given no criteria by which to judge these various assertions. Yet Crassus' motivations are ultimately irrelevant. I am concerned instead with how Livy represents Crassus' actions.

Of immediate importance is that Crassus acts in his capacity as the *pontifex maximus* and does so again outside the pontifical collective. Yet, unlike the case of his independent action in opposing the vow of Sulpicius Galba, Crassus' independence is now vindicated. In 'capturing' Flaccus, Crassus is indirectly responsible for Flaccus becoming an exemplary *flamen Dialis*, and even for the restored reputation of the *flamines* in the senate.[84] We might also perceive Livy suggesting that Crassus became an exemplary *pontifex maximus* whose actions were imitated by his successor, C. Servilius Geminus.[85] Livy describes the *contentio* between Geminus as *pontifex maximus* and L. Cornelius Dolabella the *duumuir naualis*.[86] In much the same way as Crassus,[87] Geminus attempts to install Dolabella as the *rex sacrorum*. The decision was brought before the people, and, as Livy recounts, the majority of the tribes had already voted that Dolabella should respect the decision of the *pontifex maximus* when a *uitium* invalidated the proceedings. In light of this *religio*, the *pontifices* decided to inaugurate another as *rex sacrorum* instead. Whilst Geminus ultimately fails to imitate his exemplary predecessor, Livy stresses that he *would* have been successful – and indeed was supported by the votes of the people – but for the sudden appearance of the vitiating signs.[88] The collective

[81] Bollan (2013, 53).
[82] Esp. Warde Fowler (1911, 342-343); Münzer (1920, 188-191); Muth (1962, 260); Szemler (1972, 97); Vanggaard (1988, 82-83); Chaplin (2000, 157); Delgado Delgado (2010, esp. 257-258); Rüpke (2010a 13-14; 2016a, 30); Syme (2016, 192).
[83] Beard (1990, 22).
[84] With discussion *infra* § 5.3.
[85] *FS* 3066.
[86] Liv. 40.42.8-11.
[87] Cf. Bauman (1983, 102) who discounts the applicability of earlier precedents.
[88] On the significance of submitting to vitiating signs, in the context of augury more generally, Driediger-Murphy (2019, esp. 195-196).

pontifices emerge not to censure Geminus for his independent actions, but rather to decide the effect of the *uitium* that had occurred during the people's vote.

Crassus' initiative as an individual *sacerdos* emerges yet again in his *certamen* with the *flamen Quirinalis*, Q. Fabius Pictor. Here, Crassus is explicitly cast as an *exemplum*. In 190, Pictor was elected as praetor – having already been inaugurated in that same year as *flamen Quirinalis*[89] – and was allocated the province of Sardinia.[90] As Livy narrates, Crassus stopped Pictor from leaving for his province:[91]

> *priusquam in prouincias praetores irent, certamen inter P. Licinium maximum pontificem fuit et Q. Fabium praetorem, flaminem Quirinalem, quale patrum memoria inter L. Metellum et Postumium Albinum fuerat. consulem illum cum C. Lutatio collega in Siciliam ad classem proficiscentem ad sacra retinuerat Metellus pontifex maximus; praetorem hunc ne in Sardiniam proficisceretur P. Licinius tenuit. et in senatu et ad populum magnis contentionibus certatum, et imperia inhibita ultro citroque, et pignera capta, et multae dictae, et tribuni appellati, et prouocatum ad populum est. religio ad postremum uicit, ut dicto audiens esset flamen pontifici iussus, et multa iussu populi ei remissa. ira prouinciae ereptae praetorem magistratu abdicare se conantem patres auctoritate sua deterruerunt, et ut ius inter peregrinos diceret decreuerunt* (Liv. 37.51.1-6).

Crassus again emerges from amongst the *collegium pontificum* to act independently as the *pontifex maximus*. Yet Livy reminds us that he was not the first *pontifex maximus* to make such a judgement, as he refers to an earlier struggle (from 242) between the *pontifex maximus* L. Caecilius Metellus, and the *flamen Martialis* and consul A. Postumius Albinus.[92] As this episode appeared in book 19, we can unfortunately rely only cautiously on the truncated version of Livy's epitomator:

> *Caecilius Metellus, pontifex maximus, A. Postumium consulem, quoniam idem et flamen Martialis erat, cum is ad bellum gerendum proficisci uellet, in urbe tenuit nec passus est a sacris recedere* (*Per*. 19).

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[89] Liv. 37.47.8.

[90] Liv. 37.50.8.

[91] Cf. the reverse of N. Fabius Pictor's *denarius* of 126 (*RRC* 268/1a-1b = *BMCRR* Rome 1172), traditionally interpreted as depicting Q. Fabius Pictor as praetor of Sardinia and *flamen Quirinalis*: Grueber (1910, 1: 181-182, esp. n.2); Crawford (1974, 1: 291-292); Meadows and Williams (2001, 38); Rüpke (2008, 677 col.1 n.2); DiLuzio (2018, 260). Badian (1984, 58 n.21) instead suggests that it represents Quintus as *flamen* attired in the *arma Quirini* in preparation for the *flamen*'s role in the *Quirinalia*. Hollstein (2011, 48-54) contends that it does not depict Quintus, but rather the god Quirinus. Numerius nonetheless follows trends of the 130s onwards in the depiction of themes and motifs revivifying the achievements of one's ancestors, rather than the depiction of symbols representative of shared Roman identity, potentially for political gain: Burnett (1977; 1987, 22); Howgego (1995, 67); Meadows and Williams (2001, 27-49).

[92] Metellus: *FS* 978; Albinus: *FS* 2817.

These passages have frequently been cited as evidence of a late third and early second century struggle over the 'compatibility of political office and priesthood',[93] especially in light of the new demands of an expanding empire.[94] As a result of this perceived incompatibility, these passages have been seen to demonstrate that the restrictions imposed by the flaminate had become undesirable, and aspiring aristocrats were no longer willing to take up the *apex* of the *flamines*.[95] In other words, the office had become a 'political' cul-de-sac. In this interpretation, the primacy of 'political' goals is forthright. Crassus and Metellus are seen to have curtailed the 'political' aspirations of Pictor and Albinus by insisting that they undertake their 'religious' duties by remaining in Rome.[96] Thus, there is a scholarly insistence on asking *why* Crassus and Metellus – as plebeian *pontifices maximi* – would restrict the 'political' ambitions of the plebeian Pictor and Albinus,[97] and *how* these *pontifices maximi* used their 'religious' positions as weapons against the 'political' ambitions of these *flamines*.[98]

Livy was certainly alert to issues of patrician/plebeian anxiety over *sacerdotes* where they existed. The speech he gives to Ap. Claudius Crassus, where he decries the unworthiness of plebeians to hold sacral positions, is a key example.[99] Livy further suggests that these wounds were reopened with the passage of the *lex Ogulnia*.[100] We can also potentially read Livy's voice in a brief allusion to the death of the augur C. Horatius Pulvillus.[101] In announcing his replacement, C. Veturius, Livy simply mentions that Veturius was elected all the more eagerly (*cupidius*) because he had been condemned by the *plebs*.[102] On the basis of these passages, I

[93] Quote: MacRae (2016, 57). Also: Rüpke (2010a, 13-14; 2012a, 185; 2016a, 29-30).
[94] Szemler (1972, 100); Rüpke (2012a, 187).
[95] Esp. Warde Fowler (1911, 341-342); Bleicken (1957b, 448-449); Muth (1962, 260); Wardman (1982, 17); Feig Vishnia (1996, 119-120); Szemler (1972, 99-100). Cf. Rüpke (2012a, 189).
[96] For *flamines* restricted to Rome: *supra* § 2.1.
[97] Müller-Seidel (1953, 254-256); Bleicken (1957b, 448, 464); Richard (1968, esp. 791, 797-801); Schlag (1968, 141); Wardman (1982, 17-18); Marco Simón (1996, 200). Cf. Lippold (1963, 301-306); Szemler (1972, 97-98); Rüpke (2010a, 13; 2012a, 185-187; 2016a, 30).
[98] Richard (1968, esp. 801); Briscoe (1981, 370); Levene (1993, 89-90). Cf. Wardle (1998, 86).
[99] Liv. 6.41.4-12. Also: 4.54.7.
[100] Liv. 10.6-9, cf. 22.35.1-2.
[101] Rüpke (2008, 720).
[102] Liv. 3.32.3. Veturius: Rüpke (2008, 950). Rüpke considers both Pulvillus and Veturius to have been ahistorical.

contend that if Livy had intended to draw out a plebeian/patrician contest in the struggle between Crassus and Pictor, we would most likely see explicit mention of it in Livy's text.[103]

Whilst it might be possible to read these plebeian and patrician tensions and these contests between 'religion' and 'politics' into the text, I suggest that they are not readily apparent. Rather, Livy's summation of the conflict between Pictor and Crassus is that *religio ad postremum uicit*. Whilst not a first-person address to the reader, it emerges as a deliberate authorial intrusion and alerts the reader to the moral of the anecdote as Livy perceived it.[104] His use of *uinco* puts the reader in mind of a martial victory, and this has motivated scholars to think of this contest in black-and-white, as a conflict of 'religion' versus 'politics' – with the *pontifex maximus* manipulating 'religion' to claim his victory. Yet this is not Livy's intention. While there may have been personal animosity in the contest between the two,[105] Livy represents this not as the *pontifex maximus* against a *praetor*, but rather as the *pontifex maximus* upholding the mandate of *religio* against the way in which the *flamen Quirinalis* attempted to innovate the position.[106] It is hinted that Crassus simply had courage in his convictions, having already determined whilst he was consul (in 205) that he would not be given a remote province whilst he was responsible for the *cura* of the *sacra*.[107]

In presenting the narrative of Crassus and Pictor, Livy deliberately reminds the reader of a similar conflict between Metellus and Albinus which had occurred in the *memoria* of their fathers.[108] In so doing, Livy reminds the reader that whilst Crassus' individual action may

[103] It is less certain whether Livy's account of the earlier conflict between Crassus and Flaccus in book 27 should be seen as a plebeian/patrician conflict. In his immediately preceding discussion (27.8.1-3) of the election of a *curio maximus*, he comments that the election of C. Mamilius Atellus (*FS* 2334) as the first plebeian in the role 'excited an old quarrel'. Whilst this is resolved, it is possible that Livy intended for plebeian/patrician tensions to remain in the mind of the reader in moving to the narrative of Crassus and Flaccus, even though this is not made explicit.

[104] Cf. Chaplin (2000, 30). For Livy's use of *religio*: Rasmussen (2001, 158).

[105] Cf. Lippold (1963, 302). For personal conflict motivating Albinus and Metellus: Tac. *Ann.* 3.58, with Santangelo (2016, 359-363); Shannon-Henderson (2019, 142-147).

[106] Cf. *Per.* 47.

[107] Liv. 28.38.7, 28.44.12.

[108] Cf. Briscoe (1981, 370) who insists that Livy here refers to 'their' fathers, i.e. those of Pictor and Crassus, rather than the memory of 'our' fathers, i.e. the ancestors of the senate/Rome.

appear bold, he could be seen as following the *exemplum* laid down by Metellus. How Livy characterised Metellus' intervention is, unfortunately, hidden by its abbreviated form in the *periochae*. Nevertheless, whilst Crassus again stands outside the *collegium pontificum*, he is not only following earlier precedent in doing so but his actions are again vindicated.[109] After the contest expanded to include the senate and people, Crassus' actions are endorsed because his actions have allowed *religio* to prevail. In contrast, Pictor's loss is not the defeat of a praetor against the tyranny of a *pontifex maximus*. Rather, Livy depicts Pictor as a *flamen Quirinalis* who has not learned from exemplary memory. In juxtaposing the two narratives, Livy reminds us that Pictor, facing an almost identical set of circumstances to those Albinus faced, does not learn from Albinus as an *exemplum* and thus arrives at roughly the same result. Thus, unlike Crassus, who successfully becomes another link in 'les chaînes d'*exempla*',[110] Pictor fails to successfully imitate his exemplar. In this way, Livy emphasises the consistent role of the *pontifices maximi* in ensuring that the mandates of *religio* are upheld across generations. Pictor's failure here, as *flamen Quirinalis*, is not *necessarily* for trying to introduce innovations, but rather for failing to learn from previous mistakes.

In this section, we have seen how Livy gives Crassus pride of place as *pontifex maximus*. Whilst Livy usually prefers to give prominence to *collegia* rather than *sacerdotes*, the emphasis placed on Crassus does not necessarily stand radically at odds with his general inclination throughout the *ab urbe condita*. Whilst Livy deliberately places Crassus into the logic of exemplarity by allowing him to stand apart from his *collegium*, he is almost always shown as acting in the best interests of the *collegium* and therefore following the ways in which Numa originally intended the *pontifices* to act. As *pontifex maximus* he is personally invested in guaranteeing the mandates of *religio* by ensuring that other *sacerdotes* – most notably the

[109] We may potentially think about Crassus' action becoming precedent. Cic. *Phil.* 11.18 tells us that L. Valerius Flaccus, *flamen Martialis* (*FS* 3395) and cos., was successfully prevented from leaving to wage war against Aristonicus by his consular colleague and *pontifex maximus* P. Licinius Crassus Dives Mucianus (*FS* 2236). Cf. *Per.* 59.

[110] To borrow David's (1980, 86) phrase. Similarly, Langlands (2018, 44): 'the chain of exemplarity'.

flamines and Vestals – adhere to their own obligations towards the *sacra*. Crassus successfully restrains the innovations of Pictor. He captures Flaccus as *flamen Dialis* to the betterment of the reputation of Flaccus and potentially even of the *flamines* generally. He ensures the discipline of the unnamed Vestal who wavered in her duties. Although his judgement was overruled by the *pontifices* generally, he attempted to invalidate a consul's vow, finding it to be insufficient. Even in these instances, where the *collegium pontificum* disagreed with Crassus, the actions of the *pontifex maximus* are vindicated by the other instances in which he stands apart from his pontifical colleagues. Thus, we might perceive an evolution in Livy's depiction of Crassus' relationship with the *collegium pontificum*. Whilst one of Crassus' attempts to act as *pontifex maximus* outside of the *collegium* is overruled and he is restrained by the *pontifices* as a collective, his individual initiative is increasingly vindicated.

Livy's Crassus is allowed to gain such individuality because his actions as *pontifex maximus* were all driven by a single, laudable, goal: to ensure the adherence of other *sacerdotes* (and magistrates) to their obligations towards the *sacra*. Thus, it is in this interplay with the *collegium pontificum* that Crassus – almost singularly in Livy's extant text – becomes a *sacerdos* worthy of emulation. Crassus is praised for emerging from amongst the pontifical college because, in so doing, he increasingly assumed personal responsibility for men's obligations towards the gods. He is allowed to stand above the parapet of the *collegium* and to gain individuality as a *sacerdos* because his actions ensured the longevity and responsibilities of Numa's *collegia*.

In addition to the prominence given to Crassus, Livy provides an extensive evaluation of C. Valerius Flaccus, the *flamen Dialis*. As we shall presently see, Flaccus is given attention not simply because of Crassus' role, as *pontifex maximus*, in installing him into the flaminate.

5.3 *Flamen Dialis*: C. Valerius Flaccus

As mentioned, Livy describes at length how Crassus the *pontifex maximus* forced C. Valerius Flaccus to become the *flamen Dialis* in 209:

> *et flaminem Dialem inuitum inaugurari coegit P. Licinius pontifex maximus C. Valerium Flaccum* [...] *causam inaugurari coacti flaminis libens reticuissem, ni ex mala fama in bonam uertisset. ob adulescentiam neglegentem luxuriosamque C. Flaccus flamen captus a P. Licinio pontifice maximo erat, L. Flacco fratri germano cognatisque aliis ob eadem uitia inuisus. is ut animum eius cura sacrorum et caerimoniarum cepit, ita repente exuit antiquos mores ut nemo tota iuuentute haberetur prior nec probatior primoribus patrum, suis pariter alienisque, esset. huius famae consensu elatus ad iustam fiduciam sui rem intermissam per multos annos ob indignitatem flaminum priorum repetiuit, ut in senatum introiret. ingressum eum curiam cum P. Licinius praetor inde eduxisset, tribunos plebis appellauit. flamen uetustum ius sacerdotii repetebat: datum id cum toga praetexta et sella curuli ei flamonio esse. praetor non exoletis uetustate annalium exemplis stare ius, sed recentissimae cuiusque consuetudinis usu uolebat: nec patrum nec auorum memoria Dialem quemquam id ius usurpasse. tribuni rem inertia flaminum oblitteratam ipsis, non sacerdotio damno fuisse cum aequum censuissent, ne ipso quidem contra tendente praetore, magno adsensu patrum plebisque flaminem in senatum introduxerunt, omnibus ita existimantibus magis sanctitate uitae quam sacerdotii iure eam rem flaminem obtinuisse* (Liv. 27.8.4-10).

Scholars are quick to emphasise that Livy's narrative is atypical; that we should not expect that *sacerdotia* had this effect on other *sacerdotes*. As Wardman has remarked, '[t]he tale of repentant energy is attractive but may well be untypical of most such priests'.[111] Whilst the story is unequalled, we must not devalue its importance simply because it is unique. Whilst Livy's attention to the narrative indicates that Flaccus' transformation was remarkable, it does not necessarily follow that Livy did not perceive other *sacerdotes* to have been influenced by their own experiences with *sacerdotia* to varying extents. As we shall see, this narrative demonstrates that Livy believed that moral worthiness could be conceptually important for being a *sacerdos*, but that it was not a prerequisite for most *sacerdotes*.

Livy frames Flaccus' change of character – the transition between Flaccus as a wayward *adulescens* pursuing *uitia*, to the *flamen Dialis* who was praised for the *sanctitas* of his life – as the direct result of being forced into the flaminate. Livy frames this specifically as the *cura sacrorum et caerimoniarum* seizing Flaccus' *animus*. We have already seen Livy suggest that all the duties and characteristics of being a *flamen Dialis* – the ceremonies, the impositions, and the entire way of life of the *flamen* – took hold of Flaccus' *animus* and forced him to change

[111] Wardman (1982, 18).

his ways.[112] We have also seen that this was not simply Flaccus becoming 'extremely pious'.[113] Rather, Livy states that Flaccus had lived a life of *uitia* and had a neglectful and luxurious youth (*adulescentia neglegens luxuriosa*), but that holding the flaminate caused him to change his *antiquos mores* to the extent that the *sanctitas* of his life was praised.

Livy's use of *uitia* to describe Flaccus' youth is hardly surprising as Livy tends to use it merely as an antonym of *uirtus* to denote vices and moral defects.[114] Something similar might be said for Livy's use of *luxuriosus*, as he often uses the term to describe Roman moral decline, often the result of having wealth.[115] Livy may also have used *neglegentia* to describe a general irresponsibility demonstrated by Flaccus in his youth. However, it is also possible that Livy used *neglegentia* to imply that Flaccus the *adulescens* was specifically negligent of his responsibilities towards the gods. Whilst Livy predominantly uses *neglegentia* to describe military inattentiveness and disorder,[116] the term is otherwise used almost exclusively to describe a lack of attention directed towards the gods.[117] If this were Livy's implication, not only was Flaccus' *adulescentia* constructed as one of luxury and moral error generally, but as – before the *cura sacrorum et caerimoniarum* seized his mind – one in which he was negligent in his duties towards the gods (presumably those of his household) before becoming directly responsible for them.[118]

Livy ends his narrative of Flaccus' transformation by stressing that Flaccus took up his right to sit in the senate more as the result of the *sanctitas* of his life than as the result of the

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[112] *Supra* § 2.1. Cf. Morgan (2020, 200-201) who suggests that this narrative is indicative of a 'coming of age'.
[113] *Supra* § 2.3. *Pace* Levene (1993, 62).
[114] Esp. Liv. 1.*praef.*9, 3.12.5-9, 3.58.1-2, 6.11.6-8, 21.4.9-10, 22.12.11-12, 23.4.1-5, 24.4.1-2, 24.5.1-2, 24.18.1, 26.2.8-11, 29.8.8, 30.14.11, 34.4.2, 45.37.7; *Per.* 80.22. Cf. Moore (1989, 5-8) on Livy and *uirtus*.
[115] Esp. Liv. 1.*praef.*11, 1.19.4, 2.48.3, 7.25.9, 23.2.1, 23.4.4, 34.4.1-2, 34.4.7, 34.4.20, 34.6.1-3, 36.6.9, 36.6.15, 36.11.3, 39.6.7, 40.1.4; *Per.* 23.27, 29.28, 39.3, 57.2, 130.1; recently Vassiliades (2020). Cf. Liv. 37.7.15.
[116] Esp. Liv. 2.11.4, 2.48.7, 2.58.7, 2.63.6, 4.37.6-7, 4.47.1, 4.53.9, 5.28.7, 5.46.3, 7.19.7, 8.16.9-10, 21.61.2, 22.59.2, 23.37.3-6, 24.40.10, 25.24.8, 25.37.11-16, 30.4.7, 31.23.1-3, 31.36.7, 31.41.8, 31.46.8, 32.18.8, 37.20.13, 39.1.14.
[117] Esp. Liv. 1.20.6, 3.20.5, 3.56.7, 5.51.4-7, 5.52.4, 5.52.9, 5.52.15, 22.9.7, 28.11.7, 41.13.1-2; *Per.* 28. Cf. Varro, *ant. rer. div.* fr. 2a (Cardauns) = August. *De civ. D.* 6.2.
[118] That Flaccus' negligence was known to his family in particular (*fratri germano cognatisque aliis*) might suggest that he was negligent of his household gods, although we must also acknowledge the possibility that he assisted in some public rite in which he displayed his negligence. For children in public rites: Scheid (2005, 274); Prescendi (2010, esp. 80-89). For Livy and *adulescentes*: *supra* § 5.1.

right to sit in the senate accruing to his *sacerdotium*. Thus, Livy hints at the potential importance of *sanctitas* in his evaluation of this *flamen Dialis*. Yet, in the two other contexts in which Livy specifically invokes *sanctitas* for *sacerdotes*, he uses the term when describing expectations for Vestals, and we have previously considered both instances. In establishing the Vestals, Livy's Numa Pompilius makes them *uenerabiles ac sanctae* with *uirginitas* and other *caerimoniae*.[119] Further, after the acquittal of the Vestal Postumia, Livy has the *pontifex maximus* order Postumia to cultivate greater *sanctitas* rather than smartness in her appearance.[120] Whilst *sanctitas* appears to have been particularly expected of Vestals, we have seen that it did not necessarily have particular resonance for other *sacerdotes*.[121] Like Cicero, Livy invokes *sanctitas*/*sanctus* in a variety of contexts in which he seeks to stress the irreproachability of a person and their behaviour.[122] Livy thus uses *sanctitas* to refer simply to the irreproachability of Flaccus' overall behaviour rather than anything that was necessarily directly involved with his *sacerdotium*.[123] The flaminate may have provided Flaccus with the opportunity to live an irreproachable life, but Livy suggests that his position did not in itself warrant or guarantee such *sanctitas*.

While the position of *flamen Dialis* allowed and motivated Flaccus' change of character, Livy partially ascribes the change to Flaccus' own agency. The onus is not placed exclusively on his new *sacerdotium*. In focusing on the *indignitas* of the former *flamines*, Livy emphasises that the flaminate was not able in *itself* to guarantee firmness of character in its *flamines*.[124] Thus, Livy suggests that the flaminate was, at least for Flaccus, a vehicle through which Flaccus came to be seized by *cura* towards the gods but that it had not done so for the former *flamines* whose *indignitas* had caused them to lose their rights and privileges. Rüpke attempts to position

[119] Liv. 1.20.3, with *supra* § 2.1.
[120] Liv. 4.44.11-12, with *supra* § 2.1.
[121] *Supra* § 2.5.
[122] Livy applies *sanctitas* equally to men and women, e.g. Liv. 32.27.3, with Forbis (1996, 71); Liv. 38.24.11, 34.6.8, with Vassiliades (2020).
[123] Cf. Moore (1989, 125): '*sanctitas* [here] is a very general innocence'.
[124] Cf. Vanggaard (1988, 83), who suspects that Livy exaggerated the previous low regard of the flaminate to magnify Flaccus' remarkable change in character.

this *indignitas* in historical reality and suggests that it was the result of the *flamines* – P. Cloelius Siculus, M. Cornelius Cethegus, C. Claudius, and Q. Sulpicius[125] – who lost their *apices* on account of making ritual mistakes.[126] Yet Livy's chronology renders Rüpke's theory untenable. Livy emphasises that the right for a *flamen* to sit in the senate had not been exercised in the *memoria* of their fathers nor their grandfathers (*nec patrum nec auorum memoria*), a right which had been suspended due to the *indignitas* of the former *flamines*.[127] Rüpke's *flamines* all lost their *apices* in and around the 220s,[128] and, given that Flaccus insisted on reclaiming the right in 209, these *flamines* had only lost their positions a mere handful of years beforehand. Events of the 220s cannot have resulted in the alleged *indignitas* of the *flamines*. Ryan, in seeking to reconstruct the historicity of the involvement of the *flamines* in the senate, sidesteps the issue of the *indignitas* entirely and instead locates the removal of the *flamines* as a by-product of the enactment of the *lex Ouinia*.[129] Yet the potential historical reality as suggested by Ryan's revisionist account need not occupy our time here. My interest is in the force of how Livy represents this, and his implication that the right to sit in the senate was suspended due to the *indignitas* of former *flamines*.

Mommsen chose to emphasise that the *flamines* had lost their rights because they had enjoyed little respect ('sich geringer Achtung erfreuten'),[130] whereas Warde Fowler suggested that this reference to *indignitas* implies the lack of a 'pure mind'.[131] Yet I doubt that Livy is implying such indeterminacy when he speaks of *indignitas*. In the speech Livy gives to Ap. Claudius Crassus, (*in*)*dignitas* is perceived as a term of censure for actions occurring between men, rather than being of concern to the gods.[132] This clarifies the *indignitas* of the former

[125] On these *flamines*: *infra* § 6.1.
[126] Rüpke (2012a, 187) from Val. Max. 1.1.4; Liv. 26.23.8; Plut. *Vit. Marc.* 5.
[127] Ryan (1998, 164-165) asserts that this must refer to two generations ago (*c.*268) because Livy refers to *patres* and *aui*, rather than the less specific *maiores*.
[128] Cethegus renounced his position *c.*223, Claudius and Sulpicius in 221.
[129] Ryan (1998, 165-166). Cf. Willems (1878, 50, 665-668); Delgado Delgado (2010).
[130] Mommsen (1888, 3.2: 860 n.1).
[131] Warde Fowler (1911, 343).
[132] Liv. 6.41.4, with Oakley (1997, 708-709); Smith (2006, esp. 258-260).

flamines: the actions for which Livy considered the previous *flamines* to have been censured were worthy of sanction by their peers rather than by the divine. The specific source of the *indignitas* mentioned by Crassus fits one of the primary contexts in which Livy uses *indignitas* and its cognates; as a term for the unworthiness of plebeians. Throughout the struggle of the orders, the term recurs in patrician speeches referring to plebeians. Crassus' speech reflects this, where the term is used to express the patrician belief that plebeians were inherently unworthy to take up positions traditionally restricted to patricians.[133] Yet this cannot be Livy's inference for the former *flamines* – plebeians could not become *flamines maiores*.[134] Nevertheless, the gravity of *indignitas* is stressed in the other Livian contexts where the term appears: surrender or defeat at the hands of an enemy,[135] disgraceful acts (primarily rape) against upper-class women,[136] or the disgrace of being ruled over.[137] Thus Livy only uses the term where there had been a radical departure from the established standards and values expected by Romans, or where élite Romans perceived that such a departure might occur. It is also worth noting that *indignitas* potentially had a more powerful resonance for Livy than it might have done for an earlier generation given that *dignitas* became a catchword for Iulius Caesar, especially in his struggle against Pompey.[138] Ultimately, whilst Livy's exact inference in referring to the *indignitas* of the *flamines* is unrecoverable, his implication must be that the *indignitas* was of such severe moral gravity that the *flamines* could be imagined to have not been allowed to continue to exercise their right to sit in the senate.

In Livy's description of Flaccus' transformation, he also demonstrates a tension between the acts of individuals and the effect of those acts upon *sacerdotia*. The key issue for

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[133] E.g. Liv. 4.35.11, 4.51.6, 6.16.3-4, 6.40.1; Hellegouarc'h (1972, esp. 408 n.5).

[134] *Supra* § 2.7.

[135] E.g. Liv. 5.4.11, 5.16.4, 5.48.9, 7.7.2, 8.30.4-5, 9.4.16, 9.6.2, 9.9.7, 22.13.1, 23.10.10, 24.22.2, 26.40.7, 35.36.7, 36.29.1.

[136] E.g. Liv. 1.9.14, 1.34.5, 1.59.3-8, 3.44.7, 38.24.4.

[137] E.g. Liv. 1.35.3, 1.40.2, 1.57.3, 2.12.3.

[138] For *dignitas* and Caesar: Caes. *BCiv.* esp. 1.4.4, 1.7.1, 1.9.2; Balsdon (1960, esp. 45-49); Lind (1979, 29); Morstein-Marx (2009, esp. 122-135); Stevenson (2014, 109-111). Octavian/Augustus preferred to emphasise his *auctoritas*: Balsdon (1960, 45). While Hellegouarc'h (1972, 412) notes that *dignitas*: '[c]'est essentiellement un mot de l'époque impériale', Griffin (2017) highlights the importance of *dignitas* in Ciceronian rhetoric.

Livy's praetor and tribunes is whether or not the *indignitas* of the former *flamines* – the actions of those individuals – accrued to the *sacerdotium* to which the *flamines* belonged. The assumption made by the praetor, P. Licinius, was that the *indignitas* of the *flamines* had permanently affected the status and rights of the entire *sacerdotium*. The tribunes decided the opposite; that although the *inertia* of the *flamines* had meant that the right had passed into forgotten memory, the *indignitas* of the *flamines* should have little bearing on the *sacerdotium* itself and had therefore affected only those *flamines*. Whilst the decision was ultimately made that the right should still be attached to the *sacerdotium* and that on this basis Flaccus should be allowed to enter the senate, Livy chooses to stress that Flaccus re-entered the senate rather due to the perceived *sanctitas* of his life.[139] Thus, his personal worthiness, rather than whether the right had attached to the *flamines* or flaminate, ultimately allowed him re-entry into the senate. Although there are no specific comparative examples of *indignitas* and *sacerdotia*, Livy's description of the *indignitas* of an individual attaching to a civic office a few years earlier, in 211, is illustrative of the logic of how personal worth could attach to and alter the worth of a position. In speaking of the siege of Capua, Livy remarks that:

> […] *in magistratu erat qui non sibi honorem adiecisset, sed indignitate sua uim ac ius magistratui quem gerebat dempsisset* (Liv. 26.12.8).

The *indignitas* here, as part of the charged context of allegiances and anti-Roman sentiments of the Hannibalic war, is probably more extreme than that implied for the former *flamines*. Nevertheless, Livy demonstrates that the *indignitas* of the chief magistrate of Capua[140] was seen to adhere to the magistracy itself to the extent that the office is seen to have lost its power (*uis*) and authority (*ius*). Presumably the concomitant assumption is that not until someone of moral worth – like Flaccus – returns to the position, can that position regain some of the moral worth that has been stripped from it. We have already seen other contexts in which the moral worth of an individual was perceived to have affected the collective – such as with the claim of

[139] Champion (2017, 55). Cf. Ranouil (1975, 40) who posits he re-entered the senate for his newly discovered *dignitas*.
[140] Potentially one Seppius Lesius: Liv. 26.6.13.

Cicero's 'Marcus' that the knowledge of the Scaevolae in civil law, and its overly extensive definition, affected the *auctoritas* of the pontifical college.[141]

Although scholars are quick to emphasise that Livy's narrative is atypical, Livy here attests to an instance where personal and collective moral worth was perceived to have intersected with the flaminate. In stressing the *indignitas* of former *flamines*, Livy inherently recognises that *flamines* were not necessarily morally virtuous. Livy's Flaccus was the prime instigator for his own moral transformation and used the flaminate as a vehicle for being seized by the *cura sacrorum et caerimoniarum*. The narrative nonetheless demonstrates that for Livy, moral worthiness was conceptually bound up with what it meant to be a *flamen*. Where Livy sketches out the rest of Flaccus' career as *flamen Dialis*, we see Flaccus continuing to live up to high expectations.[142] Livy does not suggest that all *flamines* were morally virtuous, nor that they had to meet criteria of moral worth to be chosen to be a *flamen*. Nevertheless, as Gallia posits, the narrative of Flaccus suggests 'that certain privileges grew out of an assumption of moral worthiness on the part of Rome's priests, although they were not always regarded as essential elements of their religious identity'.[143]

As has been acknowledged, such assumptions of moral worthiness for Roman *sacerdotes* are nowhere more prevalent than they are for the Vestal Virgins. Livy's treatment of the Vestals has been alluded to several times, in relation to the *pontifices maximi*, but it is now essential to consider Livy's treatment of these important *sacerdotes*.

5.4 *VESTALES*

In contrast to the Ciceronian corpus, Livy's *ab urbe condita* appears to be brimming with instances of Vestal *incestum*, and their negligence in their care of the fire. Yet the contrast here in *quantity* of mentions is of course a symptom only of Livy's chosen narrative format – his

[141] *Supra* § 4.4.2.
[142] Liv. 31.50.6-9, 39.45.2.
[143] Gallia (2015, 98).

chronological history – thus it is rather the nature of his representations of Vestals that matters. Unfortunately, Livy's treatment of Vestals is somewhat obscured by the vagaries of the survival of evidence. We must rely on brief notices in the *periochae* for the punishment of the Vestals Sextilia, Tuccia, Aemilia, Licinia, and Marcia.[144] The epitomator even tells us, in relation to Aemilia, Licinia and Marcia, that Livy gave a fuller account of the manner in which the offence was committed, detected and punished, but does not provide these details.[145] We also know that Livy's original elaborated more on the punishment of these Vestals than what the epitomator preserves from those *periochae* that we can compare with extant books.[146] For 216, for instance, the epitomator merely supplies *Opim<i>a et Florentia, uirgines Vestales, incesti damnatae sunt*,[147] whereas Livy's version of the punishment of Opimia and Floronia (the *periochae* renames the latter Vestal) goes into some detail.[148] It provides the context of their punishment in a year when there were a number of *prodigia*, explains that one was buried alive whereas the other committed suicide, and gives details of the punishment by the *pontifex maximus* of L. Cantilius, the *pontifex minor* and *scriba pontificius* who had committed *stuprum* with Floronia.[149] Given this distance between the original text and the epitomator, and how much is preserved only in the *periochae*, we must be wary in our conclusions for Livy's treatment of Vestals.

On the evidence that we have, it seems Livy is occasionally keen to stress the *context* for the punishment of Vestals rather than necessarily the actions they performed which made them worthy of punishment. The effect is that Livy lessens blame and avoids condemnation of their actions. In the punishment of Oppia, for instance, Livy stresses that the uninterrupted

[144] Sextilia (*FS* 3083): *Per.* 14, cf. Oros. 4.2.8; Tuccia (*FS* 3285): *Per.* 20, with *supra* § 2.1; Aemilia (*FS* 491), Licinia (*FS* 2219), Marcia (*FS* 2361): *Per.* 63.
[145] *Per.* 63. Cf. Cass. Dio 26.87; Oros. 5.15.22; Obseq. 27; Plut. *Q.R.* 83; Macrob. *Sat.* 1.10.5-6.
[146] Also: Liv. 2.42.11, with *Per.* 2, 8.15.7-8, with *Per.* 8, 28.11.6, with *Per.* 28.
[147] *Per.* 22.
[148] Opimia: *FS* 2581; Floronia: *FS* 1727.
[149] Liv. 22.57.2-3. For Cantilius: *FS* 1084. Also: Ryan (2002).

sequence of *prodigia* during the war with Veii resulted in her condemnation.[150] Livy intimates that the occurrence of these *prodigia* motivated a search for a guilty party, and hints that it was potentially this desperation – rather than necessarily her guilt – that caused her to be found guilty of *incestum*.[151] Livy's reluctance to necessarily ascribe guilt to Oppia can further be seen in the distance between his version and that of Dionysius of Halicarnassus.[152] Whilst Dionysius mentions the context of the war in Veii and the many recorded *portenta*,[153] he is explicit that the *pontifices* proved, through torture and other methods, that her virginity had been taken away and thus that she was defiling the *sacra*.[154] In contrast to Livy, Dionysius leaves no doubt in the mind of his readers that Opimia (as he preserves her name) was guilty of *incestum*.

Something similar can be seen in Livy's treatment of the Vestal Minucia. Whilst he records that Minucia was convicted and buried alive, he stresses that in the first instance she was suspected on account of *mundiorem iusto cultum*, rather than any initial suspicion of having committed *incestum*.[155] Livy only adduces *incestum* when describing the *campus sceleratus* where Minucia was buried, so called – he insists – on account of the crime of *incestum*.[156] His treatment of Minucia must also be seen in light of his earlier version of the acquittal of Postumia. Livy stresses that whilst Postumia was found innocent of *incestum*, suspicion was aroused on account of *cultum amoeniorem ingeniumque liberius quam uirginem decet parum abhorrens*.[157] After her acquittal, Livy's *pontifex maximus* orders Postumia to abstain from frivolity and to cultivate greater *sanctitas* rather than smartness in her appearance.[158] His

[150] Liv. 2.42.11. Oppia: Rüpke (2008, 822). Variants of her name: Opillia (*Per.* 2.53); Ὀπιμία (Dion. Hal. *Ant. Rom.* 8.89); Popilia (Oros. 2.8.13).
[151] Levene (1993, 158); DiLuzio (2016, 151). Cf. Lovisi (1998, 704, 711). Wildfang (2006, 82-83) mentions the *portenta*, but focuses on the contest between plebeian and patrician. An identification of Oppia as plebeian is based almost entirely on her name, which even among ancient sources is uncertain. This interpretation, to my mind, is placed *onto* Livy's text, rather than coming directly *from* it.
[152] Dion. Hal. *Ant. Rom.* 8.89. Cf. Oros. 2.8.13.
[153] Vaahtera (2001, 62-63). On Livy and Dionysius' differing versions of these *prodigia*: Levene (1993, 158).
[154] Dion. Hal. *Ant. Rom.* 8.89.
[155] Liv. 8.15.7-8, with *supra* § 2.1.
[156] Liv. 8.15.8. Cf. Oros. 3.9.5, with Fear (2010, 122 n.56).
[157] Liv. 4.44.11.
[158] Liv. 4.44.12. Cf. Plut. *Mor. cap. in. ut.* 6, with *supra* § 2.1.

emphasis in both instances is thus that style of dress and general comportment for a Vestal could be enough to raise questions of their *castitas*.[159] Whilst Livy records that Minucia was convicted, the way that he adduces an atmosphere of social anxiety as to her dress as the initial reason for suspecting her is a striking caveat.

This is not to say that Livy does not condemn Vestals for their actions. Whilst Livy's treatment of Opimia and Floronia begins by mentioning the number of *prodigia* that had been reported at that time, he does not explicitly suggest – as he does for Oppia – a connection between the trials of *incestum* for Opimia and Floronia and those *prodigia*. Instead, he adduces the guilt of both Vestals and that one committed suicide rather than being buried alive.[160] Yet even here Livy does not linger on their guilt and chooses also to emphasise the guilt of the *pontifex minor* and *scriba pontificius*, L. Cantilius, who had committed *stuprum* with Floronia. His guilt, and the *pontifex maximus*' punishment of Cantilius, are given prominence. We have already talked of the way in which Livy makes the pontifical college generally, and occasionally the *pontifex maximus* singularly, fundamental in Vestal narratives.[161] Although he likely inherited the involvement of Cantilius from his source material, Livy nonetheless uses Cantilius' guilt to deflect blame away from Floronia.[162]

There is one extant instance in Livy where a Vestal is recounted as having allowed the fire in the *aedes Vestae* to be extinguished. He records that whilst a number of *prodigia* were reported, the negligence of an unnamed Vestal caused the fire to die.[163] Yet again (unlike Livy's treatment of Oppia) these *prodigia* are not given as an exculpatory factor. Livy's reluctance to name this Vestal might suggest that he deliberately attempted to obscure the negative criticism

[159] Porte (1984, 97); Lovisi (1998, 700); Wildfang (2006, 83); DiLuzio (2016, 154, 182).
[160] Liv. 22.57.2-3. On suicide preserving honour: Hill (2004, esp. 198).
[161] *Supra* § 5.1.
[162] Cassius Hemina, *FRHist* 6 F33 establishes the guilt of Cantilius, as the *scriba pontificius* who committed *stuprum* with both Opimia and Floronia. The change in detail between Hemina and Livy – between Cantilius committing *stuprum* with *both* Opimia and Floronia, and only with Floronia (see *FRHist* 3: 176; Briscoe and Hornblower (2020, 309)) – suggests that Hemina was not Livy's direct source. On Hemina's source as an official document relating the *incestum*: Santini (1995, 182-183).
[163] Liv. 28.11.6-7; *Per.* 28.

of her negligence, although there is a possibility that her name was unknown to Livy's sources.[164]

Based only on Livy's extant narratives of Vestal negligence and *incestum*, it is hard to come to any firm conclusions on how he presents Vestals. With the loss of many instances and the brevity of the *periochae*, attempting to construct a definitive mode for Livy's representations of Vestals is perhaps unwise. Nevertheless, a comparison can perhaps be made with Dionysius of Halicarnassus' representations of Vestal *incestum*. I have already commented on Dionysius' version of Opimia (Oppia in Livy), where, in contrast to Livy's hedged account, Opimia's guilt is undeniably and resoundingly proven. Elsewhere, Dionysius establishes in great detail the process by which Vestals are punished,[165] describes the guilt of the Vestal Pinaria,[166] and recounts at length the discovery and punishment of the Vestal Orbinia.[167] Whilst Dionysius' account is undeniably more verbose than Livy's, Dionysius also appears to have a greater interest in the process of punishment of the Vestals and is explicit about the instances in which Vestals were found to be guilty.[168] Without wanting to place too much weight on these slight comparisons, it is possible to perceive a certain reluctance from Livy to represent Vestals negatively, in contrast to the unabashed detail present in Dionysius.

If we are right to perceive such reluctance, Livy's treatment of the Vestals stands contrary to his general trends in depicting Roman women,[169] in which contested *pudicitia* and *castitas* spur élite Roman men into action.[170] Yet, unlike the emotionally charged narratives of Verginia or Lucretia, Livy's Vestals do not spur action or emotion. Livy's Vestals are not

[164] For the lack of name, also: Val. Max. 1.1.6.
[165] Dion. Hal. *Ant. Rom.* 2.67.
[166] Dion. Hal. *Ant. Rom.* 3.67.3. Pinaria: Rüpke (2008, 839).
[167] Dion. Hal. *Ant. Rom.* 9.40.2-4. Orbinia/Urbinia: Rüpke (2008, 822).
[168] On the contrast between Livy and Dionysius: Luce (1995); Briquel (2005, 65); Oakley (2019, 127-128).
[169] Cf. Joshel (1992, 112): '[r]aped, dead, or disappeared women litter the pages' of Livy's text.
[170] E.g. Moore (1989, 123); Janan (2001, 156); Langlands (2006, esp. 8, 51-52, 82-95); Stevenson (2011); Culham (2014, 127); Balmaceda (2017, 117-124); Burns (2017, 93). There is no consensus as to whether Livy's emphasis responded to Augustus' so-called moral legislation, or accusations of adultery within the *domus Augusta*: e.g. Liebeschuetz (1967, 55); Levene (1993, 244-245); Balmaceda (2017, 121). On these measures generally: Syme (1939, 443-444); Bauman (1992, 105-106).

caught up in this discourse of gendered dynamics. Rather they are key parts of Livy's social goal for *sacerdotes*. As *sacerdotes*, Vestals too must place importance on respecting and maintaining the institutions of Numa, and incidents of Vestal *incestum* are unfortunate deviations from that continuity. These deviations are worthy of Livy's attention in a historical narrative, but are not necessarily a focus for Livy's condemnation.

5.5 BACCHANALS AS *SACERDOTES*

One group of *sacerdotes* explicitly receives Livy's ire: the leaders of the Bacchanalian conspiracy of 186.[171] Livy avoids the terminology of *sacerdos* entirely when describing the Greek *ignobilis* whom he blames for first bringing the cult to Etruria, preferring instead to variously label him *sacrificulus*, *uates*, and *antistes* of *occultorum et nocturnorum sacrorum*.[172] Once the cult has made its way into Rome, however, Livy predominantly uses *sacerdos* to describe those responsible for administering the *sacra*,[173] and it is likely that this reflects an official usage as is attested in the Tiriolo inscription.[174] Livy elaborates at length on the immoralities indulged in by the cult: taking pleasure in feasting and drinking, the intermingling of men and women and old and young, indulgence in sex, perjury, and the falsification of evidence.[175] As T. Morgan has emphasised, these behaviours were more than just subversive; they appeared to constitute 'an alternative social order based on alternative moral principles'.[176]

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[171] For extensive scholarship of the Bacchanalia: esp. (although not recently) Pailler (1988, 61-122; 1998); Briscoe (2008, 230). Based primarily on what Haimson Lushkov (2015, 22) sees as Livy's reliance on 'comic structures, motifs and characters', Walsh (1996) and Wiseman (1998, esp. 47-48) have suggested that Livy partially based his version on a *fabula praetexta* which dramatized the incident, but Flower (2000) has convincingly repudiated this. Cf. Nousek (2010) on Ciceronian echoes in Livy.

[172] Liv. 39.8.4. On Livy's Greek *ignobilis*: Cova (1974, 93).

[173] Liv. 39.10.7, 39.13.8-9, 39.14.7, 39.14.9, 39.17.7, 39.18.3, 39.18.9.

[174] *CIL* 10.104. Briscoe (2008, 285-286) stresses that the Tiriolo inscription prescribes that no *uir* can be a *sacerdos*, and leaves open the possibility of female *sacerdotes* of these *sacra*. Livy ignores this: North (2003, 207 n.38). On the senate's reaction as motivated by a redefinition of gender roles: Scheid (1991, 426-428; 1992, 398-399); Takács (2000, 306-307); Flower (2002b); North (2003, 206-210); Culham (2014, 137). Cf. Ando (2003, 10).

[175] Esp. Liv. 39.8.3-8.

[176] Morgan (2015, 486). Similarly: Earl (1967, 42); Fantham (1977, 42); Linke (2000, 272-273); Nagy (2002, 180-183).

While the internal structure of the cult is unclear, Livy places blame on *sacerdotes* as the instigators and promoters of this new social order and morality. Near the end of his narrative, Livy recounts that the blame was placed on M. and C. Atinius of the Roman *plebs*, L. Opicernius a Faliscan, and Minius Cerrinius a Campanian, as the *sacerdotes* and *conditores* of the Bacchic *sacra* and as originators of the *facinora et flagitia* indulged in by the cult.[177] It is well understood that Livy externalises the blame for this corrupting cult, and stresses its foreign origins.[178] Livy's invented speech for the consul Sp. Postumius Albinus in condemning the Bacchanals is perhaps the greatest indication of the perceived foreignness of the rites.[179] Livy declares that the *pontifices* had decreed that nothing was more deleterious to *religio* than the performance of foreign rites in Rome.[180] In ages past, foreign rites had been expelled and banished from Rome by the *pontifices*, the *haruspices* and the senate, with the inference that the cult introduced by the Bacchanals into Rome was far worse.[181] In this, Livy emphasises the specific role of the *pontifices* (amongst others) as the guarantors of 'native' ritual and as defenders against external cult. Thus, Livy intends to create a contrast between Rome's *pontifices* and the *sacerdotes* of the Bacchic *sacra*. Herein lies a tension, however, as he goes on to name the *Romans* and *Italians* who were the *sacerdotes conditoresque* of the cult and the instigators of its immoralities. Thus, whilst it would be easy to suggest that Livy's representation of the cult and its leaders was simply his representation of non-Romans,[182] Livy blurs and complicates these distinctions. Romans and Italians are the *sacerdotes* of the Bacchic conspiracy.

[177] Liv. 39.17.7.
[178] Esp. Luce (1977, 260-261); Levene (1993, 92-95); Willi (1998, 150); Takács (2000, 310); Rasmussen (2001, 154-155); Carlà-Uhink (2018, 338-340).
[179] McDonald (1944, 27-28). On the invention of the speech: McDonald (1944, 27-28); Briscoe (2008, 232, 234); Nousek (2010, 163).
[180] Liv. 39.16.9.
[181] Bauman (1990, esp. 336); Walsh (1996); Takács (2000); Rasmussen (2001, 154-155); Nagy (2002, 180-183). Cf. Liv. 40.29.11.
[182] Cf. Frank (1927, 132).

In this way, Livy demarcates the limits of appropriate 'sacerdotal' behaviour for Romans. Familiar categories emerge. Livy represents the Bacchic *sacerdotes* as standing against the Roman *mos maiorum*.[183] First, Livy depicts these *sacerdotes* as instigating (and presumably indulging in) excesses of sex and alcohol.[184] Even the extent of their worship is framed as being excessive. Far from *religio*, these *sacerdotes* engage in *superstitio* to the detriment of Rome.[185] Second, Livy depicts the *sacerdotes* as destroying established social boundaries and distinctions – distinctions between young and old, men and women, élite and non-élite, slave and free, private and public religion.[186] We might think that these kinds of transgressions are more familiar to us from the kinds of negative evaluations usually made of the *galli*, those eunuchs who stood 'outside the boundaries of what the Romans deemed to be proper religious behaviour' for their violation of traditional categories of gender, their dress, and their ritual frenzies.[187] Latham has cautioned that we must be receptive to chronological shifts in the depiction of the *galli* as 'threateningly foreign and effeminate'.[188] He considers that *galli* of the late republic were depicted merely as 'charming' and as 'alien curiosities',[189] but that Livy's representation, indicative of an Augustan shift in their depiction (which persists into the high empire), characterises them as entirely transgressive, that they were 'fanatics, both superstitious, frenzied fanatics, and simpering servants of the Mother'.[190] Yet, a close reading of the texts suggests that this is an exaggeration. Whilst he terms them as *fanatici*, as bearing a distinctive costume (a *habitus* or *insignia*), and as singing fanatically,[191] he does not use their sexual status as eunuchs or their appearance to explicitly degrade them.[192] Whilst Livy's *galli*

[183] North (2003, 201).
[184] On *sacerdotes* and intoxication, cf. Plut. *Q.R.* 112.
[185] On *superstitio* in Bacchic cults: Margel (2006, 196, 202); Barton and Boyarin (2016, 42). Cf. Nagy (2002, 180-183).
[186] Flower (2002b, esp. 89); North (2003, 214).
[187] Orlin (2010, 104). Also: Bömer (1964, 132); Vermaseren (1977, 96-97).
[188] Latham (2012, 109).
[189] Latham (2012, 120).
[190] Latham (2012, 102). Similarly: Bömer (1964, 132).
[191] Liv. 37.9.9, 38.18.9.
[192] Bömer (1964, 134-135); Roller (1999, 230).

are undoubtedly strange and somewhat alien, they are not cast as belonging to an entirely other world. Yet this sense of belonging to an alternative world is precisely how Livy represents the *sacerdotes* of the Bacchanals. Their actions caused the establishment of new social contracts, and created a new society within Rome and Italy bound by new rules of morality. These *sacerdotes* instigated and forged new social boundaries, and eliminated established distinctions between young and old, men and women, élite and non-élite, slave and free. They indulged in the excesses of sex, alcohol, and *superstitio*. Thus, whilst the *sacerdotes* of the Bacchanals are Romans by birth, they are judged by Livy as members of this new reality; central figures in the forging of a new society bound by different codes of conduct. In this inverted reality, Livy's *sacerdotes* are the leading figures, establishing and teaching these new social standards. In this reverse image, I posit, we see a reflection of Livy's perceptions and expectations for Rome's *sacerdotes*. Just as the Bacchanalian *sacerdotes* are responsible for establishing the social and moral contracts by which their new society is being run, Livy's Roman *sacerdotes* are responsible for the social and moral contracts upon which Rome was built. Although Livy's Roman *sacerdotes* were not the creators of these constructs, they were inheritors of the legacy of the *conditor* Numa Pompilius and thus should have maintained that legacy. Thus, yet again, we see Livy's emphasis on the institutional strength and legacy of Numa Pompilius, and the role of the *sacerdotes* in maintaining it.[193]

5.6 Livian Evaluations: Conclusion

Livy expounds a social vision for his *sacerdotes*. They take on the role of maintaining the institutional strength and legacy of Numa Pompilius, and are thus responsible for the social and moral contracts upon which Rome was built. In this role, Livy's *sacerdotes* primarily act as collectives. As pillars of institutional longevity, *sacerdotia* are held outside the exemplary trends of the narrative. Unlike the senate, for which Livy gives his readers privileged access to

[193] *Supra* § 5.1.

the conflicts and mistakes of senators and the senate as a corporate body, whatever arguments, disagreements or mistakes were made by *sacerdotes* within their *collegium* are largely hidden from view and placed outside this framework.[194] Rather, collectives of *sacerdotes* – namely of *augures* and *pontifices* – act as advisors and consultants to the senate, using their knowledge and expertise for the benefit of the *res publica*. Those *sacerdotes* that emerge from the 'anonymous plural' of their *collegia*, and thus become entangled in Livy's exemplary narrative, do so for potent reasons. Whilst the individual actions and initiative of Crassus as *pontifex maximus* are originally overruled by the *pontifices* as a collective, they become increasingly vindicated.[195] In this, Crassus gains an individual identity as a *pontifex maximus*. This individuality is praised by Livy because the actions for which he claimed responsibility as *pontifex maximus* were all directed towards a single goal; to ensure the adherence of other *sacerdotes* to the dictates of *religio*. Crassus thus accumulates personal responsibility for ensuring the maintenance of men's obligations towards the gods. This is explicit where he stops Q. Fabius Pictor from leaving for his province, but is also implicit in his punishment of the Vestal, and the 'capture' of Flaccus. In this, Crassus emerges from amongst the *collegium* as an exemplary *pontifex maximus*. Not only does he follow the example of Metellus, but potentially inspires Geminus to follow his example. By emphasising the actions of this exemplary *pontifex maximus*, Livy is also able to lessen the culpability of *sacerdotes* for actions that might have invited criticism. Any criticisms of Pictor, for attempting to introduce innovations into how the flaminate functioned, are sidelined by an emphasis on how Crassus enforced restraint against such innovation. The lack of discipline of an unnamed Vestal in letting the fire in the *aedes Vestae* be extinguished is stressed as a precondition for Crassus to enforce discipline against her.

[194] Davies (2004, 67, 78).

[195] Cf. e.g. Livy on the so-called 'triumph debates' between a would-be *triumphator* and the senate (and people), where the interplay between individual and collective was often indicative of deeper socio-political tensions: Pittenger (2008, esp. 34-53).

It is not only through bringing Crassus' actions to the foreground that Livy is able to lessen the culpability of various *sacerdotes* for actions which might provoke criticism. In addition to Crassus' actions being foregrounded in his contest with Pictor, the latter is rebuked more for not learning from the exemplary lessons of those who came before – namely Albinus – than necessarily for his attempt to innovate. Excuses are found for some Vestals. Especially in contrast to the criticisms of *sacerdotes* found in Cicero, the absence of negative evaluations of *sacerdotes* and Livy's efforts to lessen their culpability, are conspicuous. The *sacerdotes* of the Bacchanalian conspiracy are the notable exception, but Livy perceives that they have created an anti-Rome, a new set of moral and social constructs which threatened to destabilise the foundations of Rome. This hesitancy in commenting negatively on Rome's *sacerdotes* is not simply a symptom of his genre. The differing genres of Livy and Cicero of course necessitate contrasts. Whereas Cicero's speeches are active struggles between him and his opponents, several of whom were *sacerdotes* themselves, Livy's history can only hint at the intensity of these moments of conflict, such as with the *certamen* of Pictor.[196] Yet Livy usually does not shy away from providing negative *exempla* to be avoided. Livy intends to provide for his readers *exempla* both who were worthy of imitation and whose actions one should avoid emulating.[197] Although there might be evidentiary reasons for the relative paucity of negative *exempla* of *sacerdotes*, it is more likely the result of Livy's deliberate authorial choice. His representations of *sacerdotes* reflect his moral message and social vision for *sacerdotes*.

Can we consider this vision for Livy's *sacerdotes* to be the result of the principate and the new realities necessitated by Augustus and his 'charismatic authority'?[198] It is hard to separate the work of Livy from the influence of the *princeps*. As Beard, North and Price have emphasised, '[w]hether consciously as a propagandist or unconsciously as a contemporary

[196] Beard, North and Price (1998, 1: 119-120).
[197] E.g. Luce (1990, 137; 1995, 230); Feldherr (1998, esp. 3, 6, 12, 18-19); Chaplin (2000; 2015); Stevenson (2011, esp. 187); Haimson Lushkov (2015, esp. 9, 17). Cf. Walsh (1955).
[198] Cooley (2019).

witness, [Livy] was writing in the shadow of the "revival" of religion under the emperor Augustus'.[199] Whilst we must temper Augustus' claims of a religious decline against which he championed a 'revival' of the traditional morals and 'religion' of the *res publica*,[200] it barely needs restating that Livy's fascination with *exempla* was shared with Augustus, and that both recognised the potential for *exempla* to convey lessons of morality. Augustus' interest in *exempla* was proudly proclaimed in his *res gestae* and hardly needs elaboration here.[201] Whilst Livy and Augustus shared ideals on the importance of *exempla*, Livy was not the mouthpiece for Augustus and his moral agenda.[202] This can perhaps be seen in the gulf between Livy and Augustus' use of exemplary *sacerdotes*. For Augustus' representations of *sacerdotes* we are limited to considering his installation of the *summi uiri* in his new forum.[203] As Chaplin has stressed, Augustus' perspective emerges in this assemblage both in his freedom to choose which men to represent, and which of their achievements to record.[204] Whilst we do not have the entire assemblage, a variety of *augures* and *pontifices* are mentioned, but in each instance these positions are simply mentioned amongst the *honores* that these men had achieved.[205] Given Augustus' intention with his *summi uiri* was, as conceptualised by Suetonius, to honour those who had raised the *imperium* of the *res publica* from obscurity into greatness,[206] it is perhaps unsurprising that membership of various *sacerdotia* is simply included amongst the list of

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[199] Beard, North and Price (1998, 1: 77). We must, of course, always bear Collingwood (1946, 202) in mind: '[a]ll history is contemporary history', written in the social and cultural context of the historian's time, circumstances, and outlook.

[200] *Supra* ch.3 n.88.

[201] *RG* 8.5.

[202] This common assumption is no longer merited: Hoffmann (1954); Petersen (1961); Deininger (1985); Luce (1990); Burck (1991); Badian (1993); Kraus (1994, esp. 8-9); Gaertner (2008); Levick (2015, 34-35); Scheid (2015, 87). Cf. Syme (1959, 28, 75); Liebeschuetz (1967, 55); Cizek (1992, 363).

[203] Generally: Plin. *HN.* 22.13; Zanker (1968, esp. 14-18; 1988, 210-215); Luce (1990); Spannagel (1999, 256-344); Chaplin (2000, 193-202); Geiger (2008); Shaya (2013); Russell (2019).

[204] Chaplin (2000, 193). Cf. Frank (1938, 92-93); Zanker (1968, 16).

[205] *CIL* 11.1828: Q. Fabius Maximus Verrucosus (*augur* and *pontifex*: *FS* 1595), cf. Liv. 30.26.7-10 and *supra* § 5.1; *CIL* 11.1826: M'. Valerius Maximus (*augur*: Rüpke (2008, 939); *CIL* 11.1829: L. Aemilius Paullus (*augur*: *FS* 521); *CIL* 11.1831, 6.1315; *Inscr. Ital.* 13.3.17: C. Marius (*augur*: *FS* 2389); *CIL* 11.1832: L. Licinius Lucullus (*augur*: *FS* 2248). Whilst *CIL* 6.1272 is usually (and accurately) ascribed to the Albinius who conveyed the Vestals to Caere (*infra* § 6.1), others see that the *elogium* refers to the unnamed *flamen Quirinalis* of Liv. 5.40.7-10: Borghesi (1864, 6-7); Schwegler (1872, 250 n.3); Hirschfeld (1913, 815 n.1); Judge (1985, 11-12). For these *elogia*, *supra* § § 1.3, 5.1.

[206] Suet. *Aug.* 31. On the *summi uiri* as Augustus' *principes uiri*: Spannagel (1999, 256-344).

resplendent *honores* that were obtained by these men. In this way, the *sacerdotia* held by Augustus' *summi uiri* are framed in ways which match, for instance, the *laudatio* of Metellus attested in **CHAPTER 1**. Yet we have seen that Livy goes beyond mere conceptions of *sacerdotia* as *honores*, and attests that there is something distinctive about these positions.

In the absence of direct parallels between Livy and Augustus' representations of *sacerdotes*, should we instead consider that Livy's representation of *sacerdotes* was influenced by the more general social and ethical shifts of the period? This period undoubtedly saw a reshaping and reinvention of virtue, and a reorientation of social goals. Wallace-Hadrill has warned against the belief that a 'canon' of imperial virtues had been created, following (for instance) the *uirtus*, *clementia*, *iustitia*, and *pietas* inscribed on the *clipeus uirtutis* of Augustus.[207] Nevertheless, the *princeps* dramatically altered the dialogue of virtues, shifted attention to new clusters of qualities, and provided a new locus for understanding the worth of virtues and how they should be expressed.[208] Yet, we cannot palpably detect such a refocusing of *uirtutes* for *sacerdotes* in Livy's *ab urbe condita*, nor the emergence of a new set of *uirtutes* used to describe *sacerdotes*. For instance, like Cicero, Livy affirms the importance of knowledge and expertise for *sacerdotes*. We cannot perceive an explicit shift in the *uirtutes* for which *sacerdotes* are praised.

Without suggesting that Livy is an Augustan propagandist, we might potentially see Livy's stress on *sacerdotia* as institutional pillars of Rome as a reflection on current events. In subsuming *sacerdotes* under the 'anonymous plural',[209] Livy stresses Numa Pompilius as *conditor* of Rome, whose institutional legacy had been maintained throughout the centuries with little radical change. McIntyre characterises Livy's *sacerdotia* as akin to the physical

[207] *RG* 34.2.

[208] Wallace-Hadrill (1981). This dialogue did not stop with Augustus, see e.g. Noreña (2007).

[209] Cf. Bremmer (1993, 163-164) who suggests that in early-Augustan 'mythologising', aetiological myth was invented and/or reconfigured around the figure of Augustus, and thus that the *Salii* and *Aruales* as individual *sacerdotes* were forgotten to maintain the anonymity of the *sacerdotia*. Bremmer (163) suggests that this was the natural result of maintaining a 'fiercely competitive Roman elite'.

monuments of Rome that ensured its institutional strength.[210] In her estimation, Livy's Camillus is the second *conditor* of Rome, following Numa, in his refusal to allow the city to be abandoned and for its *pontifices*, *flamines*, and *Vestales* to be relocated.[211] We might be tempted to imagine a Livian comparison with Augustus, and the events of his own time. After decades of civil war and an absent *pontifex maximus* in Lepidus,[212] the stability brought about by Augustus, later *pontifex maximus*, must have seemed like a reaffirmation of the qualities that had made Rome great. Amongst other things, Augustus had accumulated membership of an unprecedented number of *sacerdotia*,[213] now strengthened with the *auctoritas* of the *princeps*, appointed the first *flamen* and *flaminica Dialis* since the suicide of L. Cornelius Merula in 87,[214] and increased the privileges of the Vestal Virgins.[215] We might thus be tempted to cast Augustus as another *conditor* of Rome or, at the very least, as one who had reinvigorated the *sacerdotia* as institutional pillars. It might be possible to glimpse Livy's *sacerdotes*, potentially in the mould of Augustus, as responsible for maintaining the legacy of Numa Pompilius. We have seen, for instance, through the reverse image of the Bacchanalian *sacerdotes*, the articulation of a social goal for Livy's *sacerdotes*. Just as the Bacchanal's *sacerdotes* established the social and moral constructs by which their new, albeit inverted, society was being run, Livy's Roman *sacerdotes* should be responsible for maintaining the social and moral contracts laid down by Numa Pompilius.

The influence of Augustus as *pontifex maximus* might also be felt in Livy's emphasis on the evolution and importance of the position.[216] As is well known, Augustus' assumption of

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[210] McIntyre (2018, esp. 77).
[211] McIntyre (2018).
[212] *FS* 508.
[213] *FS* 1012.
[214] *FS* 1356, but only if we discount the attempt to have Iulius Caesar inaugurated as *flamen Dialis*. On the vacancy, and the restoration of the *flamen*: Tac. *Ann.* 3.58; Cass. Dio 54.36.1; Wissowa (1912, 71); Taylor (1941, 116); Vanggaard (1988, 85).
[215] Price (1996, 829).
[216] By contrast, we see little influence in the *ab urbe condita* of the newly forged connections between Augustus and the Vestals, and between the Vestals and the *domus Augusta*, on which see e.g.: Wagenvoort (1966); Fantham (1983, 207-208); Price (1996, 826-827); Garofalo (2015); DiLuzio (2016, 218-221).

the position of *pontifex maximus* came to take on new meaning for him and his successors. While he was not solely responsible for changing the position to become the *de facto* head of all *sacerdotia* – this process was cumulative and had started many years before[217] – the importance ascribed to Augustus as *pontifex maximus* can potentially be reflected in Livy's focus on this position at the expense of others, such as the *augures* or *quindecemuiri sacris faciundis*.[218] The individual *sacerdos* to whom Livy gives his predominant attention, for instance, is Crassus as *pontifex maximus*. As we have seen, Livy crafts a narrative in which Crassus gradually constructs his own pontifical identity against the anonymity of the pontifical *collegium* and in so doing, proves that he could stand outside his *collegium* as *pontifex maximus*. In this evolution, Livy might be using Crassus to understand the superiority of the position of *pontifex maximus* over the pontifical *collegium* during Augustus' tenure. We might also glimpse echoes of Iulius Caesar in Livy's depiction of Crassus' election to the position of *pontifex maximus*. As we have seen, Livy depicts Crassus' election as *pontifex maximus* to be the victory of an *iuuenis* against *senes* resplendent with *honores*.[219] We might compare Plutarch and Suetonius' accounts of Caesar's election, in which Caesar's *competitores* for the position, far surpassing him in age and moral worthiness, were defeated by him (albeit by bribery).[220]

Livy thus responds to current events but crafts his own social vision for *sacerdotes*, in which they are given distinct and valuable roles to play as *sacerdotes*. Primarily as collectives, Livy's *sacerdotes* must uphold the traditions of the *maiores* and the social and moral institutions upon which Rome's greatness has been maintained throughout the centuries. Where *sacerdotes* emerge as individuals, most notably Crassus – potentially in the mould of Iulius Caesar and Augustus – their individual actions and initiatives must be directed towards the maintenance of men's relationship with the gods by ensuring that all other *sacerdotes* adhere to their established

[217] Bollan (2013). Cf. Ridley (2005, esp. 300); Syme (2016, esp. 195).
[218] Price (1996, 825, 827-828). Cf. Kearsley (2009, 166).
[219] Liv. 25.5.4 and *supra* § 5.2. Caesar: *FS* 2003.
[220] Plut. *Vit. Caes.* 7.2; Suet. *Iul.* 13, with *supra* § 1.1.

obligations towards the *sacra*. In the *certamen* with Pictor, Livy frames Crassus' actions as ensuring the victory of *religio*. As we shall see, this stress on the absolute importance of ensuring *religio* is given full form in Valerius Maximus' *facta et dicta memorabilia*.

CHAPTER 6: VALERIAN EVALUATIONS

VALERIUS MAXIMUS

In contrast to the relative paucity of individual *sacerdotes* in Livy, *sacerdotes* are prevalent figures in Valerius Maximus' *facta et dicta memorabilia*. Indeed, Valerius places individual *sacerdotes* at the forefront of his exemplary narrative. As Mueller has emphasised, Rome's historical *sacerdotes* possess an 'exemplary power' within Valerius' narrative.[1] Whilst Livy and Cicero count amongst the source material for Valerius' *sacerdotes*, in the following I posit that Valerius takes these individuals and transforms them, placing them in narratives with a renewed exemplary force. I demonstrate not only that Valerius has crafted a variety of exemplary narratives which concern *sacerdotes* and *sacerdotia*, but also that there is a distance between Valerius' *exempla* and the sources in which he may have found them. In this, it will be obvious that I see Valerius not merely as a passive recorder of existing *exempla*, but as having intelligently crafted *exempla* for a discerning readership.[2] In his evaluations of *sacerdotes*, Valerius' own voice is remarkably clear but is inevitably informed by the Tiberian principate (on which more will be said in the conclusions to this section). The importance of exemplary *sacerdotes* within Valerius' *facta et dicta memorabilia* is established even from Valerius' very first *exemplum*.

6.1 *DE RELIGIONE*

Valerius' very first *exemplum* recalls the conflict of 242 between A. Postumius Albinus – as consul and *flamen Martialis* – and the *pontifex maximus* L. Caecilius Metellus:[3]

> *Metellus uero pontifex maximus Postumium consulem eundemque flaminem Martialem ad bellum gerendum Africam petentem, ne a sacris discederet, multa dicta urbem egredi passus non est, religionique summum imperium cessit, quod tuto se Postumius Martio certamini commissurus non uidebatur caerimoniis Martis desertis* (Val. Max. 1.1.2).

[1] Mueller (2002, 117).
[2] On Valerius' previous reputation, and its rehabilitation: *supra* ch.1 n.52.
[3] Albinus: *FS* 2817; Metellus: *FS* 978.

Valerius explicitly spells out the primary moral message of his *exemplum* concerning Metellus and Albinus as *sacerdotes*, namely that *religioni summum imperium cessit*. In so doing, Valerius foregrounds the importance of *religio* from the very beginning. Rüpke suggests that Valerius' use of *religio* aligns with the idea of a 'religious' ruling, and thus emphasises that Valerius' anecdote about Albinus 'is an account of religious rulings taking precedence over everything else'.[4] There is merit to this suggestion. In many ways Valerius uses *religio* as a shorthand to describe any decision made by a *sacerdos* about a matter within the remit of their sacerdotal expertise. Here, we can read *religio* as the ruling of the *pontifex maximus* which ultimately trumped the *summum imperium*. Yet we cannot ignore Valerius' utilisation of the range of other meanings of the term.[5] Here, for instance, *religio* also encapsulates the expectations of the *flamen* towards his *sacra*. *Religio*, which included Albinus' duties as *flamen*, should always take precedence. *Caerimoniae Martis* must take precedence over *Martius certamen*.[6]

It emerges that Valerius' opening *exempla* predominantly centre on this moral: the importance of *religio* above all else. Even though Valerius states that the focus of this first book is the *condicio* of the *cultus deorum*,[7] there is a discernible focus in his opening anecdotes upon *religio*, to the extent that the entire chapter was later entitled *de religione*.[8] Rüpke persuasively asserts that the importance that Valerius ascribes to *religio* is fundamentally tied to his representation of the importance of *sacerdotes*. He suggests that, in stressing that *religio* must take precedence above all other considerations, Valerius emphasises the centrality and supremacy of *sacerdotia*. *Sacerdotes* emerge as fundamental to the success of Rome, because Valerius' *religio* – for Rüpke – constitutes 'religious rulings' and thus, must 'constitute

[4] Rüpke (2016c, 104).
[5] E.g. Sachot (1991); Ronca (1992); Margel (2006); Barton and Boyarin (2016).
[6] Cf. Rüpke (2016b, 38; 2016c, 100) who emphasises this hierarchy as the primary message.
[7] Val. Max. 1.*praef.*
[8] For the chapter titles: Skidmore (1996, 31); Rüpke (2016c, 98).

knowledge controlled by priests'.[9] Yet Rüpke is emphatic that Valerius does not emphasise individual *sacerdotes*, but rather lays stress upon the role of knowledge that is held and wielded by *sacerdotia* as collectives.[10] He insists that Valerius strips his *sacerdotes* of their individuality in order to stress that he was ultimately seeking to emphasise the supremacy of the knowledge of Tiberius as *pontifex maximus*.[11] In this, Rüpke suggests something akin to Livy's 'anonymous plural'. Yet the interplay between *sacerdos* and *sacerdotia* in Valerius' text takes on a different aspect. Before his named *exempla*, Valerius opens *de religione* by stressing a delineation between the various collectives, ascribing roles for the *pontifices*, *augures*, *quindecemuiri* and *haruspices*.[12] For the *pontifices* and *augures* he invokes the knowledge held by these *collegia* as collectives. This is done explicitly for the *pontifices*, as their sphere of influence is described as that of the *scientia pontificum*. Similar expertise is implied for the *augures*, in emphasising their *obseruatio*.[13] Yet from this general picture of *sacerdotia*, some individual *sacerdotes* emerge.

In the first *exemplum*, L. Caecilius Metellus as *pontifex maximus* emerges as the guarantor of *religio*, ensuring that Albinus does not forsake the *sacra* by attempting to leave Rome. Although the martial imagery of Valerius' verb, *cedo*, might suggest that Albinus as *flamen Martialis* was defeated by Metellus as *pontifex maximus*, Valerius stresses instead that it was the *summum imperium* – the consulship – that yielded to *religio*.[14] Thus, Valerius avoids framing this as a *sacerdos* capitulating to another *sacerdos*, but rather that the consulship has yielded to *religio*, and that this was ultimately enforced by the *pontifex maximus*. In this emphasis on *religio*, Valerius' opening anecdote looks remarkably like Livy's version of the conflict between P. Licinius Crassus Dives and Q. Fabius Pictor, in which the contest between

[9] Rüpke (2016c, 104).
[10] Rüpke (2016c, 100).
[11] Rüpke (2016c, 100, 104, 107). On the influence of Tiberius as *pontifex maximus*: *infra* § 6.6.
[12] Val. Max. 1.1.1. Potential adaptation of Cic. *Har. resp.* 18: Wardle (1998, 75-76).
[13] Cf. Val. Max. 1.5.5, for C. Marius (*FS* 2389) as *peritissimus* in the interpretation of *religio*: *supra* § 3.2.
[14] While Vervaet (2014, 29) emphasises that *summum imperium* often denotes an official authority over well-defined matters, he also recognises it often refers specifically to the consulship in Valerius Maximus.

Metellus and Albinus is mentioned as an earlier *exemplum*.[15] As in Valerius, Livy upholds *religio* as the major deciding force in the conclusion to the conflict between Crassus and Pictor, and Crassus emerges in that narrative as becoming principally responsible for guaranteeing the dictates of *religio*.

The similarity of the moral messages of these *exempla* might suggest that Valerius directly borrowed this moralising from Livy's 37th book, but in his adaptation chose to disentangle the dual narratives and remove Pictor and Crassus from his version of this *exemplum*.[16] Valerius may have preferred to make Albinus' story emblematic of these conflicts because the *exemplum* concerned the contest between a *pontifex maximus* and a consul, rather than a mere praetor, as in the case of Pictor. Moreover, given that Crassus appears elsewhere in *de religione* – in his punishment of a negligent Vestal[17] – it is possible that Valerius chose the conflict between Albinus and Metellus merely to avoid repetition of key historical figures. A firm conclusion that Valerius borrowed his narrative of Albinus from Livy is frustrated by disagreement between the accounts;[18] in Livy, Albinus wished to wage war in Sicily, in Valerius, it is Africa.[19] Given that the change in detail between the two is small, and the location of Albinus' war is entirely inconsequential for Valerius' de-contextualised *exemplum*, it is possible that we could simply disregard this change in detail. Moreover, given that there is such a striking similarity in the moralising of these narratives, it would be remarkable if Valerius was not, at the very least, directly borrowing Livy's moralising that *religio* prevailed.

The prevalence of the importance of yielding to *religio* in his following *exempla* in the *de religione* suggest that Valerius, whilst borrowing the theme from Livy, recasts it as his central social vision for *sacerdotes* and *sacerdotia*. His very next *exemplum* is framed as that

[15] Crassus: *FS* 2235; Pictor: *FS* 1599.
[16] Wardle (1998, 88) suggests Valerius borrowed *summum imperium* (1.1.2) from Livy. Yet *summum imperium* also appears in Cic. *Nat. D.* 2.11 in his narrative of Ti. Sempronius Gracchus. It is possible that Valerius read *Nat. D.* for his own Gracchus narrative at 1.1.3, on which: *infra* 222.
[17] Val. Max. 1.1.6.
[18] It is possible that Valerius drew upon another source, as well as Livy, and blended the two.
[19] Wardle (1998, 87).

of *religiosum obsequium* and *oboedientia*. He describes C. Marcius Figulus and P. Cornelius Scipio Nasica Corculum resigning their consulships due to augural mistakes made during their election, mistakes which were noticed by the augur, consul, and *rogator* of the elections, Ti. Sempronius Gracchus.[20] Valerius stresses the willingness of Figulus and Scipio to lay down their consulships and their *fasces* in obedience to *religio*, as well as the involvement of the augur Gracchus and the augural *collegium* as the guarantors of that decision.[21] Whilst Cicero's versions of these events remind us of the somewhat blurred lines between Gracchus' competence as augur, presiding magistrate, and consul,[22] Valerius' version principally emphasises Gracchus as augur, his report of that mistake to the augural *collegium*, and their role in ensuring that the senate was informed and thus that the consuls stepped down. Thus, Valerius stresses the importance of both an individual augur and the collective in ensuring obedience to *religio*.

Wardle has persuasively suggested that Valerius did not borrow this moralising from Cicero.[23] Cicero stresses the threat of *religio* hanging over Gracchus' decision, and casts Gracchus as an *exemplum* for his unwillingness to hide ritual faults for his personal gain.[24] This stands in contrast to Valerius, who focuses primarily on the willingness of the consuls to obey *religio*. Wardle suggests instead that Valerius' version of the narrative has a Livian origin, borrowing from his now lost book 46,[25] a possibility which cannot be disproven. However, a pattern is, I believe, beginning to emerge that suggests we are rather seeing the influence of Valerius' authorial voice. Valerius has constructed a series of *exempla*, all of which he frames around the importance of *religio*. In this, Valerius largely (although not entirely) stresses the

[20] Val. Max. 1.1.3. Cf. Driediger-Murphy (2019, 177). For Cicero's version: *supra* § 4.1.8. Gracchus: *FS* 3009 (with caution, *supra* ch.4, n.114).
[21] Val. Max. 1.1.3.
[22] *Supra* § 4.1.8.
[23] Wardle (1998, 89).
[24] Cic. *Nat. D.* 2.11-12, *Div.* 1.33.
[25] Wardle (1998, 89). Based on Plut. *Vit. Marc.* 5.2, Vaahtera (2001, 149-151) suggests an alternative source.

importance and relationship between individual *sacerdotes* and the *sacerdotia* as collectives. Their knowledge and active participation ensure the success of *religio*.

Following Gracchus, Valerius declares that he is keeping to his theme – *consimili ratione* – by which he presumably means that he is continuing to trace *exempla* of *religiosum obsequium*.[26] Thus, Valerius turns to the *flamines* P. Cloelius Siculus, M. Cornelius Cethegus, and C. Claudius, who renounced their offices *propter exta parum curiose admota deorum immortalium aris*,[27] and Q. Sulpicius, who lost his *apex* whilst sacrificing and thus lost his flaminate too.[28] As they are framed as *exempla* of *religiosum obsequium*, Valerius implores us to understand these resignations as motivated by the respect given to *religio*. As with Gracchus, however, we can also appreciate *religio* here as a 'religious ruling' – to borrow Rüpke's phrase. We are reminded that a ruling of *religio* was enforced against these *flamines*: *flamonio abire iussi sunt coactique etiam*.[29] In his use of *iubeo*, Valerius emphasises that *religio* was maintained by a superior actor or actors – perhaps a *pontifex maximus* or the pontifical college generally, but avoids explicitly introducing these particulars. This silence as to the actors ensuring *religio* is maintained in Valerius' next *exempla*, of Fabius Maximus and C. Flaminius, deprived of their offices of dictator and *magister equitum* (respectively) due to an *occentus* […] *soricis*.[30] Valerius again leaves it to the reader to infer that a *religio* had been discovered and thus had motivated these resignations, but that both nevertheless respected the primacy of *religio*.

Yet a *sacerdos* prominently emerges in Valerius' next *exemplum*, who both discovers the existence of a *religio* and ensures that its primacy is guaranteed. Here the *pontifex maximus*,

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[26] Val. Max. 1.1.4. Cf. Wardle (1998, 90-91).

[27] Val. Max. 1.1.4. Siculus: *FS* 1272. Rüpke (2008, 626 col.1 nn.1-2) rejects earlier identifications of this P. Cloelius Siculus as the *rex sacrorum* of 190: *FS* 1273; Liv. 40.42.11. Cf. Münzer *Cloelius* (9) *RE* iv 109; Klose (1910, 28); Shackleton Bailey (2000, 18-19 n.15). Cethegus: *FS* 1317. Also: Plut. *Vit. Marc.* 5; Claudius: *FS* 1159. Also: Liv. 26.23.8.

[28] Also: Plut. *Vit. Marc.* 5. Sulpicius: *FS* 3176.

[29] Val. Max. 1.1.4. Also: Liv. 26.23.7-8. It is likely that Valerius is the source for Plut. *Vit. Marc.* 4-5, as it is a similar list in the same order, although there might have been a common pre-Valerian source: Clark (1991, 94-103). Cf. Zimmermann (1930); Klotz (1934).

[30] Also: Plut. *Vit. Marc.* 5. On the signs and their interpretation: Konrad (2004, 177).

P. Licinius Crassus Dives, flogs an unnamed Vestal Virgin for allowing the fire in the *aedes Vestae* to be extinguished.[31] Whilst Crassus' actions as *pontifex maximus* are often seen negatively by modern commentators – that he was unduly strict and excessive in his enforcement of *religio*[32] – Valerius' tone betrays no signs of disapproval. As Mueller advances, Valerius' *exemplum* stresses the duty and responsibility of the *pontifex maximus* where another *sacerdos* – the unnamed Vestal – has been negligent in her performance of the necessary duties.[33] The moral of Valerius' *exemplum* is, as Mueller emphasises, that of the proper performance of duty; that adherence to *religio* was enforced by the *pontifex maximus* no matter the human cost or pain inflicted.

The importance ascribed to *religio* and the role of *sacerdotes* in ensuring its primacy emerges yet again in Valerius' *exemplum* of M. Claudius Marcellus. To emphasise that Rome's successful relationship with the gods was the result of precise and meticulous attention to cultic observances, Valerius emphasises that the college of *pontifices* did not allow Marcellus to consecrate a single *templum* to *Honos* and *Uirtus*, on the grounds that a single *cella* could not appropriately house two deities.[34] Valerius ignores possible personal or social motivations for the *pontifices*' decision.[35] Rather, he stresses the *auctoritas* of the pontifical college, and that the college of *pontifices* did not consider the *auctoritas* of Marcellus, as *amplissimus uir*, an impediment to making a decision that stood contrary to Marcellus' wishes, and thus did not allow Marcellus to dedicate his single *cella*.[36] In Marcellus respecting the *auctoritas* of the pontifical college, the pontifical college ultimately avoided the occurrence of a *religio* and allowed for the proper observance to be rendered to *religiones*.

[31] Val. Max. 1.1.6. Crassus: *FS* 2235.
[32] Esp. Bauman (1983, 97); Vanggaard (1988, 82-85); Chaplin (2000, 157); Rüpke (2010a, 13-14; 2016a, 30); Goldberg (2015, 337-38). Cf. Szemler (1972, 97); Bauman (1992, 27-28); Wardle (1998, 93); Bollan (2013, 53).
[33] Mueller (2002, 48). Cf. Liv. 28.11.
[34] Val. Max. 1.1.8. Also: Liv. 27.25.7-9; Plut. *Vit. Marc.* 28.1.
[35] Pietilä-Castrén (1987, 58); Ziolkowski (1992, 252); Wardle (1998, 97-98); Clark (2007a, 68-69).
[36] On *auctoritas* here: Santangelo (2013a, 758-759).

Valerius also draws on L. Furius Bibaculus as an *exemplum* for his *pii simul ac religiosi animi* in bearing the *ancilia* whilst praetor, even though holding the latter office made him exempt from the burden of the *ancilia*.[37] Valerius not only emphasises that Bibaculus possessed an *animus* that was both *pius* and *religiosus*,[38] but also casts Bibaculus' father, the *magister* of the *Salii*, as the principal instigator of Bibaculus' behaviour. Bibaculus only bore the *ancilia* as the result of having been ordered (*iussus*) to obey *religio* by his father. Valerius then explicitly states the moral that is to be learned from Bibaculus: *omnia namque post religionem ponenda semper nostra ciuitas duxit, etiam in equibus summae maiestatis conspici decus uoluit*.[39] Thus, the compulsion to comply with *religio* and place it above all other considerations is again explicitly stated and reinforced. Whilst Valerius' Bibaculus has a *religiosus animus*, the *magister* of the *Salii* is nonetheless praised as the chief instigator of this moral.

Finally, Valerius emphasises that private citizens can also have the same *animus* as Bibaculus: one that is *pius* and *religiosus*. To demonstrate this, he draws on the *exemplum* of L. Albinius rescuing the *sacra* headed to Caere at the expense of his family.[40] In this, Valerius praises him for being *propior publicae religioni quam priuatae caritati sui<s>*.[41] The supremacy of *religio* emerges again. Yet here it is qualified as *publica*, as a delineable category classed as within the public interest, and to which Albinius could be physically 'closer' (*propior*) than his *priuata caritas*. Thus, Valerius stresses the utmost importance of *religio* and places it in a new polarity. Albinius' physical closeness or proximity to *religio publica* is heralded as being more important than a sense of duty to family and private affections. Wardle suggests that Valerius borrowed this *exemplum* from Livy but in so doing used synonyms for

[37] Also: Lactant. *Div. inst.* 1.21.45. Bibaculus: *FS* 1782.
[38] On his *pius* and *religiosus animus*: *supra* § 2.4.
[39] Val. Max. 1.1.9.
[40] Val. Max. 1.1.10. Variant spellings are attested for Albinius: Shackleton Bailey (1989); Wardle (1998, 102). For manuscript variations in Val. Max.: Briscoe (1998, 1:13), also: Liv. 5.40.9 (Albinius); Plut. *Vit. Cam.* 21 (Ἀλβινίος); Flor. 1.7.12 (Albinius).
[41] Val. Max. 1.1.10. Also: Liv. 5.40.7-10; Plut. *Vit. Cam.* 21; Flor. 1.7.12; *infra* 226 for his *elogium*.

key terms and eliminated 'Livy's moralizing and psychologizing'.[42] Conversely, Mueller distances Valerius' tradition of Albinius from Livy, as he finds that Livy's narrative of Albinius lacks the moral rhetoric adopted by Valerius, precisely the sense of public *religio* being closer to him than private affections. Mueller goes as far as to label Livy as the 'odd one out'; his being the only extant version of the narrative which does not engage in the same kind of moralising.[43] This goes too far, as this rhetoric only otherwise appears in Florus' version.[44] Nevertheless, he is right to stress that Livy's version is substantially different as it does not make the superiority of *religio publica* over private affection the central moral. Rather, he stresses that Albinius perceived, even at this time of peril, both the distinction between human and the divine and the sacrilege of making the Vestals walk and bear the *sacra*.[45] The moral, as it is framed in Valerius' *exemplum*, is also not evident in the Augustan/Agrippan version of the Albinius story. An Augustan/Agrippan tradition of Albinius is evidenced by his *elogium* from the Pantheon of Agrippa, but that can be associated with Augustus' sculptural assemblage of the *summi uiri*.[46] The inscription records a basic narrative of Albinius – the Gauls besieged the Capitol and Albinius conveyed the Vestal Virgins to Caere – but additionally stresses that Albinius ensured the *ritus* was not interrupted while in Caere and that he played a key role in bringing the *sacra et uirgines* back to Rome. Thus, the Albinius narrative, as Augustus/Agrippa chose to define it, emphasises Albinius' role in ensuring the longevity and continuity of *ritus* and *sacra* during a period of Rome's instability.[47] There is an obvious parallel here between Albinius' actions and those of Augustus. Augustus, in his own self-image, was also responsible for maintaining and safeguarding *sacra* during the civil wars of the 'second triumvirate'. As

[42] Wardle (1998, 16, 100-101). Wardle notes Varronian influence in Valerius' etymology of *caerimoniae*. Also: Levene (1993, 195). Cf. Bosch (1929, 2).
[43] Mueller (2002, 209 n.117).
[44] Flor. (1.7.12). Mueller (2002, 209 n.117) advances that Plut. *Vit. Cam.* 21 stresses the same 'subjective religiosity' as Valerius, yet Plutarch instead emphasises that Albinius demonstrated εὐλάβειαν […] πρὸς τὸ θεῖον.
[45] Liv. 5.40.10.
[46] *CIL* 6.1272. Cozza (1983, esp. 117) emphasises that the *elogium* was found in the Pantheon, and suggests that Hadrian perhaps transferred the *elogium* from Augustus' forum to his reconstructed Pantheon, but acknowledges it is more likely that the *elogium* was originally erected in the Pantheon. Cf. Spannagel (1999, 318-320).
[47] Sage (1979, 194). Cf. Chioffi (2013-2014, 373-374).

Littlewood has stressed, the story of Albinius has Augustan resonances, as Augustus built a new shrine to Vesta in his house on the Palatine, he could thus be seen (in his own way) to have protected the Vestals and their *sacra*.[48] As Shaya emphasises, Augustus' collection of *summi uiri* was designed to offer 'a seductively straightforward story of […] the legitimacy of Augustus',[49] and here, Augustus' legitimacy is emphasised by hinting at the parallels between himself and Albinius.[50] Thus, in Augustus/Agrippa's version there is no mention of the moral of absolute obedience to *religio* at a cost to everything else, including private *pietas*. While the *elogium* demonstrates the significant likelihood of variant pre-Livian Albinius narratives,[51] it reinforces the possibility that Valerius was responsible for refashioning this moralising narrative.[52]

Whilst Valerius' version of Albinius as an *exemplum* is unique in focusing on *religio*, we can also see Valerius shifting the focus away from *sacerdotes* and *sacerdotia* towards private individuals. As glimpsed in **CHAPTER 3**, after the *exemplum* of Albinius, Valerius' focus remains on the importance of *religio* but his perspective shifts almost exclusively to how private individuals could preserve and maintain *religio* for the benefit of Rome.[53] Thus, Valerius' opening chapters of *de religione* provide an account that is, roughly, divisible into two halves. Valerius' *sacerdotes* and *sacerdotia* encourage and enforce the primary importance of *religio* and work to avert the threat of *religio*. In this way, they are initially represented as being fundamental to the relationship between men and gods, to ensure the success and prosperity of Rome. This foundation is built upon by Valerius, who then makes it an expectation of *all* Romans, regardless of station or status, to play their part in protecting and maintaining *religio*. In collecting *exempla* which can be broadly characterised in this way, Valerius is able to stress

[48] Littlewood (2006, 136), with *supra* § 3.4. For the Vestals and Augustus: e.g. Wagenvoort (1966); Fantham (1983, 207-208); Price (1996, 826-827); Garofalo (2015); DiLuzio (2016, 218-221).
[49] Shaya (2013, 87).
[50] Judge (1985, 12).
[51] For these earlier narratives: Levene (1993, 195); Wiseman (2004, 127-130; 2009, 64); Gaertner (2008, 36-37, esp. n.51).
[52] Mueller (2002, 64).
[53] *Supra* § 3.4.

the separate but complementary roles that are played by *sacerdotes* and ordinary Romans alike. Valerius demonstrates that individual *sacerdotes* and collective *sacerdotia*, by guaranteeing and ensuring the primacy of *religio* or in not allowing *religio* to fall upon the Roman people, were fundamental to the success and prosperity of Rome. Whilst the theme first appears in Livy, here it is foregrounded and expanded, and dominates the opening *exempla* of Valerius' work. Having established this, Valerius then goes on to stress that this is also a collaborative effort, and thus that the success of Rome can only be assured where Rome's citizens, regardless of their public station, are able to protect and maintain *religio*.

6.2 C. VALERIUS FLACCUS

This reshaping of narratives to focus on *religio*, and of the importance of *sacerdotes* and *sacerdotia* for *religio*, is not limited to the opening sections of *de religione*. It also appears in Valerius' version of the transformation of C. Valerius Flaccus.[54] Whilst most scholarly attention on the transformation of Flaccus is given to Livy's version,[55] Valerius provides a less commonly cited but parallel account of this incident. Although Valerius' version was presumably adapted from Livy, it deserves to be given its own consideration:

> *C. quoque Valerius Flaccus secundi Punici belli temporibus luxu perditam adulescentiam incohauit. ceterum a P. Licinio pontifice maximo flamen factus quo facilius a uitiis recederet, ad curam sacrorum et caerimoniarum conuerso animo, usus duce frugalitatis religione, quantum prius luxuriae fuerat exemplum, tantum postea modestiae et sanctitatis specimen euasit* (Val. Max. 6.9.3).

Whilst there are obvious similarities here with Livy's version, the shifts in language evince a change in perspective. Valerius' version is placed in the context of book 6.9, with his *exempla de mutatione morum aut fortunae*. As is usual for Valerius' short and de-contextualised *exempla*,[56] the context of Flaccus' admittance to the senate and his resumption of the right, lost through the *indignitas* of former *flamines*, has been stripped away. Valerius chooses to focus

[54] Flaccus: *FS* 3393.
[55] *Supra* § 5.3.
[56] On which, e.g.: David (1998a, 10; 1998b).

only on Flaccus' transformation in character. Such a transformation away from *uitia* omits Livy's martial imagery, of Flaccus having been 'seized' by the *cura sacrorum et caerimoniarum*. Instead, Valerius emphasises that Flaccus, turning (*conuerso*) his *animus* to the *cura sacrorum et caerimoniarum*, withdrew from his *uitia* more easily (*facilius*) by using *religio* as his *dux*. In this way, Valerius goes even further than Livy in emphasising that the impetus for the change was Flaccus' own initiative. He actively chose, using *religio* as his guide, to turn his *animus* to the duties and behaviours expected of him as *flamen Dialis* and thus transform his *mores*, which ultimately remodelled him into a *specimen* of *sanctitas* and *modestia*.

The emphasis on Flaccus' *sanctitas* as *flamen* is common to both Livy and Valerius. Across the *facta et dicta memorabilia*, *sanctitas* commonly implies irreproachability, and thus, similarly to Livy, Valerius uses it to stress that Flaccus' character had become irreproachable.[57] Valerius also adds *modestia* to our moral vocabulary of Flaccus' behaviour once *flamen Dialis*. Given the nature of the term, the invocation of *modestia* as the binary opposite of Flaccus' *luxuria* is perhaps to be expected.[58] Nevertheless, that Valerius should choose to emphasise that Flaccus became an *exemplum* of self-restraint and measured conduct after adopting *religio* as his guide is illustrative not only of the importance Valerius ascribes to *religio* but also of the extent to which Valerius here presents *religio* as morally transformative in nature.

Valerius' decision to foreground Flaccus' agency was an intended consequence of his transformation of Flaccus into an *exemplum de mutatione morum aut fortunae*. Valerius ends his narrative of Flaccus by explicitly alerting his reader to the value of Flaccus as an *exemplum*: whereas Flaccus was considered an *exemplum* of *luxuria*, now – through his own agency and using *religio* as his *dux* – he should be considered a *specimen* of *modestia* and *sanctitas*. The

[57] E.g. Val. Max. 2.10.8, with Themann-Steinke (2008, 563), cf. 4.1.14; 2.10.(ext.)2, 6.6.1, cf. 4.2.1; 8.15.3, with Wiseman (1979, 98 n.147) but cf. Liv. 29.14.6-9; Gérard (1980, 157).

[58] For *luxuria* in Valerius: Matravers (2016, 56-120). For *modestia* and *luxuria* as opposites: Mencacci (2010, 226). For *modestia* and youth: Val. Max. 2.1.9. For *modestia* and Tiberius: Rogers (1943, 60-88); Levick (1976, 89, 223-224); Kuntze (1985, 130-136).

importance of Flaccus relying on his own agency to transform his *mores* is made clearer when considering Valerius' other *exempla* in book 6.9. The *exemplum* of Flaccus is nestled between those of P. Cornelius Scipio Africanus and Q. Fabius Maximus. Both Scipio and Fabius are similarly presented as having changed their dissolute ways to the extent that they would go on to perform great deeds for Rome and thus earn universal respect and distinction. Although Valerius emphasises that Scipio was destined by the *di immortales* to be born for *uirtus* to be exhibited for all mankind,[59] he nonetheless ascribes primary responsibility for his transformation to Scipio himself, rather than to an external motivator. The same can be said for the transformation of Fabius' *mores*.[60] In book 6.9 therefore, Valerius constructs *exempla* with the moral that *all* men have the capacity to affect their own situation and *mores*.[61] One's ability to change their own fate is key in Valerius' construction of these *exempla* and, as it was for Flaccus, *religio* could be one's guide to such a transformation. Although the flaminate is a necessary element of Flaccus' change, in the construction of Flaccus as an *exemplum* the flaminate is relegated to the background, with Flaccus' agency and the importance of *religio* as his *dux* brought to the fore.

6.3 M. HORATIUS PULVILLUS

There is yet another intersection between the importance of *religio publica* and the role of *sacerdotes*, in Valerius' first *exemplum* of parents who bore their children's death with fortitude. Valerius commemorates M. Horatius Pulvillus, the *pontifex*, for continuing with the dedication of the Capitolium despite having learned of the death of his son, suggesting that *neque uoltum a publica religione ad priuatum dolorem deflexit, ne patris magis quam pontificis partes egisse uideretur*.[62] In framing the *exemplum* as Pulvillus choosing public *religio* at the expense of his private sorrow, this *exemplum* shares similarities with his treatment of Albinius.

[59] Val. Max. 6.9.2.
[60] Val. Max. 6.9.4.
[61] Val. Max. 6.9.*praef*.
[62] Val. Max. 5.10.1.

Unlike Albinius, however, Pulvillus makes this decision as a *pontifex*. Valerius makes Pulvillus recognise that the performance of his role as a *pontifex* must take precedence to the performance of his role as *pater*.[63] Thus, he foregrounds the importance of a recognition of role distinctions, and of the ability to isolate a hierarchy in roles depending on context and expectation. In this, Valerius' *exemplum* reminds us of Cicero's insistence that public-facing individuals must acknowledge and respect a strict hierarchy of roles, in which the role of *sacerdos* must be given utmost precedence.[64] Valerius similarly acknowledges that such individuals must understand the boundaries and potential disparity of the demands of each of these roles. Here, they must recognise that the performance of public duties – being a *pontifex* – must take precedence over personal and private responsibilities. For Valerius, Pulvillus is an excellent *pontifex* because he both recognised the distinction in his roles between those of *pater* and *pontifex*, and actively gave preference to the expectations made of him in the latter.

The importance that Valerius places on Pulvillus as *pontifex* is cast in greater relief when we consider that Pulvillus is *first* attested as a *pontifex* in Valerius' *facta et dicta memorabilia*. In most other accounts, Pulvillus is consul dedicating the Capitolium.[65] Some scholars consider the mention of Pulvillus in Cicero's *de domo* to mean that Cicero believed Pulvillus to be a *pontifex*, and thus that Valerius followed the Ciceronian tradition.[66] This confusion arises late in the *de domo*, where Pulvillus is named alongside the legendary *pontifex maximus* Ti. Coruncanius and an unnamed *nouus sacerdos*, and where Pulvillus' dedication of the Capitolium is invoked in parallel to Clodius' dedication of the *aedes Libertatis*.[67] Although this reference to a *nouus sacerdos* has been seen to refer to Pulvillus,[68] the context of Cicero's reference to the *sacerdos* as having been influenced by his sister and mother guarantees that it

[63] Mueller (2002, 85).
[64] *Supra* e.g. § 4.1.5, 4.4.
[65] Polyb. 3.22.1; Liv. 2.8, 7.3.8; Dion. Hal. *Ant. Rom.* 5.35.3; Tac. *Hist.* 3.72.2; Rüpke (2008, 720).
[66] Münzer (1920, 383); Helm (1939, 133, 139); Szemler (1972, 48-50). Most think Valerius followed Cicero's *Consol.* rather than *Dom.*, although they use *Dom.* to infer that Cicero believed Pulvillus to have been a *pontifex*. Cf. Klotz (1942, 53-56).
[67] Coruncanius: *FS* 1399.
[68] Helm (1939, 139); Szemler (1972, 49); Rüpke (2008, 720). Cf. Lisdorf (2005, 453).

must refer instead to L. Pinarius Natta, the *pontifex* related to Clodius by marriage and chosen by Clodius to assist in the dedication of Cicero's house.[69] Yet, the reference to Pulvillus alongside Ti. Coruncanius, and Cicero's invocation of Pulvillus' memory, is a little harder to disentangle. In mentioning Ti. Coruncanius, Pulvillus, and Natta in succession, Cicero is often seen to be referring to the actions of three *pontifices*. Closer analysis, however, suggests that Cicero makes a subtler distinction. Cicero first questions whether the dedication was performed in accordance with the *scientia* of Coruncanius, the most expert *pontifex maximus*.[70] He quips that if the stalwart Pulvillus had presided over a dedication such as the one Clodius had performed, even *this* could not make Clodius' actions permissible in light of the criminality of his actions.[71] Cicero's inference, I posit, is that even if we imagine that Pulvillus *as consul* stood in the position of Clodius *as tribune*, the dedication of the shrine to *Libertas* would have no greater validity. Cicero then stresses that, even though the dedication could not be disqualified based on the ineptitude of Natta, the *nouus sacerdos* assisting Clodius, it was not made more valid due to Natta's clumsy actions. This reading reconciles with our understanding that the dedication of temples was the function of magistrates, with *pontifices* assisting in such dedications, usually by holding the door-posts of those temples.[72] As North has shown, in stressing that Pulvillus both dedicated the temple *and* held the door-post of that temple during the dedication, Valerius is either mistakenly (or deliberately) blurring the lines between Pulvillus as magistrate and *pontifex*.[73] Bloomer insists that the difference between Pulvillus being a consul or a *pontifex* is merely a minor discrepancy – an easy mistake to make – and on these grounds argues that Livy must have been the source for Valerius' *exemplum*.[74] Whilst I shall return to the question of Valerius' source(s), I cannot accept Bloomer's characterisation

[69] Natta: *FS* 2711.
[70] Cic. *Dom.* 139, with *supra* § 4.4.1.
[71] Cic. *Dom.* 139.
[72] Orlin (1997, 162, 178-187); North (2008a). Cf. Rives (2012, 170).
[73] North (2008a).
[74] Bloomer (1992, 64-77).

of this change as a slight mistake. Valerius frames his entire *exemplum* around Pulvillus as a *pontifex* and how he appropriately judged his role as a *pontifex* to take precedence over his private grief.

Seneca's narrative of Pulvillus similarly stresses Pulvillus' position as a *pontifex* but makes it less crucial to his moral.[75] Seneca also has Pulvillus both performing the dedication and holding the door-post, again blurring the roles between magistrate and *pontifex*, but places more emphasis on Pulvillus' unerring commitment to the dedication. Even though he was a father, Seneca stresses that the news of his son's death did not take him away from *altaribus publicis et fausta nuncupatione*.[76] Pulvillus' pontificate is mentioned, even labelled as an *amplissimum sacerdotium*, but in the context that Pulvillus' actions proved his *dignitas* even in the face of the anger of the gods.[77] In this way, Seneca's narrative of Pulvillus reminds us of a recuring *topos* in consolatory literature, of the performance of duty in the face of grief and mourning. It is highly likely that Pulvillus was part of a standardised set of *exempla* invoked in consolatory literature: *exempla* of grieving men (usually fathers) who dealt with their mourning by simply continuing with their public duties.[78] In both Seneca, and a fragment from Cicero's *consolatio ad se*, Pulvillus appears in a much larger list of Roman men who were able to bear their sorrow,[79] a set of exemplary Romans which Cicero drew upon as comfort for the death of his daughter Tullia.[80] Drummond suggests that there is a possibility that Valerius' entire section on parents bearing the death of their children with fortitude – in which Pulvillus is the first

[75] Sen. *Marc.* 13.1-2. Cf. Krieger (1888, 26).
[76] Sen. *Marc.* 13.2.
[77] Sen. *Marc.* 13.2.
[78] On *exempla* of consolatory literature: e.g. Cic. *Fam.* 4.6.1; Sen. *Ep.* 99.6, *Marc.* 2.1, 12.5-15.3, *Polyb.* 14.4-16.3; Sen. *Controv.* 4.*praef.*4-6; Münzer (1920, 381-396); Baltussen (2013, 74); *FRHist* 1: 408 n. 11. In the *exempla* of consolatory literature, Pulvillus is evoked in Sen. *Marc.* 13.1-2; Jer. *Ep.* 60.5; Symm. *Ep.* 3.6.3, with Pellizzari (1998, 76-79). Cf. Sen. *Marc.* 3.1-2, 16.1-4 for grieving mothers; [Plut.] *Cons. ad Apoll.* 118D-119D for Greek *exempla*. For the 'canon' of grieving men deriving ultimately from Cicero's *Consol.*: Scourfield (1993, 112, 117-120).
[79] Cic. *Consol.* fr. 15 (Mueller) = Jer. *Ep.* 60.5.
[80] On Cicero's intent in writing *Consol.* and collecting *exempla*: Cic. *Att.* 12.18.1, 12.20.2, 12.24.2, *Tusc.* 3.70; Baltussen (2013).

exemplum – directly taps into these *topoi* of consolatory literature.[81] That Valerius borrowed elements of his version of Pulvillus from consolatory literature, rather than principally from Livy as Bloomer asserts, is highly likely.[82] Valerius' *exemplum* is that of a *pontifex* caught between 'personal emotion and public conduct'.[83] This moral aligns more readily with consolatory literature than with Livy's rhetoric. Yet in focusing uniquely on the absolute importance of *religio publica*, Valerius goes further than the consolatory literature. Valerius' emphasis on the importance of *religio* (*publica* or otherwise) permeates sections of his text.

6.4 *VESTALES*

Whilst he stresses the extent to which personal emotion or family attachment should not intrude upon the fulfilment of one's duties, filial *pietas* nonetheless emerges as crucially important for Valerius. He gives pride of place to the intervention of the Vestal Claudia at the triumph of her father.[84] In contrast to Cicero,[85] Valerius is more verbose:

> *magna sunt haec uirilis pietatis opera, sed nescio an his omnibus ualentius et animosius Claudiae Vestalis uirginis factum. quae, cum patrem suum triumphantem e curru uiolenta tribuni plebis manu detrahi animaduertisset, mira celeritate utrisque se interponendo amplissimam potestatem inimicitiis accensam depulit. igitur alterum triumphum pater in Capitolium, alterum filia in aedem Vestae duxit, nec discerni potuit utri plus laudis tribueretur, cui uictoria an cui pietas comes aderat* (Val. Max. 5.4.6).

Valerius constructs Claudia solely as an *exemplum* of filial *pietas*, even suggesting that her action was *ualentius et animosius* than those *exempla* of male filial *pietas* that he has thus far recounted.[86] Just as in Cicero's version, Claudia's role as a Vestal is simply the precondition for her to display her exemplary filial *pietas*. Neither her position as a Vestal nor her *castitas* are the subject of praise.[87] Claudia gains distinction as a Vestal only for actions performed in benefit of her *gens*.

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[81] *FRHist* 1: 408 n.11.
[82] Cf. Bloomer (1992, 64-77).
[83] Mueller (2002, 85). Similarly: North (2008a, 32).
[84] *FS* 1152.
[85] *Supra* § 4.9.1.
[86] Lehmann (1998, 21).
[87] Mueller (2002, 54).

By contrast, Valerius situates the Vestal Aemilia within the *aedes Vestae* in the opening sections of the *de religione*:[88]

> *maximae uero uirginis Aemiliae discipulam exstincto igne tutam ab omni reprehensione Vestae numen praestitit. qua adorante, cum carbasum, quem optimum habebat, foculo imposuisset, subito ignis emicuit* (Val. Max. 1.1.7).[89]

Whilst Aemilia is responsible for initiating the prayer that reignites the hearth, Valerius appears to focus on this moment as a direct manifestation of the divine potency of Vesta herself. In so doing, his narrative stands at odds with other versions.[90] Dionysius of Halicarnassus, for instance, first explicitly ensures that Aemilia is fully culpable for the fire being extinguished, noting that it was her negligence (ὀλιγωρίαν) that allowed the flames to go out. His Aemilia then appeals to Vesta by explicitly foregrounding her positive qualities as a Vestal, imploring Vesta that her performance of her rites has been 'holy' (ὁσίως) and 'proper' (δικαίως) and that she has been 'spotless' (καθαρὰν) and has maintained an 'undefiled body' (σῶμα ἁγνόν).[91] Vesta endorses this self-evaluation of her worth by reawakening the fire. In so doing, Vesta tacitly confirms Aemilia's worth as a Vestal, and frames that worth around the accuracy and diligence of her cultic performance and the purity of her life and body.

All this is left implicit in Valerius. He leaves it to the reader to question whether her worth as a Vestal allowed the fire to be resurrected, or whether it was simply a beneficent manifestation of Vesta's divine power. In this emphasis on Vesta's power, it might be said that this *exemplum* steps away from the predominant focus of *de religione*, and the *facta et dicta memorabilia* as a whole. As Mueller emphasises, '[t]he gods and religion are not subjects of Valerius' anecdotes. Human beings are'.[92] Yet, as Skidmore has suggested, the *exemplum* of

[88] *FS* 490.

[89] As Wardle (1998, 94) emphasises, the subject of the second sentence ought to refer to the actions of Aemilia's *discipula* rather than Aemilia herself, but this would put this version entirely at odds with other extant narratives and thus seems unlikely. Cf. Münzer (1937, 200-201).

[90] As Wildfang (2006, 90 n.37) emphasises, there is no Livian version of this story, either due to loss or Livy's choice to exclude it. Although we have no definitive evidence for Valerius' source for his narrative, Wardle (1998, 93) assumes it must have been Livy. Cf. Krieger (1888, 43-44) who imagines a Varronian source.

[91] Dion. Hal. *Ant. Rom.* 2.66.3-5.

[92] Mueller (2002, 178).

Aemilia is introduced by Valerius as the first example of a theme that was suggested in his *praefatio*, that 'success and security of the Empire is dependent upon the goodwill of the gods'.[93] As Valerius stresses throughout *de religione*, the goodwill of the gods relies upon the attentive and active participation of both Rome's *sacerdotes* and citizens, and thus we might read Vesta's actions as a direct attestation of Aemilia's active participation. We can see something similar in Valerius' treatment of the Vestal Tuccia.[94] Valerius has Tuccia, obscured in a cloud of *infamia*, proving her *castitas* in a miracle. She prays to Vesta, begging the goddess that if her own hands have always remained *castas*, Vesta might allow her to draw water from the Tiber in a sieve.[95] Whereas Valerius' treatment of Aemilia and Tuccia both demonstrate Vesta's divine intervention on behalf of her Vestals, his description of Tuccia foregrounds what is implicit for Aemilia: that it was her *castitas* that prompted Vesta's divine intervention.

With Valerius' implicit invocation of Aemilia's *castitas*, we might also compare Propertius' earlier treatment of the same Vestal.[96] In *Elegy* 4.11, Propertius invokes the *exemplum* of Aemilia in the voice of Cornelia, Octavian's stepdaughter.[97] Cornelia draws upon the *exempla* of Aemilia and Claudia Quinta – the woman reputedly responsible for bringing the Magna Mater's image into Rome – to highlight and reaffirm the standards of her own behaviour.[98] Like Valerius, Propertius also leaves it to the reader to infer the exemplary virtues

[93] Skidmore (1996, 64).
[94] *FS* 3285.
[95] Val. Max. 8.1(absol.)5, with *supra* § 2.1. Cf. Plin. *HN.* 28.12; Dion. Hal. *Ant. Rom.* 2.69.
[96] Cf. *denarii* of M. Aemilius Lepidus (*RRC* 419/3a, 3b) of 58 (Hersh and Walker (1984)) on which a Vestal is depicted on the obverse and the basilica Aemilia on the reverse. Whilst traditionally seen to depict this Vestal Aemilia – Grueber (1910, 1: 450); Liegle (1932, 85); Crawford (1974, 1: 444); Rüpke (2008, 513) – Flower (2002a, 167-169) instead believes that it depicts the Vestal Aemilia who was the mother of Romulus and Remus (Plut. *Vit. Rom.* 2.3) as the basilica Aemilia aggrandised the Aemilian *gens* in early Roman history (Plin. *HN.* 35.13). Cf. Kleiner (1992, 88-89) who dates extant sculptural fragments from the basilica as early Augustan. This Aemilia is seen to be depicted on the reverse of the triumviral *aurei* minted for M. Aemilius Lepidus in 42 (*RRC* 494/1): Borghesi (1862, 329-332); Grueber (1910, 1: 580 no. Rome 4259); Buttrey (1956, 10); Zehnacker (1973, 510, 611); Flower (1996, 84-85); Flower (2002a, 169). This fits the other triumviral *aurei* (*RRC* 494/2-3), on which the triumvirs are linked to an ancestral figure of antiquity or myth: Flower (2002a, 169).
[97] For Cornelia: Scheid (1976, esp. 486).
[98] Scholars disagree on whether the elegy is a reaffirmation or condemnation of gendered expectations: e.g. (with bibliography) Janan (2001, esp. 147); Duffalo (2007, 76, 87); Lowrie (2009, 349-359).

that made Aemilia an appropriate *exemplum*,[99] even leaving Aemilia's name to be inferred by the reader:[100]

> *turpior assessu non erit ulla meo,*
> *uel tu, quae tardam mouisti fune Cybeben,*
> *Claudia, turritae rara ministra deae,*
> *uel cuius, sacros cum Vesta reposceret ignes,*
> *exhibuit uiuos carbasus alba focos* (Prop. 4.11.50-54).

Such silence as to Aemilia's virtue resonates with Valerius' *exemplum* of the same Vestal. The juxtaposition with Quinta hints at similarities in their exemplary virtue, but Quinta's virtue is left similarly bare. The traditions surrounding Quinta's responsibility for bringing the Magna Mater to Rome are disparate and elusive. Most scholars see Quinta's role as part of an evolving narrative, gaining momentum and fantastical elements as it was retold over the centuries.[101] These perspectives consider that there was a simplistic – 'historical' – version of Quinta's involvement in the procession of the statue, that was later aggrandised in evolving traditions.[102] Wiseman posits the existence of at least four distinct versions;[103] a positive tradition that unreservedly praises Quinta for her *castitas*,[104] a hostile tradition that casts Quinta's *castitas* into doubt,[105] an apologetic one that allows her to be part of the throng of *matronae* in celebration of her *pudicitia*,[106] and a dramatic and 'popular' version which, although it initially

[99] For the elegy's exemplary logic: Curran (1968, 138); Hutchinson (2006, 21, 240-241); Lowrie (2009, 357).
[100] For the lack of historical detail: Mueller (2002, 49-50).
[101] E.g. Bömer (1964, 146-151); Bremmer (1987, 106); Scheid (1994, 3-4); Roller (1999, 267-268, 282, 313-314); Flower (2002a, 164); Gruen (1990, 26, n.109). Cf. Vogt (1933, 86); Burns (2017) who claim literary invention for the entire narrative.
[102] Köves (1963); Gérard (1980, esp. 163); Gruen (1990, 5-33); Flower (2002a, 172); Chiu (2016, 40-51). As there was a statue of Quinta in the vestibule of the temple of the Magna Mater, she was – at the very least – associated with the Magna Mater between 191 (the temple's consecration) and 111, when the statue of her was reportedly unaffected as the temple burnt down (Val. Max. 1.8.11; Tac. *Ann.* 4.64.4). On the statue: Flory (1993, 289-290); Sehlmeyer (1999, 127-128).
[103] Wiseman (1979, 94-99). Cf. Flower (2002a, 164). Some versions resist categorisation due to brevity: esp. Macrob. *Sat.* 2.5.4; Solin. 1.126; Plut. *Mor. con. prae.* 145F.
[104] Cic. *Har. resp.* 27, in which Quinta is used as a familial exemplar for Clodia for her *castitas* and *seueritas*. For *seueritas* and moral integrity: Bernardo (2000, 26). Wiseman (1979, 98) and Leach (2007, [8]) stress that if Quinta's *castitas* had been in doubt at the time of *Har. resp.*, Cicero could not have used her as an *exemplum* for Clodia without devaluing his rhetoric. Cf. Cic. *Cael.* 34, with Webb (2019, 270-271), but cf. Flower (2002a, 163-165).
[105] Diod. Sic. 34.33.1-3, in which Quinta is excised in favour of a Valeria. Wiseman (1979, 116) ascribes the tradition of 'Valeria' to Valerius Antias.
[106] Liv. 29.14.12; Plin. *HN.* 7.120. As Hutchinson (2006, 241) stresses, in Livy describing her reputation as part of tradition (*traditur*), he nods to a pre-Augustan version of the narrative in which her *pudicitia* is placed in doubt.

questions Quinta's *castitas*, demonstrates her virtue through divine intervention.[107] Propertius most likely taps into this latter, 'popular' version, as he mentions Quinta pulling on the rope to bring the Magna Mater into Rome, an aspect of the narrative that is recounted at length by Ovid.[108] Excluding the apologetic tradition in which Quinta displays *pudicitia*, all other versions focus on Quinta's *castitas*, and in most, this is proven by divine intervention. This emphasis on her *castitas* is likely to have been the catalyst for the so-called 'Vestalization' of Quinta, whereby the *matrona* is transformed – by Statius' *Silvae* onwards – into a Vestal Virgin herself.[109] Thus, Propertius' Cornelia refers to Quinta for her *castitas* and the divine intervention that made her *castitas* apparent.[110] In thus invoking both Aemilia and Quinta, Propertius does not simply recount exemplars of *castitas*,[111] but finds *exempla* of the need for miraculous or divine proof of that virtue.[112] Yet Propertius does not suggest that his Cornelia can *only* prove her *castitas* through divine intervention.[113] Rather, Propertius links the 'trials' of Quinta and Aemilia, which prove their *castitas*, to Cornelia's 'trial' in Propertius' underworld, where her *castitas* will similarly be proven.

Whilst Valerius' control over his material and his authorial voice are ordinarily very clear, here we see remarkable similarities between Valerius and Propertius' versions of the Vestal Aemilia. Both leave it to inference that it is Aemilia's *castitas* that allows her to call

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[107] Ov. *Fast.* 4.305-348, with Littlewood (1981, esp. 386-387, 393-394); Suet. *Tib.* 1.3; App. *Hann.* 7.9.56; Sil. *Pun.* 17.23-45; Lactant. *Div. inst.* 2.7.12. This version was likely influenced by the importance of the Claudian *gens* and thus the imperial family – Littlewood (1981, 382-385); Roller (1999, 313-314) – having been borrowed or adapted from a stage dramatisation, probably for the Megalesia: Ov. *Fast.* 4.326; Bremmer (1979, 10); Littlewood (1981, 387); Wiseman (1994a, 17; 1994b, 36; 1994c, 62; 1994d, 82); Bernstein (1998, 194 and n.438); Flower (2002a, 164). Cf. Jope (1988, 22); Burton (1996, 55, 58); Leach (2007, [12]).

[108] Wiseman (1979, 94-99); Roller (1999, 313-314). Cf. Porte (1984, 95). Duffalo (2007, 74-77, 84-88) sees a deliberate intertext between Prop. and Cic. *Cael.* 34, in the former using the *exempla* of Claudia Quinta and Aemilia, and the latter using Quinta and another Vestal, Claudia.

[109] 'Vestalization': Leach (2007, [13]). Also: Münzer (1937, 209); Bömer (1964, 146-151); Scheid (1994, 5, 10, 13-15); Roller (1999, 267-268); Beard (1995, 171). Rüpke (2008, 609) claims she is first depicted as a Vestal in Propertius, yet as Leach (2007, [13]) stresses, she first becomes *uirgo* in Statius (Silv. 1.2.245-246) and afterwards a Vestal (Sen. fr. 80 (Haase); [Aur. Vict.] *De vir. ill.* 46; Hdn. 1.11.4; Julian. *Or.* 5.159c-161b; votive altar dedicated by a Claudia Synthyche: Vermaseren (1977, 3: 45-46 no. 218) with Bömer (1964, 149-151); Flower (2002a, 172); Leach (2007)).

[110] Cf. Prop. 4.11.45-46, with Hutchinson (2006, 240).

[111] Cf. Curran (1968, 138).

[112] Mueller (2002, 49-50).

[113] *Contra* Janan (2001, 158).

upon divine intervention, rather than making such a virtue explicit. This, however, does not necessarily suggest that Valerius is simply copying Propertian tradition, especially given the exclusion of Quinta. Rather, Valerius appears to have deemed it unnecessary to be explicit about Aemilia's virtue, preferring instead to foreground the power of Vesta's divine intervention on behalf of her slighted devotee, as a response to Aemilia's active participation in the *cultus deorum*.

Valerius thus praises a handful of Vestals. He follows Cicero in praising the Vestal Claudia for her filial *pietas*. In this, Valerius does not necessarily praise her for her actions as a Vestal, but rather for her exploitation of her privileges as a Vestal which allow her to assist a male relative. Yet Valerius goes beyond Cicero's praise of Vestals by praising Aemilia and Tuccia for their exemplary involvement in their ritual duties, and lauding the latter explicitly (and the former implicitly) for their exemplary *castitas*. In so doing, Valerius stresses their foremost role in ensuring successful relationships with the gods by retaining their virtue as *sacerdotes*. Valerius' treatment of Vestals is conspicuous for its lack of criticism of them. Although both Cicero and Livy find ways to avoid such criticism of Vestals, there is, as Mueller stresses, 'not one example in Valerius of an explicitly unchaste Vestal'.[114] Only two Vestals are presented in a less than positive light, both unnamed, and both allow the fire in the *aedes Vestae* to be extinguished. The first of these, Valerius recounts, lacked *diligentia* in her duties towards the fire.[115] Yet her actions are somewhat thrown into the background as Valerius instead emphasises that the *pontifex maximus*, P. Licinius Crassus Dives, dutifully performed *his* role where the Vestal had been negligent. Whilst the Vestal must have been negligent for the *pontifex* to intercede, her actions are merely the preconditions for the *pontifex maximus*' laudable actions.[116] Valerius' other negligent Vestal is the pupil of the Vestal Aemilia, who allowed the fire to be extinguished. Yet again, however, the negligent actions themselves are

[114] Mueller (2002, 52).
[115] Val. Max. 1.1.6. Cf. Liv. 28.11.6-7; *Per*. 28.
[116] Mueller (2002, 48).

sidelined. Instead, Valerius' overwhelming focus is on Aemilia's miracle of reigniting the hearth, which emerges as an expression of Vesta's power.[117] These are the only two instances in Valerius of Vestals not accurately performing their duties, and in both Valerius deliberately diverts his readers' attention from them as negative exemplars, choosing instead to use their actions to foreground the exemplary actions of other *sacerdotes*. This appears as a characteristic trend in Valerius: time and again he deliberately reshapes negative *exempla* of *sacerdotes* into positive instances, worthy of imitation.

6.5 *De Auspicio*

Another prominent *locus* for Valerius' evaluation of *sacerdotes* is the *de auspicio*. Yet in assessing this chapter we must be extremely cautious, as it is preserved only in the epitomes of Paris and Nepotianus and the language and the emphasis employed in both vary significantly. In broad brushstrokes, Paris' epitome of *de auspicio* is significantly sparser in detail than Nepotianus'. Whilst interpretative glosses make Nepotianus' epitome richer and provide a greater indication of the elements that link each *exemplum*, they leave open the possibility that we are reading Nepotianus' own interpretations rather than those of Valerius' original.[118]

Although it is missing from the Paris epitome, Nepotianus begins *de auspicio* with a contest of auspices, suggesting that Romulus emerged as victorious over his brother due to the sheer volume of positive auspices.[119] The status of both as augurs appears to be implied, but given his bare retelling of the *exemplum*, the legendary status of both Romulus and Remus, and the embeddedness of the narrative of their contest of auspices in the foundation mythos of Rome, it is hard to detect any explicit evaluation of their actions as *augures*.[120] By contrast, Valerius' praise of Attus Navius is clear, as both Nepotianus and Paris hint at it.[121] Valerius'

[117] Val. Max. 1.1.7.
[118] On the epitomes generally: Shackleton Bailey (2000, 5); Rüpke (2016c, 90); Briscoe (2019, 23).
[119] Val. Max. 1.4.*praef*. (Nepot.).
[120] Romulus: *FS* 2914; Remus: *FS* 2907.
[121] Val. Max. 1.4.1 (Paris; Nepot.).

account of Navius appears to have established both the contest between augur and king and the exceptionality of his augury and his legacy to the augural *collegium*.[122] In Nepotianus, the effect of Navius' augury on the *fides* and *auctoritas* of the augural college is directly attested.[123] In contrast, the Paris epitome speaks less of the effect of Navius' actions upon the augural college, and more of the miracle of his profession being revealed before the eyes of the king.[124] The approximation of Nepotianus and Livy led Wardle to suggest that Valerius may have borrowed his narrative from the latter,[125] and thus that Nepotianus' epitome is closer to Valerius' original, but such a conclusion must of course be tenuous. Whilst Mueller regards Valerius' Navius *exemplum* as one that centres on 'miracles producing faith',[126] in context it is placed alongside the *exemplum* of Romulus and Remus to demonstrate the potency of auspicious signs in Rome's early history. With the power of auspicious signs confirmed, Valerius is then able to recount various *exempla* in which such signs were proven to lead to positive or disastrous results, with *exempla* of Ti. Gracchus (with prominence given to P. Cornelius Scipio Nasica Serapio), P. Claudius Pulcher, L. Iunius Pullus,[127] L. Caecilius Metellus, M. Tullius Cicero, and M. Iunius Brutus.

Given our reliance on the epitomes, Valerius' evaluations of Gracchus and Scipio Nasica are difficult to pin down with certainty. Both epitomes show that Valerius outlined the power of auspices in the death of Gracchus, and stressed the involvement of Nasica in his demise.[128] Whilst neither epitome mentions it, Gracchus was most likely an augur himself, and as Wardle reminds us this, circumstance means that 'his actions could be portrayed as even more reprehensible'.[129] In the epitome of Nepotianus, Gracchus' continual ignorance of

[122] Piccaluga (1969, 200). *Supra* §§ 4.1.1, 5.1.
[123] Val. Max. 1.4.1 (Nepot.).
[124] Val. Max. 1.4.1 (Paris).
[125] Wardle (1998, 155). Also: Bardt (1883, 8, 10).
[126] Mueller (2002, 116). Cf. Ogilvie (1965, 151).
[127] Pullus only in the Paris epitome. Cf. Cic. *Nat. D.* 2.7; *Per.* 19; Flor. 1.18.29; Oros. 4.10; Serv. *Aen.* 6.198.
[128] Val. Max. 1.4.2.
[129] Wardle (1998, 157). Gracchus: *FS* 3011, relying on Plut. *Vit. Ti. Gracch.* 4.1. On Valerius' attitudes towards Ti. Gracchus more generally: Briscoe (1993, 406).

inauspicious signs, and his wilful ignorance of the advice of a *pullarius* and of auspices taken both at his home and on the Capitolium, *directly* caused him to conduct his tribunate badly, and ultimately resulted in his death at the hands of Nasica.[130] In the juxtaposition of these inauspicious signs and Gracchus' death, Nepotianus hints at a causal link between them. Read in the context of Gracchus' position as augur, this has the potential to be damning criticism. As augur, there is no excuse for Gracchus not having understood the signs and having persevered with his doomed tribunate. Yet, an understanding of Valerius' intentions must be tempered through the lens of the epitomes. Neither epitome hints at Gracchus' augurate, and thus it is entirely possible that Valerius *deliberately* sought to leave out this detail.

Gaining an understanding of how Valerius evaluated Scipio Nasica as *pontifex maximus*, and his role in Gracchus' death, may be just as uncertain.[131] Nasica's position as *pontifex maximus* is only adduced in the Paris epitome, and even then, only circumspectly. Nasica, as *pontifex maximus*, threw Gracchus from the Capitol, and there he was struck down.[132] By contrast, Nepotianus' epitome makes Nasica directly responsible for Gracchus' death,[133] but does not include Nasica's status as *pontifex maximus*. Both Paris and Nepotianus potentially perceive tension between Nasica's status as *pontifex maximus* and his role in the death of Gracchus, but the distance between the two means that it is difficult to recover Valerius' original evaluation, and the extent to which he stressed Nasica's status and role as *pontifex maximus*.

The final Roman *exempla* of *de auspicio* are instances where inauspicious signs were said to presage personal defeat. Both epitomes elaborate on the raven that was said to have mutilated the gnomon of Cicero's sundial to announce the orator's death,[134] and the contest of two eagles said to represent the struggle between the camps of M. Iunius Brutus and Octavian

[130] Val. Max. 1.4.2 (Nepot.).
[131] Nasica: *FS* 1380.
[132] Val. Max. 1.4.2 (Paris).
[133] Val. Max. 1.4.2 (Nepot.).
[134] Val. Max. 1.4.6 (Paris; Nepot.), with Wardle (1998, 162).

at the battle of Philippi.[135] At least in the epitomes, the position of Cicero as an augur, and of Brutus as *pontifex*, are again unmentioned, and it is unclear to what extent we should consider, as Wardle suggests for Gracchus, their sacerdotal status in Valerius' overall evaluation of their actions.[136] For Cicero, it is perhaps possible to see Nepotianus specifically bringing into focus Cicero's status as an orator, rather than his position an augur.[137]

Although it would not be wise to take speculation too far on this evidence, it is worth entertaining the possibility, given the silence of the epitomes as to the sacerdotal positions of most of the main actors in these *exempla* in *de auspicio*, that Valerius had originally intended to disguise his negative evaluations of them by not being explicit about their sacerdotal status. Scipio Nasica is the obvious outlier, but it is possible that the tension evident in the epitomes reflects Valerius' own tension in presenting Nasica the *pontifex maximus* as Gracchus' killer. This position can be clarified by considering Nasica elsewhere in the *facta et dicta memorabilia*.[138] In *de ingratis*, Valerius represents Nasica as acting in the best interests of the *res publica*, but having to retire to Pergamon due to the *iniquissima aestimatio* of his *uirtus* by his fellow citizens and being hounded by the *ingrata patria*.[139] Valerius deliberately avoids labelling Nasica as *pontifex maximus*, but otherwise casts his actions as entirely honourable, regardless of public opinion at the time. In an earlier chapter, Nasica is an *exemplum* of *fortitudo togae*, cast as *priuatus* leading the charge from the *aedes Fidei Publicae* with the hem of his toga around his left hand.[140] Here, our understanding rests on how we are to interpret two principal elements: Nasica as *priuatus* and the symbolism implied by Nasica's toga. A great many scholars have attempted to locate precisely Nasica's intentions for these symbols, with the predominant view that Nasica's actions can *only* be understood as him exploiting his

[135] Val. Max. 1.4.7 (Paris; Nepot.).
[136] Cicero: *FS* 3290; Brutus: *FS* 3058.
[137] Watt (1986, 466) questions whether *M. Tullius* $\overline{nr}$ (*noster*) should be *or* (*orator*) instead, a suggestion adopted by Shackleton Bailey (2000) but rejected by Briscoe (1998). Cf. Plut. *Vit. Cic.* 47.8-10, with Simonetti (2021, 332, 344), whose version emphasises Cicero as augur.
[138] Cf. Val. Max. 7.2.6b for the senate as responsible for Gracchus' death.
[139] Val. Max. 5.3.2e.
[140] Val. Max. 3.2.17.

position as *pontifex maximus* to bring about Gracchus' death. Nasica's *actual* motives are less relevant for my purposes, and I am rather more concerned with reconstructing how the ancient authors represented Nasica's actions, and the relevance of those actions to their evaluations of Nasica as *pontifex maximus*.[141]

Significant scholarly attention has been devoted to how we are to interpret the symbolism of Nasica's toga, and how Nasica's use of it intersected with his status as *pontifex maximus*.[142] Clark has outlined the various ways in which writers represent Nasica and the symbolism of the toga and has demonstrated the variety of complex readings that these gestures could have elicited in various pro- or anti-Gracchan camps.[143] Although she cautions that most extant representations are a complex mix of these perspectives, Clark makes careful distinctions between those representations which preserve Nasica having placed his toga around his left arm/hand, and those that have Nasica placing his toga over his head. Valerius represents Nasica in the former manner, and in this, follows Velleius Paterculus,[144] who describes Nasica as *priuatus et togatus* and recounts that Nasica wrapped his toga around his left forearm before leading the march to the Capitolium.[145] Various interpretations for this gesture have been suggested: that it was simply a matter of practical necessity needed to run up to the Capitolium, but also to provide a type of shield,[146] that it represented the *cinctus Gabinus* worn during sacrifice,[147] or that it potentially could be seen as a reversal of the rites of *Fides*.[148] Clark has shown that the explanation of the *cinctus Gabinus* has little merit.[149] Moreover, if we read the

[141] Similarly, Clark (2007b, 131) advocates that we must think 'in terms of possible readings of an event as important as Tiberius' death', and that deconstructing all such readings 'is certainly as important an exercise as seeking the "real" significance in Nasica's mind of his act'.
[142] E.g. Kornemann (1903, 2-6); Tod (1924); Earl (1963); Spaeth (1990); Binot (2001); Linderski (2002); Flower (2006, 69-75); Clark (2007b); Wiseman (2009, 179-187); Santangelo (2013a, 755-756); Bollan (2013, 93-118).
[143] Clark (2007b).
[144] On Velleius' representation of Gracchus and Nasica: Steel (2011, 269).
[145] Vell. Pat. 2.3.1.
[146] Kornemann (1903, 5 n.1); Tod (1924, 99-100); Earl (1963, 118).
[147] Hellegouarc'h (1982, 2: 145). Cf. Earl (1963, 118) who posits the *cinctus Gabinius* for the alternative gesture of placing the toga over the head, followed by Elefante (1997, 211).
[148] Clark (2007b, esp. 128).
[149] Clark (2007b, 127-128).

veiling of Nasica's left hand with his toga as a reversal of the rites of *Fides* – rites usually performed by the *flamines*[150] – then we must question whether Valerius and Velleius represent Nasica as *pontifex maximus*. Whilst Velleius adduces Nasica's status as *pontifex maximus*, he simply comments that he was the first to be elected to the position *in absentia*, and suggests that his *uirtutes* – placing *patria* before all ties of blood and reckoning that everything that was not salutary for the public good was alien to his private interests – saw him elected.[151] Kornemann went as far as to suggest that with the Latin sources – Valerius and Velleius – 'das Priesteramt des Nasica ganz aus dem Spiel gelassen wird'.[152]

Kornemann considered that there is a different situation with the Greek sources – Appian[153] and Plutarch,[154] who describe Nasica as covering his head with his toga – that it 'ist […] gerade die Wurde des *pontifex maximus*, die man in den Vordergrund schiebt'.[155] The action of covering his head with his toga has been seen by many as an expression which relied on the potency of his position as *pontifex maximus*.[156] Although his theory is unpopular, Earl suggested that Nasica veiled his head in the *cinctus Gabinus* because he proceeded to sacrifice Gracchus in order to save the *res publica*.[157] Spaeth alternatively suggests that Nasica was proceeding *capite uelato* as *pontifex maximus* to oversee the *consecratio capitis* of Gracchus who was aiming at tyranny.[158] The most popular theory is that of Linderski, who reads Nasica's action as the consecration of Gracchus to Iuppiter as *homo sacer*.[159] Yet regardless of the 'truth' of Linderski's theory – whether the togate Nasica intended to consecrate Gracchus as *homo*

[150] Liv. 1.21.4.
[151] Vell. Pat. 2.3.1. On Nasica as *exemplum* of *absens pontifex*: Bollan (2013, 106, 117).
[152] Kornemann (1903, 5).
[153] App. *B Civ.* 1.16.
[154] Plut. *Vit. Ti. Gracch.* 19.3-6.
[155] Kornemann (1903, 5).
[156] Nitzsch (1847, 326); Bijvanck (1879, 39); Barton (2003, 355-356). Cf. Meyer (1894, 19 n.2); Badian (1971, 4-5).
[157] Earl (1963, 118-119), followed by Badian (1972, 724-726); Binot (2001, 194); Albrecht *et al.* (2018, 585). Cf. Clark (2007b, 126); Rawson (1974, 194-195).
[158] Spaeth (1990, 191-192).
[159] Linderski (2002, 364-365). Followed by: Flower (2006, 71-75); Gildenhard (2011, 143-144); Várhelyi (2011, 125). Cf. Badian (2004); Wiseman (2009, 186-187). On Gracchus as *homo sacer*: also Fiori (1996, 407-424), but with Clark (2007b, 126 n.6); Badian (2004, 270 n.34).

sacer – this relies on the *representations* of Appian and Plutarch. Even if we can ascribe this symbolism to Nasica's actions in Plutarch's representation,[160] Plutarch only explicitly mentions Nasica's status as *pontifex maximus* as the final coda to Nasica's life – that the *pontifex maximus*, regardless of being bound to his sacred functions, had to stealthily flee Italy.[161]

Santangelo stresses that no matter the symbolism implied in the gesture of pulling the toga over the hand/arm or across the head, that Nasica was wearing the *toga praetexta* must inevitably suggest that Nasica was proceeding to the Capitolium as *pontifex maximus*, as it was only worn whilst *sacerdotes* were 'performing their priestly functions'.[162] Thus, Santangelo stresses that the *toga praetexta* must have emphasised Nasica's sacerdotal position, and was used to legitimise his position.[163] Yet in this we are wholly reliant on only one representation, that of Appian, who stresses that Nasica wore 'the badge of his costume',[164] presumed by most to refer to the purple border of the *toga praetexta*. In this way, I suggest that Appian's representation comes closest to directly linking his status as *pontifex maximus* to his involvement in the killing of Gracchus, even if Appian is himself unsure of what the symbolism of the toga was actually intended to represent.

Although unlikely to evoke Nasica as *pontifex maximus*, his toga is also adduced in the *rhetorica ad Herennium*. In the author's 'ugly caricature' of Nasica,[165] he is described as *sudans, oculis ardentibus, erecto capillo, contorta toga*.[166] Várhelyi suggests that Nasica is here depicted as a wild and frenzied *pontifex*, more like 'the frenzied women worshipping Dionysus, who were mad with both rage and lust' and thus 'comparable to the excessive, mad outbursts of unacceptable religion' rather than the calm, stoic ritualism required of *pontifices*.[167] Whilst

[160] Plut. *Vit. Ti. Gracch.* 19.3-6.
[161] Plut. *Vit. Ti. Gracch.* 21.3.
[162] Santangelo (2013a, 755-756). Similarly: Linderski (2002, 351-353).
[163] Santangelo (2013a, 755-756).
[164] For the possibilities of τῷ παρασήμῳ τοῦ σχήματος, and the *toga praetexta* as a mark of his pontifical position: Tod (1924, 99-102).
[165] Clark (2007b, 130).
[166] *Rhet. Her.* 4.68. Cf. Cic. *Verr.* 2.5.161, with Caplan (1954, 407 n.c).
[167] Várhelyi (2011, 127).

an evocative idea, Bollan astutely comments that this description need not necessarily evoke an image of Nasica as *pontifex maximus*, but rather that the *contorta toga* might not be 'anything more than the outward expression of a twisted mind'.[168]

Where does this leave us with the symbolism of the toga and Nasica's status as *pontifex maximus*? Regardless of the 'truth' of Nasica's intentions, it is only Appian's account that explicitly links Nasica's status as *pontifex maximus* with his actions. To return to Valerius' representation of Nasica with which we started, it is difficult to see Valerius deliberately referring to Nasica as *pontifex maximus*. This interpretation is strengthened even further when we consider Valerius' description of Nasica as *priuatus*. In describing Nasica as *priuatus*, Valerius seems to follow Cicero (or that tradition). In Cicero's entirely positive evaluations of Nasica, *priuatus* is a common descriptor. In the *in Catilinam*, for example, Nasica – *uir amplissimus* and *pontifex maximus* – is explicitly labelled as a *priuatus* when he killed Gracchus.[169] Nasica's status as *priuatus* is explicitly contrasted to the actions of *consules*.[170] Cicero retorts that if Nasica, as *priuatus*, could kill Gracchus, then he and C. Antonius Hybrida – as consuls – surely cannot tolerate Catiline's actions. A similar representation of Nasica the *priuatus*, acting without the burden of a magisterial command that might have otherwise prompted him to act, is expressed in a variety of Cicero's speeches and treatises.[171] In the *Brutus*, Nasica is additionally represented as *dux priuatus*, a private citizen extraordinarily brave enough to take up the position as military commander.[172] We can potentially detect Cicero's own hand in crafting this representation of Nasica, as Nasica emerges across Cicero's corpus as a powerful *exemplum* for his own situation and his intervention against Catiline and his accomplices.[173]

[168] Bollan (2013, 96). Also: Rawson (1974, 195).
[169] Cic. *Cat.* 1.3. For *uir amplissimus*, *supra* § 4.3.
[170] MacDonald (1977, 34 n.a).
[171] Cic. *Dom.* 91, *Planc.* 88, *Mil.* 82-83, *Tusc.* 4.51, *Off.* 1.76, cf. *Phil.* 8.13.
[172] Cic. *Brut.* 107, also 212. For *dux priuatus*: Clark (2007b, 130); Santangelo (2013a, 756).
[173] Binot (2001, 201); Badian (2004, 264); Clark (2007b, 130); van der Blom (2010, 119-120).

In each of these instances, the emphasis on Nasica as *priuatus* stresses his lack of a magisterial command and does not necessarily preclude his actions from being those of the *pontifex maximus*.[174] Nasica's position as *pontifex maximus* is rarely explicitly mentioned in Cicero's invocations of the death of Gracchus, only being referred to in the *Tusculanae disputationes* and the *in Catilinam*. Yet as van der Blom suggests, Nasica is only labelled as *pontifex maximus* because Cicero needed to ensure that his audience knew which of the illustrious Scipiones he referred to.[175] His pontificate makes no practical difference to the way in which Cicero describes Nasica, the *priuatus*, leading senators to the Capitolium, towards Gracchus' death. In this vein, Wiseman argues that for Cicero, 'Gracchus' crime was political, and Nasica punished him not as a *pontifex* but as a private citizen'.[176] This argument is furthered by Várheyli, who has suggested that Cicero reimagines Nasica as a quasi-consul, and therefore 'that the act of killing was primarily a constitutional obligation, rather than the performance of a religious ritual'.[177]

Thus, the tradition of Gracchus as *priuatus*, as preserved in both Cicero and Valerius, would seem to confirm that for the latter, Scipio's position as *pontifex maximus* was not immediately relevant for Gracchus' death. Thus, the distance between Scipio and his position as *pontifex maximus* in the *de auspicio* – awkwardly preserved in the two epitomes – points to Valerius choosing to sideline the negative qualities of *sacerdotes*. Obviously, the foregoing analysis of *de auspicio* largely rests on a set of inferences drawn from the uneven epitomes, but the conclusions drawn here would entirely fit with what we can see Valerius attempting to do elsewhere in the *facta et dicta memorabilia.*

In contrast to these instances in *de auspicio* where Valerius' evaluations of *sacerdotes* are less certain, his evaluation of the *pontifex maximus* L. Caecilius Metellus is explicitly

[174] Cf. Kornemann (1903, 3); Bollan (2013, 116) who contrast *priuatus* with being *pontifex maximus*.
[175] van der Blom (2010, 119-121).
[176] Wiseman (2009, 187).
[177] Várhelyi (2011, 128).

laudatory. In both epitomes, Metellus acknowledges inauspicious signs when he attempts to leave Tusculum, and therefore chooses to remain in Rome. In Rome, Metellus is therefore present to save the Palladium from the conflagration of the *aedes Vestae*.[178] In contrast to the highly acclamatory account of Ovid,[179] Metellus' role in saving the Palladium is here understated. Whilst other narratives stress Metellus' role in safeguarding the Palladium for the safety of the Roman state, Valerius instead foregrounds the heed that the *pontifex maximus* paid to inauspicious signs. Valerius' concern is only that Metellus acted appropriately as the *pontifex maximus* by listening to these inauspicious signs, and his ability to save the Palladium is given as proof of the importance of being responsive to such signs.

We have already seen that Metellus is mentioned twice elsewhere in the *facta et dicta memorabilia*. The first is in *de religione*, where Metellus is responsible for ensuring that the consul and *flamen Martialis* Albinus did not abandon the *sacra* and thus that the consulship yielded to *religio*.[180] The second is in the adulation of his actions as an elderly *pontifex maximus*.[181] Valerius stresses that throughout his twenty-two year tenure as *pontifex maximus*, Metellus' voice did not hesitate nor did his hand tremble in the performance of sacrifices.[182] Valerius praises the elderly *pontifex maximus* for retaining his ability to accurately perform sacrifices and vows.

6.6 Valerian Evaluations: Conclusion

The adulation of Metellus is an excellent place to finish the discussion of Valerius' evaluations of *sacerdotes*. Whilst this *pontifex maximus* is elsewhere represented as the heroic saviour of the Palladium, Valerius makes this merely incidental to his focus, instead foregrounding his willingness to heed auspicious signs, to ensure that *religio* is given precedence, and to continue

[178] Val. Max. 1.4.5 (Paris; Nepot.).
[179] *Supra* § 3.4.
[180] *Supra* § 6.1.
[181] *Supra* § 4.6.
[182] Val. Max. 8.13.2.

to perform sacrifices and *uota* unfalteringly into his old age. That he chooses to stress these three actions poignantly demonstrates how Valerius – while borrowing from various other traditions – forges his own path. His authorial voice emerges prominently in his representation of various *sacerdotes*. In his emphasis on the role of both individual *sacerdotes* and *sacerdotia* as collectives in negotiating *religio*, Valerius stresses the importance of both their knowledge for the success of Rome and their actions which sought to maintain a good relationship with the gods. Yet this importance for *sacerdotes* is subsumed by the overwhelming focus placed on *religio*. After stressing the importance of *sacerdotes* for *religio*, Valerius' focus then widens as he stresses that maintaining this relationship with the gods is foremost a collaborative effort. Whilst the *sacerdotes* have their role to play, so too do the ordinary citizens of Rome, in maintaining and defending *religio*. Similarly, whilst the flaminate of Flaccus is a prerequisite for his transformation, *religio* becomes his *dux*, leading him towards a life of moral worth. Pulvillus, transformed into a *pontifex* in Valerius, remembers which of his roles must take precedence whilst dedicating the Capitolium. He recognises that his position as *pontifex* must come above his duty as a father, and thus that the importance of *religio publica* must take priority. Thus, whilst Valerius in his *facta et dicta memorabilia* gives significant praise to a variety of *sacerdotes*, this praise is often framed in terms of how their behaviour can be seen in relation to *religio*. The way in which various Romans understood and negotiated *religio* emerges as one of the primary reasons for Rome's greatness across many of Valerius' *exempla*.

In constructing this social vision for *sacerdotes* and *religio*, Valerius actively constructs a sequence of predominantly positive evaluations, and there is a conspicuous lack of negative comment against *sacerdotes* throughout his *facta et dicta memorabilia*. Whereas the *ab urbe condita* has a smattering of negative evaluations of *sacerdotes*, and most of these are presented in ways which prevent Livy's *sacerdotes* from becoming negative *exempla*, Valerius' *facta et dicta memorabilia* is almost entirely devoid of *sacerdotes* who are presented negatively. For instance, whilst Livy matter-of-factly recounts C. Claudius abdicating his position as *flamen*

Dialis due to an error in placing the entrails,[183] Valerius crafts this abdication as a positive *exemplum*: that by abdicating his office, the *flamen* obeyed *religio*.[184] Valerius acknowledges Claudius' ritual mistakes, but prefers to craft a positive *exemplum*, foregrounding his willingness to stand down once a *religio* had been discovered. This reshaping and reforming of *sacerdotes* into positive *exempla* emerges as a recurrent trend throughout Valerius' text.

This is most obvious in *de religione*. The abdication of Claudius is linked to those of the *flamines* Siculus, Cethegus and Sulpicius. Their abdications are all spun positively, as their obedience to *religio*. Albinus the *flamen Martialis* yielded to *religio*, an expectation upheld by the *pontifex maximus* Metellus. The mistakes of the augur Gracchus in the consular elections of Figulus and Corculum are overshadowed by his willingness to admit such mistakes and report them to the augural *collegium*, and the *religiosum obsequium* of Figulus and Corculum in resigning. Whilst some modern commentators are sympathetic to the flogged Vestal at the hands of the *pontifex maximus* Crassus,[185] Mueller stresses that Valerius' *exemplum* emphasises instead that it was the duty and responsibility of the *pontifex maximus* to ensure the proper performance of *religio* where another *sacerdos* has been negligent in her performance of the necessary duties.[186] Her negligence emerges as merely the precondition for Crassus' intervention. Any admonition of the Vestal Aemilia is immediately circumvented by the miracle of her reigniting Vesta's fire. There are few opportunities for negative evaluation here. In each instance, factors which might warrant negative evaluation are pushed into the background, and the actions of these *sacerdotes* reshaped and represented as positive *exempla*. In *de auspicio*, Valerius deploys other tactics to avoid negative evaluations of *sacerdotes*. Where negative evaluation might be more readily inferred, he leaves it to the reader to remember their sacerdotal identity, thus disguising such negative representation.

[183] Liv. 26.23.7-8.
[184] Val. Max. 1.1.4.
[185] *Supra* n.32.
[186] Mueller (2002, 48).

Valerius' unyieldingly positive attitude toward *sacerdotes* might be thought of as a symptom of his format. In the distillation of historical figures into *exempla* to display well-defined virtues and vices, Valerius de-historicises and simplifies historical episodes and the figures who star in them. In so doing, as David suggests, Valerius potentially transforms the republic into 'un état idéal' barely touched by moments of chaos and conflict,[187] and frozen in 'une fascination rétrospective'.[188] Although David acknowledges that Valerius was not the first to manipulate history in this way for the purposes of moral rhetoric, he contrasts Valerius' work with histories such as Livy's *ab urbe condita*. In not needing to relate everything to the expression of vice or virtue, David insists that histories such as Livy's retained their complexity and thus the dynamism and moral ambiguity of historical reality.[189] Yet we have seen that Livy, too, largely avoids criticising *sacerdotes* and where he does, he often attempts to couch their actions in ways which lessen their culpability. This too was not simply a by-product of Livy's historiographical tradition.

Instead, like Livy, Valerius intended to craft a moral dialogue in which *sacerdotes* emerge largely unscathed. As we have seen, Livy foregrounds the actions of Crassus, *pontifex maximus*, which guaranteed adherence to the various dictates of *religio*, especially where he ensured that other *sacerdotes* – Vestals and *flamines* – maintained their obligations towards the *sacra*. Valerius appropriates this concept, making adherence to *religio* the focus of his attention towards *sacerdotes*. Valerius' *sacerdotes* are exemplary where they ensured that they, or others, respected *religio*. Whilst Valerius starts from this position, he expands his scope to suggest that *all* Romans, regardless of whether they are *sacerdotes* or not, must come together to maintain or defend *religio*. Whilst this is, for Cicero, an expectation of *pontifices* and *augures*, Valerius completely sidelines *sacerdotes* from this exhortation.[190] Valerius makes *sacerdotes* distinctive

[187] David (1998b, 122).
[188] David (1998b, 130).
[189] David (1998b, 129).
[190] *Supra* § 3.4.

but also situates them within a holistic vision for society; whilst they have a distinct role in ensuring that *religio* is always respected, all Romans must work to maintain the *cultus deorum* and thus the greatness of Rome.

To what extent is this moralising aim the potential result of Tiberian influence, or indeed the figure of the *princeps* himself? Whilst Bellemore posits that Valerius wrote not long after Tiberius' accession, and thus that 'Valerius becomes more of an Augustan author than a Tiberian one',[191] I am more persuaded that we should retain the commonly held belief that the *facta et dicta memorabilia* was written sometime around 27-31 CE.[192] Although internal dating evidence cannot conclusively provide a date for Valerius' publication of the text, there are enough hints of contemporary events in the text that would tend to agree with publication of the text somewhere within this broad bracket.

There are various ways in which scholars have attempted to qualify the influence of Tiberius' focus on morals and religion in Valerius' text.[193] Yet, on the question of morals, it is hard to detect instances where contemporary discourse around *uirtutes* has influenced Valerius' representations of *sacerdotes*, but for their continued general relevance in the Tiberian period. We *might* be able to detect Tiberian unease towards *luxuria*, and his association with *modestia*, in Valerius stressing that Flaccus had once lived a life of *luxuria*, but upon becoming *flamen Dialis* had become a *specimen* of *modestia*.[194] Yet such refocussing (if we can even quantify this as such) is of little overall consequence. In a similar vein, it might also be possible to detect the influence of imperial attitudes towards sexual propriety, and the desire to stress the similarities between Livia and the Vestals, in Valerius' almost entirely positive estimation of

[191] Bellemore (1989, 80).

[192] For the traditional dating, and the retention of such dates: Kempf (1854, 3-8); Briscoe (1993, 398-404; 2010, 380-381; 2019, 2-4); Combès (1995-1997, 1: 7-11); Wardle (1998, 1-6); Shackleton Bailey (2000, 2-3). Cf. Carter (1975, 30-34); Themann-Steinke (2008, 17-28). Syme (1983, 192-193) believed that Valerius' denunciation of Seianus, traditionally used as one of the internal markers used to date the *facta et dicta memorabilia*, was a 'patent insertion, perhaps added on a second edition' (193).

[193] Santini (1987); Gordon (1990b, 209); Loutsch (1998, 32); Wardle (1998, 25); Kraus (2005, 199); Rüpke (2016b, 107); Gildenhard *et al.* (2019, 25). Cf. Gowing (2005, esp. 51, 55, 62).

[194] Tiberius and *luxuria*: Tac. *Ann.* 3.52-54; Bhatt (2017, 326-329). On Tiberius and *modestia*: *supra* n.58.

the Vestal Virgins.[195] Overall, however, there is no palpable shift in the *uirtutes* under consideration for Valerius' *sacerdotes*. Valerius, for instance, maintains the earlier insistence of both Cicero and Livy on the importance to be ascribed to various *sacerdotes* who had, and appropriately used, *scientia*.

The influence of Tiberius as *pontifex maximus* is, however, much more perceptible for Valerius' representation and evaluation of *sacerdotes*. Mueller and Rüpke both emphasise the importance of Tiberius as *pontifex maximus* in the *facta et dicta memorabilia.* Mueller stresses the 'exemplary power' of Rome's historical *sacerdotes* in Valerius' narrative, but argues that, 'as bright as their exemplary lights will be', they are ultimately subordinate to Tiberius as *princeps* and *pontifex maximus*.[196] Along similar lines, Rüpke insists the supremacy given to *religio* in Valerius' text was intended to stress the importance of Tiberius as *pontifex maximus*. Rüpke considers Valerius' *religio* to encapsulate the idea of 'religious rulings', asserting that these rulings 'constitute knowledge controlled by priests'. He stresses that Valerius does not emphasise individual *sacerdotes*, but rather suggests that *sacerdotia* as collectives held that knowledge and wielded it for the success of Rome. In hiding *sacerdotes* amongst their *collegia*, Rüpke believes that Valerius ultimately sought to emphasise the supremacy of Tiberius' knowledge as *pontifex maximus*.[197] Whilst we have seen that Valerius' *religio* should be more widely defined, and that Valerius' interplay between individual *sacerdotes* and *sacerdotia* is more nuanced, Rüpke's theory has much to recommend it.[198]

Tiberius' influence as *pontifex maximus* can perhaps most palpably be seen in Valerius' choice of his very first named *exemplum*: the conflict between Albinus, consul and *flamen Martialis*, and Metellus, *pontifex maximus*. We know from Tacitus that the resolution to this conflict was relied upon by Tiberius himself, as *pontifex maximus*, when Ser. Cornelius

[195] E.g. Mueller (2002, 52-53); Shannon-Henderson (2019, 181).
[196] Mueller (2002, quote: 117, also 118, 178). Cf. Price (1996, 821).
[197] Rüpke (2016c, 100, 104, 107), with *supra* § 6.1.
[198] Cf. Maslakov (1984, 452).

Lentulus Maluginensis, *flamen Dialis* and suffect consul of 10 CE, demanded that he become proconsul of Asia.[199] In making his decision, Tacitus tells us that Tiberius had recourse to the precedent set by Metellus, and thus forbade Maluginensis from leaving Rome.[200] Although Tacitus is critical of Tiberius' appeal to precedent and his conservatism, if we think about the incident in Valerian terms, we might instead see Tiberius, *pontifex maximus*, making a positive decision which – like Metellus before him – ensured *religio* and thus the maintenance of Rome's relationship with the gods. In this way, it is perhaps no coincidence that Valerius' first named *exemplum* is the same precedent that Tiberius relied upon as *pontifex maximus*.[201] It is also, potentially, not a coincidence that the *exemplum* that begins Valerius' social vision of *religio* taking precedence above all else is that of an exemplary *pontifex maximus*, whose example had been relied upon by Tiberius, as the current *pontifex maximus*. Just as the *princeps* and *pontifex maximus* looked to *exempla* of the past to demonstrate that *religio* must be respected above all other considerations, so too must the readers of Valerius' text learn the same lesson, and respect *religio* above all else.

Tiberius as *pontifex maximus* also potentially looms large in Valerius' depiction of the *pontifex* Pulvillus. Valerius borrows Pulvillus from consolatory literature as a public figure who must continue his public obligations after the death of his son. Unlike earlier tradition, Valerius casts Pulvillus as *pontifex* in his dedication of the Capitolium, choosing to respect *religio publica* over personal emotion. Whilst North somewhat hyperbolically suggests that Valerius' emphasis that '[p]ersonal emotion or grief, family attachments, [and] private obligations must all be subordinated to the good of the city' is almost fascist in tone,[202] it is possible to think about the resonance of duty over grief for Tiberius. Might we not see Tiberius in the guise of

[199] Tac. *Ann.* 3.58-59, 3.71, with Wardle (1998, 88); Rüpke (2010a, 13; 2012a, 185; 2016a, 30); Santangelo (2016, 359-363); Shannon-Henderson (2019, 142-147). For Maluginensis' flaminate: *FS* 1349; and for his position as cos. suff.: *fasti Capitolini*, with Degrassi (1954, 86-87).

[200] On Tiberius, precedent and Augustus' authority: Shannon-Henderson (2019, esp. 179).

[201] For Valerius' *exemplum* as referring to Tiberius' use of this precedent: Santini (1987, 192-194); Wardle (1998, 5). Santini (193-194) refers to Valerius' use this *exemplum* as a 'conferma di una scelta di politica religiosa di Tiberio in una questione peraltro controversa'.

[202] North (2008a, 32). Cf. Mueller (2002, 85).

Pulvillus after the deaths of both Germanicus and Drusus? Although cast as suspicious by Tacitus, we might equally see Tiberius, as natural (and adopted) father, *pontifex maximus* and *princeps*, caught between his personal emotions and his public duties, but nonetheless choosing to continue in those public duties after the deaths of his sons.[203] Thus, Valerius might suggest that Tiberius followed the precedent of Pulvillus – *pontifex* then *pater*. Nonetheless, whilst Valerius' Pulvillus is potentially cast as an exemplary figure for Tiberius himself, Valerius' moral is not unfamiliar to us. In praising Pulvillus for understanding the strict hierarchy of roles, and thus that his duties and responsibilities as *pontifex* must take precedence over the demands of his other roles, Valerius' *exemplum* resonates with similar expectations as expressed by Cicero. Both stress the utmost importance of sacerdotal roles over all others, and find praise for those *sacerdotes* who were able to acknowledge and respect that the performance of their duties as *sacerdotes* must take precedence.

Whilst Valerius shares this conviction with Cicero, and we might be able to detect the influence of Tiberius as *pontifex maximus* in these *exempla*, Valerius' own authorial voice and vision for *sacerdotes* within Rome is remarkably clear. Valerius configures *exempla* which assert that Rome's greatness has been ensured throughout the centuries due to Rome's maintenance of the *cultus deorum*. For Valerius, utmost importance is to be ascribed to *religio*, and Rome's *sacerdotes* prominently and distinctively feature as those whose duty and responsibility it has been to ensure the primacy of *religio* above all else – either in preferencing their roles as *sacerdotes* above their other duties and responsibilities, or in ensuring that others (consuls, private citizens, or other *sacerdotes*) continue to privilege *religio* in their actions and decisions. If we are right to consider that Tiberius as *pontifex maximus* is to be read into several of his *exempla*, Valerius incorporates the *princeps* into his social vision for the continuation of Rome's greatness, founded on the respect that must at all times be given to *religio*. Yet whilst *sacerdotes* have fundamental and distinctive roles to play in the *cultus deorum*, Valerius

[203] Cf. Tac. *Ann.* 3.3-6, 4.7-13.

additionally stresses the importance of the contribution of all Romans, who must continue to work together to maintain and defend *religio*. This moralising is inclusive and faintly egalitarian, that it is the responsibility of all Romans, equally, to contribute to Rome's greatness.

CHAPTER 7: CONCLUSIONS

> *gratularis mihi quod acceperim auguratum: iure, gratularis, primum quod grauissimi principis iudicium in minoribus etiam rebus consequi pulchrum est, deinde quod sacerdotium ipsum cum priscum et religiosum tum hoc quoque sacrum plane et insigne est, quod non adimitur uiuenti. nam alia quamquam dignitate propemodum paria ut tribuuntur sic auferuntur; in hoc fortunae hactenus licet ut dari possit* [...] *te quidem, ut scribis, ob hoc maxime delectat auguratus meus, quod M. Tullius augur fuit. Laetaris enim quod honoribus eius insistam, quem aemulari in studiis cupio. sed utinam ut sacerdotium idem, ut consulatum multo etiam iuuenior quam ille sum consecutus, ita senex saltem ingenium eius aliqua ex parte adsequi possim!* [...] (Plin. *Ep.* 4.8).

Pliny the Younger here thanks Maturus Arrianus for his congratulations. Having asked for Trajan's *indulgentia* to join a *sacerdotium*, Pliny had finally been appointed to the augurate by the *princeps*.[1] As membership of *sacerdotia* had now become the exclusive gift of the *princeps*, the position of *sacerdotia* within the competitive landscape of Roman political power had changed radically. For Pliny, there were clear reasons why membership of one of the *sacerdotia* had power and importance. Politically, it raised Pliny's *dignitas*, and indicated the *princeps*' favour.[2] Yet for Pliny it was also deemed to be symbolically significant for its inherent value. Being a lifelong appointment, the *sacerdotium* is perceived as being *sacrum*. Pliny also believed the *sacerdotium* to be *priscum* and *religiosum*. Arrianus was also apparently delighted at Pliny now stepping into the shoes of Cicero, that famous augur, and that Pliny was himself emulating the *honores* given to Cicero through *both* his augurate and consulship.[3] Following in his footsteps, Pliny hoped to attain something of Cicero's *ingenium*.

Throughout this thesis, I have attempted to show that, as Pliny here expresses it, membership of *sacerdotia* was perceived as being of importance and that this importance, whilst related to, was nonetheless distinct from, that of being a magistrate. The significance of holding a position within a *sacerdotium* was more than simply due to its political worth; as something that was merely important for its ability to elevate one through the *cursus honorum*,

[1] Plin. *Ep.* 10.13. Pliny: *FS* 2730.
[2] Simon (1979, 90); Gordon (1990b, 221); Leunissen (1993); Price (1996, 828); Rüpke (2005, 283-284; 2018b, 86-87); Várhelyi (2010, 17).
[3] Cicero: *FS* 3290.

or that could be viewed as the capstone to an already successful career. As Pliny's testimony reminds us, these were, of course, important ways in which membership of the *sacerdotia* were perceived.[4] Yet I have attempted to reveal that the sources ascribe something more to the experience of being a *sacerdos* than mere political worth; that there was something different to the experience and value of being a *sacerdos* than being a magistrate. To return to the language of **CHAPTER 1**, I have ventured to reveal that there was a 'vocabulary of virtues' which could be ascribed to *sacerdotes*. Whilst such a vocabulary of virtues was shared with magistrates and other important public-facing Romans, there are some fundamental ways in which such *uirtutes* had particular resonances for *sacerdotes*, or were used to frame *sacerdotes* in distinct ways. Whilst this virtue-language sometimes drew upon on a vocabulary that was familiar to Roman senators – *auctoritas*, *dignitas*, *aetas*, and *pietas* for instance – these terms were also important for *sacerdotes* in their understandings of the worth of their own positions, as well as for others in understanding those roles.

The picture I have sketched leaves open possibilities for further research that can build upon the foundations of this study. The first, as already noted, would be to attempt to widen the scope by considering the influence of such ideas on non-*élite* 'religious' agents. The second would be to expand the case studies of this thesis, widening the scope of my granular analyses and thus considering the evaluations of sources deeper into the imperial period. An analysis of the evaluations of, for instance, Seneca the Elder, Seneca the Younger, Plutarch, Pliny the Elder, Tacitus, and Pliny the Younger, would both enrich the chronologically earlier evidence considered in the latter part of the thesis, and potentially develop the narrative of imperial change.

Although there are limitations to the evidence considered, a picture has emerged throughout for this additional evidence to be tested against in future. While some of the virtues ascribed to *sacerdotes* shift with the predilections of individual writers, shared assumptions

[4] E.g. Plin. *Pan.* 88.1-4; Sen. *Ira.* 3.31.1-2, both with Duncan-Jones (2016, 6-11).

about the worth and distinctiveness of *sacerdotes* and *sacerdotia* emerge. Perhaps unsurprisingly, those 'full-time' *sacerdotes* – most notably the Vestals and the *flamen* and *flaminica Dialis* – were subject to some of the most onerous expectations of their behaviour and lifestyle. Not only were a wider range of *uirtutes* expected of them, but they were also expected to display such *uirtutes* to a greater degree. Yet there were also important expectations of the so-called 'part-time' *sacerdotes* – *augures*, *pontifices*, (*quin*)*decemuiri*, etc. A few absolutes are advocated for these *sacerdotes* by some of the ancient sources. Plutarch, for instance, expects that no one must approach the gods with visibly festering wounds or mental torment, as they would pollute one's relationship with the gods. However, most of these expectations were expressed in conditional terms. A *sacerdos* who had *castitas*, for instance, made one more worthy of securing a place in Vergil's Elysium. Elsewhere the conditional possession of such *uirtutes* by these part-time *sacerdotes* is qualified as being on a continuum. Having such qualities was not mandated, but it could greatly improve one's relationship with the gods. As 'Balbus' advocates, for instance, *puritas* and *integritas* of mind and voice could make the worship of the gods *optimus*, *castissimus*, *sanctissimus* and *plenissimus pietatis*, but was not absolutely necessary. In this way, these expectations do not stand at odds with the perceived orthopraxy of Roman religion. Whilst, for Cicero, Clodius and Antonius definitively lacked such qualities, and these perceived deficiencies were the perfect fodder for his invective, it did not necessarily mean that Clodius could not function as *quindecemuir* nor that Antonius could not function as augur, *flamen* and *Lupercus*. Yet the perceived orthopraxy of Roman religion retreats into the background in the ways in which Cicero, Livy, and Valerius Maximus represented their *sacerdotes*. We do get hints of its importance, for instance in Cicero's rebuke of the *pontifex* Natta, whose mind and voice quavered in his first ever dedication, or in Valerius' praise of the elderly *pontifex maximus* Metellus, whose hand and voice remained steady for the twenty-two years of his pontificate. Yet for the most part, this orthopraxy disappears. It is only

extraordinary actions that went above and beyond the proper performance of duty, or were a severe dereliction of duty, that were worthy of note and distinction.

For Cicero, these extraordinary actions had to remain within certain boundaries. Although his Vestals are praised not for their *uirtutes* as *sacerdotes* or the performance of their duties, but rather for using their privileges as Vestals to assist male relatives, those male *sacerdotes* that Cicero lauded were expected to know which of their public guises they wore at specific times (e.g. augur or consul), to respect the limits and conflicts between these roles, and to privilege their actions as *sacerdotes* as opposed to their other roles. Thus, we see the *pontifices maximi* Coruncanius, Crassus and the Scaevolae praised for their exceptional *scientia* and their use of that *scientia* to categorise and define Roman jurisprudence, but the Scaevolae criticised for carving out distinctions between the *ius pontificum* and the *ius ciuile* and in so doing, lessening the *auctoritas* of their roles as *pontifices maximi* and the pontifical *collegium*. Further, Cicero affirms that all the actions of the *sacerdotes* must have been intended for the service of the *res publica* rather than personal advancement. This final caveat hints at Cicero's wider conceptualisation of the role and importance of *sacerdotes*; that *sacerdotes* performed a vital social goal in respecting the legacy of the *maiores* by restraining innovation and preserving *religio*. This relatively consistent theme emerges across a variety of Cicero's texts, but is challenged somewhat in Cicero's later philosophical works. In the *de natura deorum* and *de diuinatione*, the ability for a *sacerdos* to respect the legacy of the *maiores* whilst also being a philosopher, and thus inclined to challenge these concepts, caused Cicero much consternation. Nevertheless, Cicero's sceptic *pontifex* 'Cotta' is praised for insisting that he was able to make a division between his philosophical beliefs and his sacerdotal duties. On the whole, however, whilst various themes and preoccupations emerge in specific texts (or clusters thereof), Cicero ultimately expresses a gulf between scrupulousness and individuality. For him, the mere scrupulousness of *sacerdotes* largely goes unnoticed. By contrast, sacerdotal individuality and thus distinctiveness is rewarded, albeit only under strict parameters.

Another continuum is more prominent in Livy's evaluations of *sacerdotes*, between individual and collective. Whilst Livy's *sacerdotes* are most frequently hidden under the 'anonymous plural' of the *collegium*, Crassus as *pontifex maximus* emerges almost singularly. Whilst Crassus' individual actions are originally overruled by the *pontifices* as a collective, they are increasingly vindicated by the collective to the extent that Crassus might be seen as an exemplary *pontifex maximus*, worthy of imitation by other *pontifices maximi*. I have hinted at the potential for Crassus as *pontifex maximus* to be read as a proto-Augustus, prominently standing alone at the head of all *sacerdotia*. In Crassus gaining individuality, Livy stresses the extent to which Crassus' actions were all directed towards a single goal: to ensure the adherence of other *sacerdotes* to the dictates of *religio*. Crassus, as lone *pontifex maximus*, ensured that all other *sacerdotes* – notably Vestals and *flamines* – respected their duties and thus respected *religio*. In this, Crassus affirms Livy's social goal for his *sacerdotes*. As pillars of institutional strength, Livy's *sacerdotes* alone must maintain the integrity of Numa's institutions and affirm the principles of the social construct upon which Roman success had been sustained.

In Valerius, this tension between individual *sacerdos* and the *sacerdotia* as collectives is largely absent, subsumed by his own social goal for *sacerdotes*. Picking up on Livy's hint at the importance to be ascribed to *religio*, Valerius first makes individual and collective *sacerdotes* prominent actors in ensuring this importance and in not allowing the conditions in which a *religio* might be perceived. Yet the social goal then overwhelms, with Valerius stressing that *all* Romans – regardless of whether they were *sacerdotes* or not – are tasked with giving importance to *religio* and ensuring that it is maintained and defended to sustain the success and legacy of Rome. In this, Valerius expresses an inclusive social vision. Whilst *sacerdotes* have a distinctive role, ultimately all Romans have roles to play in maintaining the *cultus deorum*.

These three writers cast *sacerdotes* as major players in their broader social visions for Rome. Whilst these social visions are largely indicative of the specific preoccupations of these

writers, in the context of contemporary events, I hope to have established throughout this thesis that there was an appreciation of the importance and distinctiveness of *sacerdotes* and *sacerdotia* that goes beyond their mere 'political' worth. Especially in Cicero, Livy, and Valerius Maximus, *sacerdotes* are not simply magistrates or senators. Whilst they might be working towards the same goals, *sacerdotes* are cast as leading actors by each of these writers in ensuring the maintenance of good social order. In **CHAPTER 1** we briefly glimpsed the few contexts in which we might perceive an emerging second-century understanding that there was something more important about being a *sacerdos* than simply having an *honor* which might allow them to gain another, potentially more 'worthwhile' goal, such as the consulship. By the late republic and early empire, this importance was assured, with multifarious ways in which this was negotiated and understood.

I wish to conclude by considering the *laudatio* of the *pontifex maximus* Metellus with which I began. Whilst his son's *laudatio* did not express the worth of his father's position as *pontifex maximus*, Metellus' actions came to have extraordinary relevance for writers of later generations. In saving the Palladium from the burning *aedes Vestae*, Metellus' actions came to be seen as fundamental to the preservation of the gods, and in this light, Metellus was cast as the legendary exemplary precursor of Augustus as *pontifex maximus*. Metellus' imagined blindness as a result of these actions led early imperial rhetoricians to debate the worthiness and danger of a *sacerdos* who was not *integer*. Yet, at roughly the same time, these actions were essentially ignored by Valerius Maximus, who would rather emphasise Metellus' obedience to inauspicious signs and the extent to which he ensured that men's relationship with the gods was not to be endangered by the negligence of a Vestal in letting the fire in the *aedes Vestae* be extinguished. While the significance of *sacerdotes* shifted across the sources, one thing has remained constant. As key Roman figures, whose lives, virtues, and actions were palpably affected by the sacerdotal roles they bore, Roman *sacerdotes* of the late republic were perceived as being significant in their own right.

EPIGRAPHIC CONCORDANCE

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AE 1977.218	*AE* 1985.284
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CIL 1^2.2500	*AE* 1923.19 = 1974.615 = *SEG* 30, 994.
CIL 1^2.360	*ILS* 9230a = *ILLRP* 163 = *AE* 1903.353
CIL 1^2.361	*CIL* 6.357 = *ILS* 3101 = *ILLRP* 161
CIL 3.7090	*ILS* 962
CIL 6.87	*CIL* 1^2.973 = *ILS* 3333 = *ILLRP* 67
CIL 6.404	*CIL* 6.30756 = *ILS* 3062
CIL 6.508	*ILS* 4146
CIL 6.1272	*CIL* 6.31583 = *Inscr.Ital.* 13.3.11 = *ILS* 51 = *AE* 1987.65 = 1999.186 = 2013.162
CIL 6.1288	*CIL* 1^2.10 = *ILLRP* 311 = *ILS* 4
CIL 6.1293	*ILLRP* 316 = *ILS* 6
CIL 6.1315	*CIL* 6.31598
CIL 6.2131	*ILS* 4929
CIL 6.2132	*ILS* 4928
CIL 6.2134	*CIL* 6.32419
CIL 6.2135	*CIL* 6.32404 = *ILS* 4934
CIL 6.2136	*CIL* 6.32405
CIL 6.2137	*ILS* 4936
CIL 6.2141	*CIL* 6.32406
CIL 6.2143	*CIL* 6.32407
CIL 6.7393	*AE* 2001.192
CIL 6.7579	*ILS* 8190
CIL 6.8426	*ILS* 1642
CIL 6.32412	*ILS* 1155
CIL 6.32414	*ILS* 4930
CIL 6.32415	*ILS* 4932
CIL 6.32416	*ILS* 4931
CIL 6.32418	*ILS* 4933
CIL 6.32420	*ILS* 4937
CIL 6.32422	*ILS* 4938
CIL 9.3158	*ILS* 2682
CIL 10.104	*ILS* 18 = *ILLRP* 511
CIL 11.1826	*ILS* 50 = *Inscr.Ital*. 13.3.78
CIL 11.1827	*ILS* 54
CIL 11.1828	*ILS* 56 = *Inscr.Ital*. 13.3.80
CIL 11.1829	*ILS* 57 = *Inscr.Ital.* 13.3.81
CIL 11.1831	*ILS* 59 = *Inscr.Ital.* 13.3.83
CIL 11.1832	*ILS* 60
CIL 14.352	*ILS* 6149
CIL 14.3530	*ILS* 3512 = *Inscr.Ital.* 4.1.611
ILLRP 1274a	*AE* 1967.19 = 1989.61 = *CIL* 1^2.2835
Inscr.Ital. 13.3.17	*AE* 2001.204
ILS 8891	*ILLRP* 426 = *AE* 1895.23
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