

Collegiality and Religious Authority in the Roman Republic

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Abstract

This thesis explores collective action and shared authority in the political and religious spheres of the Roman Republic, both as ideas and practice. Specifically, it addresses the prevalence and nature of collegiality – officials sharing duties and exercising the same, common, or even theoretically equal powers – as an organisational principle within Roman political and religious institutions. It aims to develop a new approach to practices of cooperation, consensus, and power-sharing in Roman public life, in general. Collegiality is often used to define and demarcate the beginning and end of the Roman Republic (509–43), through the supposed primacy of the dual consuls, and is central to modern explanations and models of republican political history. Despite its pervasiveness, few scholars have attempted to define what collegiality is, in any or all of its forms, in its own right. Instead, they tend to foreground function, and focus on its purpose and usefulness for Roman governance and administration. This thesis will demonstrate that collegiality is more complex than this lack of direct attention in current scholarship suggests. A comprehensive analysis of how the Romans viewed and engaged with this concept would clarify how Roman republican society functioned at an intrinsic level and, consequently, is highly desirable. Collegiality and collective authority were essential to the operation of the entire Roman state, witnessed in the Senate, magistracies, and priesthoods. Furthermore, collegiality was at the forefront of many Late Republican and early imperial authors' minds as they sought to describe and explain their mythological and constitutional past. Beyond simple functionality, collegiality, with its assumptions about cooperation and responsibility, turns out to be critical to understanding Roman society overall. This study addresses the questions of how and why collegiality was so significant to the Romans. In doing so, it contributes to our understanding of Roman political and religious institutions, breaks down the artificial boundaries between political, religious, and cultural

history, and presents fresh perspectives on other comparable behaviours across the Roman world.

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Introduction

In 300 BCE,¹ according to Livy's account, P. Decius Mus argued against Ap. Claudius Caecus in favour of admitting plebeians to the pontifical and augural colleges under the proposed Ogulnian plebiscite:

*noli erubescere, Appi, collegam in sacerdotio habere, quem in censura, quem in consulatu collegam habere potuisti, cuius tam dictatoris magister equitum quam magistri equitum dictator esse potes.*²

In his exhortation, Decius compares the idea of priestly and magisterial colleagues. In Decius' view – as Livy presents it – Claudius should consider the sacerdotal relationship between priestly colleagues in the same way as he does the relationship between censorial or consular colleagues, and even the relationship between a dictator and his *magister equitum* or vice versa.³ Since there were no longer barriers that prevented plebeians from holding these magisterial roles, priestly offices should likewise be freed from constraints.⁴ While this speech plays an important role in Livy's narrative on the so-called 'Struggle of the Orders',⁵ the notion that the relationship between magisterial colleagues might differ little from the relationship between priestly colleagues is an intriguing observation. Indeed, this assessment – that collegial magistrates can be viewed in the same light as collegial priests – forms the basis of this thesis, which investigates the organisation of Roman magistracies and Roman priesthods from the perspective of collegiality.

Thesis aims and scope

¹ All dates within are BCE unless otherwise indicated. All ancient reference abbreviations follow the *Oxford Classical Dictionary* and all other reference abbreviations follow *L'Année Philologique*.

² Liv. 10.8.5.

³ Note that this passage strongly implies collegiality between the dictator and the *magister equitum*.

⁴ Wilson 2021: 234–235.

⁵ Oakley 2005: 83–87, 97.

This thesis explores collective action and shared authority in the political and religious spheres of the Roman Republic, both as ideas and practice. Specifically, it addresses the prevalence and nature of collegiality – officials sharing duties and exercising the same, common, or even theoretically equal powers – as an organisational principle within Roman political and religious institutions. It aims to develop a new approach to practices of cooperation, consensus, and power-sharing in Roman public life, in general. Collegiality is often used to define and demarcate the beginning and end of the Roman Republic (509–43),⁶ through the supposed primacy of the dual consuls,⁷ and is central to modern explanations and models of republican political history. Despite its pervasiveness, few scholars have attempted to define what collegiality is, in any or all of its forms, in its own right.⁸ Instead, they tend to foreground function, and focus on its purpose and usefulness for Roman governance and administration.⁹ This thesis will demonstrate that collegiality is more complex than this lack of direct attention in current scholarship suggests. A comprehensive analysis of how the Romans viewed and engaged with this concept would clarify how Roman republican society functioned at an intrinsic level and, consequently, is highly desirable. Collegiality and collective authority were essential to the operation of the entire Roman state, witnessed in the Senate, magistracies, and priesthoods. Furthermore, collegiality was at the forefront of many Late Republican and early imperial authors’ minds as they sought to describe and explain their mythological and constitutional past.¹⁰ Beyond simple functionality, collegiality, with its assumptions about cooperation and responsibility, turns out to be critical to understanding Roman society overall.

⁶ On the challenges and approaches to periodisation, see Flower 2009.

⁷ Tac. *Ann.* 1.1: *urbem Romam a principio reges habuere; libertatem et consulatum L. Brutus instituit.*

⁸ The seminal study is Mommsen (*Röm. Staatsr.*), although scholarly consensus is that his conceptualisation of Roman institutions requires revising. Stewart (1998) revisited some of these ideas with attention to religion, but focused on early Rome.

⁹ Clemente (2018: 212): “We witness both successful censorships and failures, as collegiality and the need for unanimous decisions often made the censorship ineffective.”

¹⁰ On collegiality and myth, see Neel 2015. While her overall argument has rightly attracted some criticism (Richardson 2015), she raises an important point on the predominance of duality in Roman myths and legends.

This study addresses the questions of how and why collegiality was so significant to the Romans. In doing so, it contributes to our understanding of Roman political and religious institutions, breaks down the artificial boundaries between political, religious, and cultural history, and presents fresh perspectives on other comparable behaviours, connected with sharing responsibility, across the Roman world.

There is currently a renewed interest in studying the political institutions and constitutional frameworks of the Roman Republic and Early Empire.¹¹ This thesis aims to engage with these studies and build on their significant advancements in our understanding of how Roman institutions developed and functioned. As a point of difference, it takes the concept of collegiality – rather than a single institution – as its starting point and uses this principle as a lens through which to shed new light on the internal operations of these institutions and the interactions between those who held these roles. These studies are still shaped by the (debatable) idea of an ‘institution’. I hope to step outside that frame and look at part of the next level – the operating principle on which ‘institutions’ worked. Furthermore, throughout the following discussion I aim to demonstrate that collegiality was not just the predominant organisational framework for Roman institutions, but also a highly successful model. In turn, I will consider the notion of collective action as a distinctive case of collegiality. Lastly, I will pose the question of what is authority for the Romans of the Republic? I will consider how authority was generated and explore the distinctions between the authority – the acceptance of advice and instructions – of an official holding a higher office (i.e. the *pontifex maximus*) versus the authority of a collective body or college (i.e. the *collegium pontificum*). There are numerous recent publications on individual Roman magistracies, in particular, which only briefly – if at

¹¹ E.g. Antoniou, Smith, and Webb (forthcoming); Jordan (forthcoming); Kondratieff (forthcoming); Konrad 2022; Wilson 2021; Pina Polo and Díaz Fernández 2019; Becker 2017; Drogula 2015; Lanfranchi 2015; Vervaeet 2014; Pina Polo 2011; Beck *et al.* 2011.

all – acknowledge the role of collegiality for internal organisation, decision-making, and authority. The Roman priesthoods are often studied in a similar fashion, with the scholarly focus on models of Roman religion overall and the role of priests within the Roman state. One significant limitation of these studies for this thesis in particular is that they focus on solely on magistrates or priests. In contrast, by studying expressions of collegiality in both Roman priests and magistrates, this thesis removes the scholarly boundaries between the political and religious offices, and seeks to explore their similarities and differences. Consequently, this thesis aims to bridge these two separate areas of modern scholarship and underline the links between collegiality and authority in Roman society.

The period under investigation is the Roman Republic, broadly taken as the years 509 to 43. This is primarily due to the fact that our ancient sources – and many modern authors, alike – connect the concept of collegiality to the governance of two consuls. This is both a necessary limitation of this study, given the abundance of evidence that could have been included, and an opportunity for future investigation: the questions raised by this research are similarly applicable to the emergence of the early Roman state and prevalent through to Late Antiquity, in particular, context-specific ways. I have restricted myself by these parameters to explore the concept of collegiality as it is expressed in republican political and religious institutions, and to a republican mindset, prior to the shift towards one individual holding chief political and religious power at Rome. This is with the necessary caveat that our source material for this period is predominantly literary, written in the Late Republic and Early Empire, when questions of collegiality and individual agency came to the fore.¹² I leave open the question of

¹² Richardson 2017: 90.

whether collegiality can legitimately be considered a Roman phenomenon, let alone a Roman republican one, for future investigation.¹³

The republican ‘principle of collegiality’

According to the historical tradition, in 509, the monarchy was overthrown and the dual consulship was established as the new method of government. The individuals who held this office gave their names to the year in which they served, as eponymous magistrates, and this system of shared power not only became the norm for Roman magistracies, but also one of the defining features of the Roman Republic.¹⁴ Modern scholarship rarely accepts this narrative in full, not least because of the fragmentary and often unreliable nature of our sources for the fifth and fourth centuries. Whatever the realities of the fifth and fourth centuries, the notion of a ‘principle of collegiality’ was always best embodied by the administrative lead of the two consuls.¹⁵ In general terms, this principle describes the system under which Roman magistrates were elected or appointed in groups of two or more. Since the ancient sources maintain that this principle was adopted at the inception of the Republic, scholarly explanations and uses of the term are often inherently linked with the development of Roman magistracies and institutions. There is an ongoing question as to whether the ‘principle of collegiality’ can be applied from an early date in Rome’s history, or whether it became the standard model for

¹³ See, for example, Athenian accountants, elected by lot from (Arist. [*Ath. Pol.*] 48.3) and the two Spartan kings. A comparative study of Greek magistrates is beyond the scope of this thesis.

¹⁴ Liv. 2.1. Purcell (2003) demonstrated that the inception of the Republic was inherently linked to the system of eponymous magistrates and the dedication of the Temple of Jupiter Optimus Maximus in the Roman cultural memory.

¹⁵ Cf. Simpson 2005: 167, 171; Richardson (2017: 84): “The obvious difference is that the consuls were eponymous, but it is highly unlikely that the consulship was *created* as an eponymous magistracy. That would require not only the significant political change that came with the creation of annually-elected magistrates, and with the introduction of power-sharing and collegiality (all of which were new ideas, since Rome had previously been ruled by monarchs); it would also entail the creation of appropriate systems of record-keeping (also inevitably new) as well as significant changes in the very means by which time was measured (or, better, events dated).”

Roman magistracies at a later point. These four extracts from recent publications paint a general picture of our current understanding of this historical problem. The first two focus exclusively on this history of early magistrates, while the second two demonstrate the nuances in our understanding of collegiality in Roman society more broadly. These authors acknowledge the significance of collegiality, but stop their investigations there.

In 2011, Smith neatly summarised the inherent tension in modern treatments of collegiality in the early Republic. He wrote:

“Establishing beyond doubt that there was a **principle of collegiality** in Roman magistracy is impossible, because it depends on inference from the lists of magistrates, and on arguments about the nature of Roman magistracy, which, as we have seen, are based on highly fragmentary evidence. However, we must at least acknowledge that **it is difficult to find any early Roman magistracy which is not collegiate, in the simple sense of being comprised of more than one individual**. Even the dictatorship, the least collegiate of all Roman offices, is both inextricable from the office of the *magister equitum*, and circumscribed by various restrictions. The praetorship after 367 would stand out here, although not if regarded as inextricably linked with the consulship.”¹⁶

Smith’s observations are critical for this thesis. It is hard to escape the fact that our evidence for the early Roman magistracies – and indeed, the fully-fledged institutions that they evolved into – states that they were formed in collegial groups. Our sources record a variety of magistracies – consuls or praetors, the decemvirate in 451 and 450, and, on occasions, consular tribunes with military powers, from 444. Broadly speaking, scholarship has interpreted these various magistracies as trials of different forms of administration, culminating in the final, recognisably republican form of the consulship after 367. But, as Smith points out, all of these

¹⁶ Smith 2011: 32 (my emphasis in bold).

innovations aimed specifically at shared authority and were not singular magistracies. This reflection has resulted in the problematic division in scholarship whereby the early Roman magistrates must be collegial, as we only have literary evidence for collegial magistrates, or, we must explain away the general essence of this evidence to argue for a singular magistrate. This tendency can be seen, for example, in Drogula's assessment of the early praetorship. He asserts that a singular magistrate would violate the very principles of republican norms, reiterating this idea that the collegiality was at the core of Roman administrative life:

“Furthermore, the creation of the praetorship as **a singular office** (tradition held that there was only one annual praetor from 366 to ca. 241 BC) **would have been a tremendous violation of Roman practice, in which all regular magistracies – and most priesthoods – were created in colleges consisting of at least two colleagues.** If a consul died or was otherwise removed from office, a dictator was named or elections were held for a substitute (suffectus) as soon as possible, and if a censor died in office, his colleague was compelled to resign rather than continue to hold the office alone. Only the extraordinary dictator lacked a colleague, and his unique freedom from collegial intervention was one of the primary aspects that made his office so frighteningly effective and different from all other Roman magistracies. **Rome did not allow regular magistrates to hold office without a colleague,** so it makes no sense that the praetorship should have been a singular office for 125 years, especially since the praetor was invested with *imperium* and (according to tradition) had authority over jurisdiction.”¹⁷

His argument, in short, is completely circular: these early Roman magistracies developed in a collegial fashion primarily because Roman magistrates were collegial. Thus far, the scholarly discussion has focused almost exclusively on magistrates. Drogula, importantly, brings priesthoods into the equation at this juncture. He acknowledges that, like most magistracies

¹⁷ Drogula 2015: 185 (my emphasis in bold).

(unlike Smith, Drogula excludes the dictatorship from this equation), most priesthods also followed this pattern of arrangement and were formed in groups of two or more. Similarly, I contend that the priesthods offer a valuable comparison and allow us to explore this ‘principle of collegiality’ from a wide range of perspectives. However, Drogula also highlights the importance of collegiality to the Roman way of thought and organisation.

This notion is followed by Flower, who, writing on the professional associations, places collegiality at the centre of Roman magistracies:

“The concept of “**collegiality**” was also at **the very heart of the system** of Roman republican magistrates, who were elected and **expected to act in cooperation** with others at their same rank.”¹⁸

Moving away from the purely constitutional arguments, Flower includes the behavioural aspect of cooperation in her definition. She recognises not only that collegiality was applicable to magistrates of the same rank, but also that there was a societal expectation that the individuals who held these roles at the same time would act and operate collaboratively. This notion can also be raised at a higher level. Driediger-Murphy incorporates the ‘principle of collegiality’ in her list of customs that governed Roman elite behaviours:

“On a more practical level, Roman institutions worked ultimately only through the compliance of the elite. From the **principles regulating magisterial collegiality** and commands to the convention that tribunes were sacrosanct, to the custom of respecting the authority of the magistrate, whether or not he could enforce his decisions physically, civic life in the Republic was made possible by the fact that most members of the elite agreed to work (most of the time, at least) within the rules.”¹⁹

¹⁸ Flower 2017: 215 (my emphasis in bold).

¹⁹ Driediger-Murphy 2018: 45 (my emphasis in bold).

She stresses that the Roman elite both acknowledged and adhered to this convention that informed the relationship between Roman magistrates at a constitutional level, at the very least, but also had social undertones. Thus, collegiality is important not just to the legal arrangement of Roman magistrates, but rather, it is a structuring principle of the Roman Republic that similarly governed priesthods and created social expectations for joint actions while in public office.

Collegiality, *collega*, *collegium*

Notably, we have come to this point in scholarship through considerable analysis of the Roman magistracies specifically. Furthermore, there are two additional terms that are intrinsically associated with the principle of collegiality, which does not have a Latin equivalent, but stand alongside it: *collega*, or colleagues, and *collegium*, the institutional structure that grouped magistrates, priests, or professionals.²⁰ Collegiality is the concept underpinning the institution and the relationship between colleagues. However, how these terms relate to each other, in theory and practice, is the subject of ongoing discussion. For example, does the principle of collegiality exist outside *collegia*? Are all magistrates grouped in *collegia*? And what distinctions are there, if any, between the relationship of *collega* and between members of a *collegium*? Our understanding of these terms (collegiality, *collega*, and *collegium*) is heavily grounded in Mommsen's discussion of *Collegialität*, which addresses the principle of collegiality, the institution of the *collegium*, and the link between magistrates or *collega*.²¹ Mommsen proposed that a *collegium* must be comprised of three or more individuals, while the term *collega* described the fundamental relationship between magistrates of the same

²⁰ See Varro *Ling.* 6.66: *Hinc legitima et collegae, qui una lecti, et qui in eorum locum suppositi, sublecti; additi allecti et collecta, quae ex pluribus locis in unum lecta.*

²¹ Mommsen *Röm. Staatsr.* I³: 27–61.

rank.²² This results in a curious discrepancy, as *collega* – defined as those who have been elected together, who hold the same office, or those who are associates within a *collegium* – may refer to a set of two individuals. For example, this applies to the censors, who feature prominently in explanations of collegiality, but are not referred to in terms of a *collegium censorum* in any of the ancient literature, only as censorial *collega*; likewise, this is the case for the consuls. There are, however, references to the *collegium praetorum*, the *collegium tribunorum plebis*, and the *collegium quaestorum*.²³ Thus, there remains an open question as to whether the censors (or the consuls) technically formed a *collegium* or were purely *collegae*. Similarly, these difficulties can be seen in the major priesthoods. Are the *flamines maiores*, *rex* and *regina sacrorum*, and *Vestales* members of the *collegium pontificum* and thus *collegae* of the *pontifices*? And how does the *pontifex maximus*, with his distinctive authority, relate to his fellow *pontifices* under the definition of *collega*? What does it mean to be a *collega*, even within a defined *collegium*?

A note on the English definition of collegiality

The Oxford English Dictionary defines ‘collegiality’, from the French ‘collégialité’, with three descriptors: colleagueship, i.e. the relation between colleagues; the principle of having a *collegium* – an advisory board or committee, from the Latin (i.e. rather than one man); and within the Roman Catholic Church as the sharing of the bishops in the responsibility of the government of the Church, with the leadership of the Pope.²⁴ The Cambridge Dictionary (online) defines ‘collegiality’ as “a friendly relationship between people who work together or

²² Mommsen *Röm. Staatsr.* I³: 33: on the basis of an extract of L. Neratius Priscus: *tres facere existimat collegium* (Dig. L. 16.85).

²³ Cic. *Off.* 3.80; *Verr.* 2.2.100; Suet. *Claud.* 24.

²⁴ Oxford English Dictionary, Second Edition, 1989 (the entry for ‘collegiality’ was not revised for the Third Edition).

do the same job”.²⁵ The latter definition describes the more common use of the word in English today: the notions of teamwork and friendly relations feature prominently. This is another obstacle for scholarly discussions of collegiality that can be seen even between the two definitions of the word referred to here: the initial definition focuses less on the friendly relationship between colleagues, and more on the legal, institutional, and practical association between those who share a job or membership of a board, whereas the more recent definition places friendship front and centre. This slight difference in the use of the word has significant implications – some scholars use collegiality in a technical sense, aligning it with the Latin terms *collega* and *collegium*, while others employ it with its current nuances, and imply a sense of friendship: there is little consistency in scholarly definitions overall. Throughout this thesis, my use of the word collegiality does not presuppose the notion of friendship, while various ways of defining collegiality, not relevant to modern usage, but in an ancient context, are highlighted and discussed further.

The right of intercession and the principle of annuality

One dominant explanation of collegiality – particularly as it is expressed in the dual consulship – is that it is a compromise arrangement between two parties. In this situation, it is seen as a crucial aspect of the settlement between the patricians and the plebeians, when the plebeians were granted the right to stand for election in 367, and each consul (theoretically) represented each groups’ interests. Although Cornell, among others, has rightly argued against this theory in recent years, it has informed (and continues to inform) current scholarly discussions of this concept.²⁶

²⁵ Cambridge Advanced Learner’s Dictionary, Fourth Edition, 2013.

²⁶ Cornell 1995; Wiseman 1995.

Following Mommsen, scholars have linked collegiality to the right of intercession: the ability of a magistrate to intervene in the actions of his colleague and impose a veto. Working within the framework that the purpose of collegiality was to reach consensus between the patrician and plebeian orders, De Martino argued that intercession was the underlying characteristic of collegiality: there were no constitutional remedies to the disagreement of one colleague. However, in a departure from the idea that collegiality was inherently linked to the consulship, he suggests that the principle was first introduced with the tribunes of the plebs and later applied to the consuls in 367, as a negotiation.²⁷ He also, however, defined collegiality primarily in terms of equal powers:

“La collegialità nella sua essenza non è l’esercizio del potere da parte dell’intero collegio, ma è l’attribuzione a ciascun collega di tutto il potere e conseguentemente l’esercizio di esso in modo indipendente ed autonomo da parte di ciascuno. Così ogni console ha tutto l’imperium e può esercitarlo in modo pieno e sovrano. Il collega può soltanto opporre il suo divieto, l’intercessio, che vale a fermare e neutralizzare l’atto di esercizio del potere (*intercessio collegiarum*).

Questo principio è veramente caratteristico della costituzione romana; lo abbiamo veduto nel tribunato della plebe ed ora lo ritroviamo nella massima magistratura della repubblica.”²⁸

Here De Martino raises an important point: equality between colleagues was highly significant.

Bleicken conceived of collegiality as a settlement between the patricians and plebeians. He argued that there were two defining principles of Roman magistracy: annuality and collegiality. For Bleicken, the principle of annuality was the defining feature of republican magistracy (in

²⁷ De Martino 1972: 234–238, 324.

²⁸ De Martino 1972: 410–413.

contrast to the monarchy), and collegiality was an additional principle that emerged with the compromise between patricians and plebeians in the fourth century.²⁹ He similarly highlighted the role of intercession between colleagues: while each magistrate had competency to act, he was bound by the consensus of his colleague who could render his actions invalid:

“Der besondere Charakter der römischen Kollegialität lag – entsprechend ihrem Sinn – darin, daß alle Kollegen einer Magistratur für alle der Gesamtmagistratur übertragenen Aufgaben kompetent waren; jeder Kollege blieb also für alle Handlungen auch seiner Kollegen zuständig, selbst wenn in der Praxis die Kompetenz innerhalb des Kollegiums sachlich oder geographisch aufgeteilt war.

Die Gesamtzuständigkeit eines jeden Kollegen für alle Geschäfte des Kollegiums war juristisch dadurch abgesichert, daß jeder Beamte jede Maßnahme seines bzw. Seiner Kollegen verbieten konnte (*intercedere*, davon interzedieren). Der Sinn der Interzession (*intercessio*) war es, für die Aktivität des Kollegiums stets einen Konsensus herzustellen.”³⁰

Bleicken also emphasises that this shared competency – much like De Martino’s equality between colleagues – was a distinctive feature of collegiality that allowed action despite geographical or practical divisions.

More recently, Lanfranchi has entered into the discussion of when collegiality arose. He characterises the scholarly problem in two parts: firstly, that the principle of collegiality cannot predate the Republic because it would not harmonise with the monarchical regime; and, secondly, that postponing it to after 367 ignores all evidence for its earlier existence and reduces its constitutional scope to the political agreement between patricians and plebeians.³¹ Lanfranchi himself, however, argues at length for the principle of collegiality to be attached

²⁹ Bleicken 1975: 76–83, 128–129.

³⁰ Bleicken 1975: 78.

³¹ Lanfranchi 2015: 221.

primarily to the tribunes of the plebs and then extended to the other Roman magistracies.³² He includes a brief discussion of the dictatorship, and criticises Mommsen's understanding of this magistracy as a solution to the problems of collegiality – a magistracy where the principle of collegiality (and, therefore, intercession) was temporarily suspended – arguing instead that there is no need to assume that a Roman magistracy was developed with the express aim of correcting collegiality.³³ Instead, we might look to the comparable organisation of magistrates elsewhere in Italy – although we do not know the period in which they existed, their precise way of functioning, or their degree of collegiality. Nevertheless, he concludes that the most likely hypothesis is that colleges of magistrates were Roman and instituted within tribunician colleges, then formalised across the Roman magistracies to ensure checks and balances across the political system.³⁴ While Lanfranchi's overall conclusions are less convincing, he makes a useful case against Mommsen's explanation of the dictatorship, which continues to be followed by numerous scholars today, and highlights the relevance for future investigations into the Italian – and Mediterranean – expressions of collegiality for our understanding of early Rome.³⁵

The purpose of collegiality?

But what was the purpose of collegiality? The answers to this question fall primarily within the realm of functional explanations of collegiality, but are worth briefly outlining here. Generally-speaking, modern scholarship has followed this lead of viewing collegiality primarily in terms of intercession – the right of veto – and explained the Roman propensity for collegiality in

³² Lanfranchi 2015: 217–229.

³³ Mommsen *Röm. Staatsr.* II³: 168–169; Lanfranchi 2015: 222–223.

³⁴ Lanfranchi 2015: 225, 229.

³⁵ Cf. the two recent monographs on the dictatorship: Wilson 2021; Konrad 2022. Jordan (forthcoming) argues convincingly for auspicial collegiality between the dictator and his *magister equitum*, which places the magistracy firmly within the same framework as, for example, the censorship, as an irregular office with defined tasks. The dictatorship is not discussed at length in this thesis, but must be included in any further discussions of collegiality that arise from this study, and I broadly accept Livy's notion of collegiality between the pair, quoted on page 6 (10.8.5).

terms of a check-and-balance mechanism, a means to limit the accumulation of power in certain individuals, and a method for ensuring that all decisions and actions were taken with the tacit consent of another individual holding office at the same rank.³⁶ This is certainly one aspect of this principle. However, it is not the only or – in my view – best explanation. Collegiality also ensured that there was always more than one individual who could complete the tasks at hand. Lintott convincingly argued that collegiality offered less in checks and balances than it did as an ‘insurance policy’ against the absence, death, or unavailability of a magistrate. As the Roman state expanded, and her chief magistrates were increasingly absent on military campaigns, not to mention the threat of being struck down by illness, there may have been a distinct need for more than one official to carry out joint duties and maintain state functions.³⁷ We might also be tempted to take Livy at face value when he says that six consular tribunes were elected to ensure that the state still had magistrates if any of them fell ill (*ab eo creati sex tribuni militum consulari potestate ut, etiam si cui eorum incommoda valetudo fuisset, copia magistra tuum rei publicae esset*).³⁸ Collegiality was a mechanism that guaranteed administration. Nevertheless, this tension between collegiality as an in-built constitutional check that gave rise to political ineffectiveness and for it to provide a fail-safe mechanism for continuous operations of the state is ever-present in the background of this thesis and will be returned to at significant points of the discussion.

Competition, consensus, and collegiality

We might also question how this notion of collegiality, collaboration, and consensus played out in the highly competitive sphere of Roman politics. The Roman governmental system was

³⁶ Cf. App. *B Civ.* 1.12, 3.50: ἔστι δὲ ἐν τοῖς ἄρχουσιν ὁ κωλύων ἀεὶ δυνατώτερος.

³⁷ Lintott 1999: 100–101.

³⁸ Liv. 5.31.7. Cf. Hurlet 2017: 294 on suffect consuls.

highly dependent on shared power and cooperation, from the aforementioned leadership of the two consuls for a fixed term to the life-long tenure of a sacerdotal official in a religious *collegium*. However, the overall administrative framework was also heavily built on an accepted dichotomy – but also a symmetry or symbiosis – between competition and consensus. Cooperation was typically required between candidates who were in intense competition for political office, immediately after they had successfully won their positions. This necessary disparity between competition and consensus has attracted considerable attention in recent scholarship as an accepted model for the broad political and social circumstances of the Roman Republic, particularly during the first century. In contrast, the relationship between collaboration and rivalry has received less attention. Consensus and shared power were also necessary for the effective management of republican government, and modern scholarship acknowledges the imbalances between this and the subsequent need for harmony in a system that was highly competitive and rewarded individual achievements.

In his seminal work on competition and consensus, Hölkeskamp laid out the key elements of competitive culture from a sociological viewpoint.³⁹ His model rests on the idea that a set of norms or rules was established which were accepted not only by the political elite, but also by the populace as a whole. There was fluidity across the political class that enabled members to move between positions of power and that created a subset of internal hierarchies based on individual accomplishments. This system depended on a strict and well-accepted view of the principles governing success and failure: individual status could only be obtained through individual achievement, and the outcomes rested entire on the merits of the individual(s) in question – failure fell solidly on the shoulders of an unsuccessful electoral candidate. But this highly competitive political situation called for collective consensus. Since individuals were in

³⁹ Hölkeskamp 2010: 30–41.

constant conflict to reach the same goal(s), it was essential that there was an established level playing field between the competitors and the deciding or voting body that enabled fair competition and a relatively equal chance for success. Hölkeskamp, in particular, stresses the increasing need for adherence to these terms with more intense competition. However, there was a further essential requirement for this system to function: failed candidates must have at least a second chance at success – the ‘prize’ (i.e. political office) must be obtainable at regular intervals to ensure validity and continuity. Furthermore, since the ‘prize’ was awarded on merit (theoretically), it was necessary to have a clear method for comparing competitors, and consensus on the rules governing this process could not be called into question by any party during the competition. Thus, there was an established hierarchy of authority and seniority that dictated this competition and these criteria were accepted in the form of consensus.⁴⁰ This fundamental need for conformity had one further implication: the Roman republican system of electing magistrates, specifically, did not disclose any close results within the electing body, as voting concluded once the requisite number of candidates had won enough votes. This had the overall effect of creating an apparent consensus among those casting votes, which called for not only acceptance of the result within the populace as a whole, but also among the failed candidates. This system – and the differentiation between consensus and competition – created a set ideology of devotion to the *res publica*. The high standards required for any individual to increase their authority and influence, and therefore their chances at ‘winning’, simultaneously demanded excellence in administration and command for the benefit of the state, with a high risk of failure. This, in part, also propelled the system forward in a continuous cycle of candidates competing for time-limited roles on the basis of their individual performances.⁴¹

⁴⁰ Hölkeskamp 2010: 98–99.

⁴¹ Hölkeskamp 1993: 25–26; 2010: 104–106.

Thus, the political elite had, to some extent, a high degree of uniformity in their outlook, and a shared set of rules and customs.

The collective group of this political elite was drawn together in the Senate, which brought together magistrates, military commanders, and most priests, as a body of experts not only to handle decisions on key matters of administration, but also to ensure stability across personnel changes in annual offices. The combined knowledge of this group was essential for debating Rome's overall administrative position in times of crisis or with new political or military scenarios. There was also significant potential for ex-office holders to use their status to dominate senatorial deliberation.⁴² However, it must also be acknowledged that the system of government relied heavily on the voting body: the election of magistrates and the promulgation of legislation required the backing of the people, notwithstanding the political authority invested in this collective elite. Scholarship has recently focused on the need for communication between these levels of society, in settings which allowed those with influence to persuade the voters to support their cause. These public assemblies, however, were similarly reliant on the elite, who, alone, in their magisterial roles, had the power to preside over, speak to, and dismiss them.⁴³ The *contio*, in particular, has received significant attention as the arena in which magistrates could debate key issues and address the people – but this debate was similarly driven by the incentives of the elite, who decided the topics of, and spoke to the listening audience.⁴⁴ For example, in her discussion of *contiones* and tribunician rhetoric, Russell highlights the importance of debate amongst the elite body for effective operation of

⁴² Hölkeskamp 1993: 34, 37–39; 2010: 30.

⁴³ Hölkeskamp 2010: 103. See Flaig (2003: 213–231) on collective action and institutional decision-making and the idea of group politics.

⁴⁴ E.g. Millar 1998; Morstein-Marx 2004; Pina Polo 2018; *contra* Mouritsen 2017.

this governing consensus. She suggests that popular oratory, in particular, could reinforce elite authority in as much as it could present choice or encourage change to the voting body.⁴⁵

In addition, religious authority was crucial, both within this system of consensus and also for individuals to extend their public visibility. In an earlier study, North draws out the importance of religion within this competitive political and administrative framework that required the demonstration and preservation of authority and influence.⁴⁶ The major public priesthoods were highly sought after, not least because they often had the benefit of life-long tenure and, as a result, increased public recognition. This is not to say that priestly offices were seen primarily as tools to increase political standing: religious activities were conducted by both priests and magistrates, and many individuals fulfilled these duties simultaneously, effectively differentiating between their various positions. The consuls, for example, played a significant role in fulfilling the religious needs of the state: these were not sacerdotal duties, but part of their political functions that aimed to preserve Rome's favour with the gods and also confirm the leading magistrates' legitimacy.⁴⁷ Furthermore, the selection process for priests, via co-optation, placed control over access to the priestly *collegia* firmly within the hands of the current sacerdotal officials, which allowed them to distribute, to some extent, priesthoods throughout the leading elite families. In contrast to the higher magistracies and military commands, there were no obvious pre-requisites for admission to sacerdotal office – some priesthoods, such as the augurs, generally selected men who had not begun their political careers, while others, such as the *pontifices*, favoured established politicians, and others again, such as the *flamen* and *flaminica Dialis*, were bound by religious constraints that impacted eligibility for priesthood and restricted any attempts at a political career.⁴⁸ Internal decisions

⁴⁵ Russell 2013: 106.

⁴⁶ North 1990: 16–18.

⁴⁷ Pina Polo 2011: 115.

⁴⁸ E.g. Hahm 1963; Rüpke 2008.

governed who was admitted to these roles, even with the introduction of public voting in 104 through the *lex Domitia*, as the serving members of the *collegia* retained the right to select the candidates standing for election.⁴⁹ Since vacancies only materialised with the death of a priest (with the exception of the enlargements of the priesthoods), there were limited opportunities to secure a place, raising the stakes of success. It is highly significant, however, that the priestly *collegia* operated in this fashion – it created a self-selected and inter-generational social group, linked for life, with internal hierarchies that were based on levels of expertise and experience and guaranteed continuation and longevity in their ritual duties. It is with this backdrop of competition in mind that we might approach the concept of collegiality.

Priests and magistrates

Before expanding on this idea of collegiality in both the sacred and administrative spheres, it is worth examining the links between priest and magistrate. This is especially relevant to our understanding of religious authority and the role of priests and magistrates in the religious system. Similarly, these distinctions between priest and magistrate inform our understanding of the institutional model of the *collegium*. Scheid, in particular, has explored the relationships between and differences of authority across magisterial and priestly roles. Scheid highlights the clear separation between priest and magistrate in terms of recruitment, via election or co-optation; length of tenure, either annual terms or life-long occupancy; and their derivation of power, which was defined in a magisterial context by *imperium* and *potestas*.⁵⁰ He poses the question of how priests related to magistrates – what was the difference between the governing

⁴⁹ Cic. *Phil.* 2.4. The *lex Domitia* is discussed further below.

⁵⁰ Scheid 1984: 268. The concept of *auspicia* is notably absent from Scheid's argument here: it is vital to our current understanding of the various forms of magisterial power and a clear difference between the authorities of 'priest' and 'magistrate'. Note the division of *religio* between *auspicia* and *sacra et caerimoniae* (Cic. *Leg.* 2.20–21), the former linked with the *augures*, the latter, the *pontifices*; also: Wissowa *RK*: 501; Linderski 1986: 2147–2150; Johnson 2007: 7–8.

actions of a magistrate and the religious actions of both magistrates and priests? How did these religious duties differ when carried out by a magistrate rather than a priest? What was the authority of a priest who was also a magistrate?⁵¹ In his investigation of these questions, Scheid explores the known cases of priests, co-opted in the republican period (300–44), who are not also attested as magistrates. He uses this evidence to build a broader case for exclusive religious authority and a clear separation between sacred and public functions, even in instances where the same man holds both a magistracy and a priesthood. A crucial element of Scheid's argument is that the role of priests was balanced against the role of magistrates and that this juxtaposition was central to the republican institutions. Following Mommsen, he compares the role of the *pontifex maximus* to the magistrate, one as custodian of the sacred; the other, the people.⁵² However, Scheid stresses that the division of tasks was not a straightforward dichotomy; it was both entwined and interdependent: where the priests were primarily responsible for the sacred, the magistrates had both religious and public functions. Although this relationship was collaborative, it was also hierarchical. The magistrate was imbued with a superior power, albeit time-restricted, but, in turn, that power was still subject to divine approval – the system required mutual oversight.⁵³ Scheid concludes by describing these two facets of power, the sacred and the public, as adhering to the principle of “collegiality”.⁵⁴ Although in some ways a useful analogy, Scheid's use of the term “collegiality” to describe the relationship between the *ius sacrum* and the *ius publicum* raises further questions for this discussion. In particular, Scheid makes it clear that this complex balance between priest and magistrate was inherently republican in nature. However, he emphasises the shift in mentality

⁵¹ Scheid 1984: 262; 1993: 68–69.

⁵² Mommsen *Röm. Staatsr.* II³: 17.

⁵³ Scheid 1984: 250–272.

⁵⁴ Scheid 1984: 280: “C'est dire si ce principe de la «collégialité» du pouvoir romain, l'inéluctable solidarité de deux droits, de deux pouvoirs indépendants, le sacré et le public...”

created by the *lex Domitia*, passed in 104,⁵⁵ which altered the recruitment of priests to include election – arguing that this process not only took away authority from the *collegia*, but also gave the priestly role a quasi-magisterial appearance.⁵⁶ Thus, for Scheid, this “collegiality” between the sacred and the public unravelled as the distinctions between priest and magistrate became less defined, reaching its culmination under the Principate.⁵⁷

Furthermore, Scheid’s conceptualisation of Roman religion is taken further in his assessment of the religious functions of magistrates. Noting that magistrates and promagistrates had an active role in public religion, Scheid examined the religious activity of magistrates with *imperium*, magistrates without *imperium*, and promagistrates. He observed that it was the magistrate, not the priest, who had the principal role in the major rituals of the religious calendar: the priest lacked the initiative to preside over or intervene in public affairs, which was the exclusive right of a magistrate with *imperium*.⁵⁸ The crux of his argument is that – as can be seen in the religious functions of magistrates – the chief priest of Rome, as both the celebrant of rituals and as the supreme religious authority, was not in fact a priest, but a magistrate.⁵⁹ This is a point that requires reiterating. While many scholars, following Mommsen, place the *pontifex maximus* in the position of the highest religious power in Rome, Scheid strips the republican priesthoods of ritual purpose and religious authority. He argues that this model of religious power can be seen not only in the public religion of the Roman state, but also within the professional associations, orders, or *collegia* and, on a smaller scale, within the family. In all of these cases, the capacity to conduct any religious action lies with

⁵⁵ On the *lex Domitia* see: Drummond 2008; North 2011. This reform influenced internal interrelations particularly in terms of admitting new members to fill vacancies.

⁵⁶ Scheid 1984: 273, 275.

⁵⁷ Scheid 1984: 276–280. Scheid suggests that the priestly *collegia* under the Principate operated in a way that was more similar to their operations under the monarchy: the priests were attendants to the supreme governing power.

⁵⁸ Scheid 2007: 127ff., 142.

⁵⁹ Scheid 2007: 128.

the individual invested with temporal authority: the *paterfamilias*, the *magister*, the magistrate.⁶⁰ Scheid concludes that the administration of the sacred meant simply to govern.⁶¹ At this junction, it is worth noting a key issue that emerges from this model: if the magistrate was the principal religious authority in Rome, what was a priest? What purposes did these Roman groups of religious officials serve in the overall framework of republican institutions, republican systems of governance, and of the Roman conception of religion in general? Was their entire function, as Scheid suggests, to assist magistrates in their religious ceremonies and manage the sacred law, with expert and exclusive competencies but not the highest religious authority?⁶² While these difficulties will not be answered directly here, they are pertinent issues for the thesis overall. Similarly, a number of key points emerge from the overall model of Roman religion put forth by Scheid that warrant further investigation also not fully attempted here. For example: can the role of priests be balanced against the role of magistrates in a system that sees magisterial power as superior? How do priests operate as custodians of the sacred? Where does the element of divine approval – and its interpretation – fit within these structures? Finally, the ongoing and important notion of mutual oversight. In a “true” model of collegiality, joint responsibility and collective authority might be expected. Is this the case in Scheid’s hierarchical organisation of Roman religion, with unequal and subordinate powers between priest and magistrate?

One aspect not dealt with in Scheid’s model of the priest-magistrate relationship is the organisational framework of priesthoods and how this influenced interrelations both between groups of priests and between priests and magistrates. Beard has highlighted the difficulties in classifying Roman republican priesthoods, from their traditional inception in the Regal period

⁶⁰ Scheid 2007: 128.

⁶¹ Scheid 2007: 144.

⁶² Scheid 2007: 143.

and throughout their evolution, particularly as each served an exclusive function. She argues for a system of diffused religious power, subject to the oversight of the Senate, who held the ultimate authority when ruling on sacred matters.⁶³ This model of Roman religion is developed further by Beard, North, and Price, who emphasise that the differentiation of sacred duties, ritual activity, and maintenance of sacral law, tied together with the collegial nature of Roman priesthood, were underlying principles of the religious system.⁶⁴ The diffusion of religious authority mirrored, in some ways, the diffusion of political power, which was spread across numerous political offices and was conceived of in collegiate magistracies. However, the collegial framework of the sacred institutions potentially pre-dated the republican magistracies in the Roman historical imagination. In the historiographical tradition, these religious structures are founded by Numa, who established the *pontifices*, *flamines*, *Vestales*, and *Salii*.⁶⁵ The overall picture emerging from the source material is that Numa instituted a variety of priesthoods, each with a designated function, to ensure the continuity and stability of the necessary rituals in the absence of the king. While the evidence is not definitive on whether these priests were arranged in *collegia* or whether they operated as individual advisors, it is clear that this representation included an element of subordination to the king. Beard, North, and Price propose that, in this conception of archaic Rome, the priests had a consultative relationship to the king, which fits within the historical framework that the establishment of collegiality came after the fall of the monarchy.⁶⁶ It is tempting to read the evidence in this way; however, the most recent scholarship on early Rome, which draws heavily on the

⁶³ Beard 1990: 42–45. Decisions made by the priestly *collegia* required the formal approval of the Senate, via a *senatus consultum*, as first demonstrated by Linderski 1986: 2159–2161, 2211–2212.

⁶⁴ Beard, North, and Price 1998: 18.

⁶⁵ Cic. *Rep.* 2.26; Liv. 1.20.2–7, 4.4.2–3; Plut. *Num.* 9.1–12.2. Numa is also credited with enlarging the number of *augures*, who were apparently already in existence. For Romulus as founder of the *augures*, see Cic. *Rep.* 2.16. The idea that there were *augures* – not single augurs – is a key point for early groupings of priests; cf. the association of the *fratres Arvales* with Romulus (Gell. *NA* 7.7.8).

⁶⁶ Beard, North, and Price 1998: 56. An example of the advisory nature of priests can be found with the augur, Attus Navius, who was employed in this role by Tarquinius Priscus after convincing him of the value of augury (Cic. *Div.* 1.32, *Leg.* 2.33; Liv. 1.36.2–8). However, he appears, initially, to operate outside the framework of state religion.

archaeological evidence, theorises that, in all likelihood, religious power was differentiated prior to the beginning of the traditional Republic, as the early Roman state expanded and required higher levels of specialisation.⁶⁷ Marco Simón, in his analysis of the *flamen Dialis*, a role which is often seen as part of an earlier organisation of priests,⁶⁸ has criticised the recent trends in the study of Roman priesthood for failing to note that it is not just this extreme diversity in the organisation of priests that demands attention; but also, the antiquity in which this diversity was established.⁶⁹ In the model of Roman religion presented by Beard, again, it is not the priests who emerge as the principal religious authority, but the Senate.⁷⁰

The organisation and co-optation of Roman priests

Linderski has definitively demonstrated that there was a distinction between individual and collective action within Roman priesthood, in much the same way as each magistrate had the competency to act on his own.⁷¹ For Roman priests, however, certain tasks required more than one priest to be present or to take certain decisions. It is this framework of collective action – and how individual actions were distributed among the collective – that is of primary concern for this study. But it is also worth outlining how priests were selected for their roles: unlike magistrates, who were elected to their posts, priestly roles were filled by the decisions of those who were currently members of the *collegium*, via co-optation. This process, which was the subject of multiple reforms in the Late Republic, is a key example of the individual and collective decisions that were taken by the priestly *collegia*.

⁶⁷ E.g. Glinister 2017: 73–74.

⁶⁸ As Beard, North, and Price 1998: 19.

⁶⁹ Marco Simón 1996: 32.

⁷⁰ This model has received significant criticism: Brennan 1991; Linderski 2007. On the idea of the division of competencies between the priestly *collegia* and the Senate, see: Linderski (1986: 2161–2162), who cites Cic. *Att.* 4.2.4 for the participation of the *pontifices* in the Senate for the ruling on Cicero's house.

⁷¹ Linderski 1986: 2151.

In 104, the *lex Domitia* altered the way in which priestly vacancies were filled. Rather than the usual process of *cooptatio*, which allowed the remaining priests in the *collegium* to choose who to add to their ranks, a public vote was taken with seventeen of the thirty-five tribes.⁷² The priestly *collegia*, however, retained control over who could stand for election: each priest nominated one candidate, and each candidate could only be nominated by two priests, to prevent all serving priests from nominating the same man. M. Tullius Cicero explains this process in regard to his own admission to the augural college in 53: Cn. Pompeius Magnus and Q. Hortensius Hortalus nominated him for the priesthood and – despite the whole college supposedly desiring it – it was not possible for him to receive more nominations.⁷³ L. Cornelius Sulla repealed this process in 81 and returned to a system of co-optation, but it was reinstated in 63 by the *lex Labiena*.⁷⁴ While we have few details beyond this on how the *collegium* came to its decision under either system of co-optation, the process highlights the importance of consensus and negotiation between the serving priests for admitting new members.⁷⁵

For the augural college, it similarly appears that close ties – or at least, no enmity – with current priests were essential for prospective candidates. In a letter to his fellow augur, Ap. Claudius Pulcher, from 50, Cicero writes:

quid illa tandem popularia, reditus inlustris in gratiam, in quo ne per imprudentiam quidem errari potest sine suspitione perfidiae, amplissimi sacerdotii collegium, in quo non modo

⁷² Suet. *Ner.* 1. The *pontifex maximus* was similarly elected in this way, although chosen from the serving *pontifices* (Liv. 25.5.2–4).

⁷³ Cic. *Phil.* 2.4: *Quo enim tempore me augurem a toto conlegio expetitur Cn. Pompeius et Q. Hortensius nominaverunt – nec enim licebat a pluribus nominari – tu nec solvendo eras nec te ullo modo nisi eversa re publica incolumem fore putabas.* See also *Rhet. Her.* 1.20 on the *augures* nominating candidates in the *contio* and Cic. *Fam.* 8.4.1 on the possible timing of the elections.

⁷⁴ Cass. Dio 37.37.1–2.

⁷⁵ Cf. Santangelo (2013a: 758) on the desirability of knowing more about this level of priestly activity, in terms of interactions between members of the same college in routine circumstances and during tensions or crisis.

*amicitiam violari apud maiores nostros fas non erat, sed ne coptari quidem sacerdotem licebat, qui cuiquam ex collegio esset inimicus?*⁷⁶

In this letter, Cicero aims to restore his friendship with Claudius, he tells us that *amicitia* – or friendship – was highly significant for internal priestly interactions within a *collegium*.⁷⁷ Close social relations were not only expected between priests, but also dictated who could be considered for priestly roles when vacancies appeared. Given that priestly positions were held for life, this expectation of friendly relations is noteworthy; especially in contrast to the time-limited service of Roman magistrates. That there were tensions between Cicero and Claudius demonstrates that it was not always possible (or realistic) for priests to retain *amicitia* for life. Nonetheless, in the Late Republic at least, this was one aspect of collegiality.

The *collegium* model and private associations

Roman priests and magistrates were not the only groups organised into colleges or *collegia*. There was an extensive and diverse set of private associations, collectives, or clubs also termed *collegia*, which had similar structural arrangements. They were often governed by *magistri*, who served annual terms and were responsible for financial transactions and club activities. A *collegium*, then, could refer to either a set of annually-elected state magistrates, a public priesthood (*collegia sacerdotum*), or a private association. In general, all three of these types of institutions, gathered under the broad umbrella of the term ‘*collegium*’, had a distinctive set of characteristics – they were a collection or pair of individuals with the same purpose, usually sharing civic, religious, professional, and/or social interests, with some form of formal hierarchy or mechanisms for creating internal organisation.⁷⁸ The key difference for

⁷⁶ Cic. *Fam.* 3.10.9.

⁷⁷ Note that *amicitia* and *inimicitia* are technical terms, with meaning beyond the term ‘friendship’.

⁷⁸ Flower 2017: 215–216, 220.

magistrates and priesthoods was that they were public institutions for civic administration and government (including public religion), whereas private associations were subject to the watchful eye of the Senate and subject to state authorisation and regulation. While priestly and magisterial *collegia* were filled with individuals from the upper echelons of the Roman elite, who were, in many cases, elected to their roles, the private associations were typically non-elite or local elite, open to freedmen, found throughout Rome, and in Italian towns and Roman colonies. The sheer variety of these associations meant that they encompassed groups from guilds of craftsmen or artisans to neighbourhood organisations to cults for local deities or religious groups.⁷⁹ Throughout the late Republic, various private *collegia* were banned at Rome due to disorder and unrest – especially those considered *adversus rem publicam* – but many proved integral to local life and administration.⁸⁰ Although each association might have a different size, purpose, and resources, they all conformed to a near-identical structure, making it difficult to separate legitimate organisations with practical benefits from those that might be dangerous or subversive.⁸¹ A new group might adopt this *collegium* model, with accepted structures and organisational practices, and complicate the ability to regulate them without affecting well-established associations or the ability to make decisions on whether they were an unacceptable association that should be banned.

Despite the structural similarities – and same terminology – between the *collegia sacerdotum* and private associations, Eckhardt has recently called for a clear distinction between them.⁸² He effectively argues that institutional isomorphism explains the likeness of these institutions: state priesthoods were inherently legitimate and served as a model that private associations

⁷⁹ Flower 2017: 218.

⁸⁰ E.g. the firefighters: Plin. *Ep.* 10.33–34, cf. Cic. *Pis.* 9. Flower 2017: 221–222, 234–249.

⁸¹ Flower 2017: 223.

⁸² Eckhardt 2021: 72.

adopted to influence their own success and legitimacy.⁸³ Under DiMaggio and Powell's theory of institutional isomorphism, organisations become increasingly homogenous and conform to characteristics that are institutionalised by (or within) the state, with institutions that closely resemble these governmental structures considered more reliable.⁸⁴ Eckhardt convincingly applies this concept to private associations in Rome and across the Mediterranean in the early imperial period as part of the process of Romanisation. He also, however, acknowledges that their organisational structure was largely based on the state priestly *collegia* (and colleges of the imperial cult): the *collegium* was an established model – with recognised rules – that, when imitated, linked these other associations to legitimate state structures.⁸⁵ In many ways, this elucidates the otherwise startling and inexplicable parallels between the two very different sets of institutions.⁸⁶ Institutional isomorphism clarifies why these outstanding similarities in structural organisation exist whilst also placing each body of institutions in its own, distinctive category. While the professional and private associations might mimic the framework of the public priestly *collegia*, they can rightly be considered as an entirely different entity to them – their likeness reflects the desire of the private associations to be viewed as legitimate organisations.

The collegial model clearly proved effective as a long-standing structural framework. New priesthoods were created under this same organisation pattern and reforms to existing priesthoods followed suit, perhaps reflecting this same process of institutional isomorphism.⁸⁷

This does not mean, however, that the private associations should be considered in the same category as state priesthoods. They had notably different purposes, were governed by a distinct

⁸³ Eckhardt 2021: 78, 100–101.

⁸⁴ DiMaggio and Powell 1983: 150–152.

⁸⁵ Eckhardt 2021: 73, 78.

⁸⁶ DiMaggio and Powell 1983: 148.

⁸⁷ Rüpke 2011: 34, 36.

set of laws, and played little role in governmental administration, even if they did conform to many of the common characteristics of legitimate state institutions. Consequently, these *collegia* will not be addressed as part of this study. They do, however, raise two significant points for this investigation. Firstly, that the collegial model was perceived, in the Roman mindset, to be a highly effective structural framework. Secondly, they tell us something important about Roman society. We might question why this institutional isomorphism occurs and why the Romans sought to regulate interpersonal relationships in the public and private sphere through this institutional model?⁸⁸ Indeed, it highlights the acute relevance of these behaviours to Roman society.

The prodigy of collegiality

Finally, to emphasise the significance of collegiality to the Late Roman Republican mindset and the expectations placed upon colleagues, I refer to a prodigy recorded by Julius Obsequens, from 42:

*Notatum est prodigii loco fuisse, quod P. Titius praetor propter dissensiones collegae magistratum abrogavit; et ante annum est mortuus. Constat neminem qui magistratum collegae abstulerat annum vixisse.*⁸⁹

According to this record, it was considered a prodigy that the praetor, P. Titius, recalled his colleague from office due to a difference of opinion. Cassius Dio, writing a history of Rome in the Severan period, offers further clarity on this event.⁹⁰ Allegedly, in 43, the tribune P. Servilius Casca Longus was removed from office by his colleague, P. Titius, who passed a bill

⁸⁸ See Russell 2016 on the politics of public space.

⁸⁹ Obs. 70 (*Abrogaverunt autem hi: Lucius Iunius Brutus consul Tarquinio Collatino, Tib. Gracchus M. Octavio, Cn. Octavius L. Cinnae, C. Cinna tr.pl. C. Marullo, Tullius ...*).

⁹⁰ Cf. *MRR* 2.340.

condemning him.⁹¹ Titius died shortly afterwards, confirming an old tradition that no one who had expelled a colleague survived the year:

ἐπειδὴ τε ὁ Τίτιος οὐκ ἐς μακρὰν ἐτελεύτησεν, ἐβεβαιώθη τὸ ἀπὸ τοῦ ἀρχαίου τετηρημένον· οὐδεὶς γὰρ ἐς ἐκεῖνο τοῦ χρόνου συνάρχοντά τινα καταλύσας ἀπηνιούτισεν.⁹²

These narratives both imply that there were strict expectations of how a collegial relationship should unfold even in the event of misconduct and in the midst of an ongoing political crisis. It seems that the expulsion of a colleague broke an unspoken bond between magistrates that was warned against by the tales of certain death from various intervals throughout the Republic. It was not only custom to maintain this collegial connection, but also a prodigy when it was not observed: an obscure or noteworthy occurrence that required public attention.

Thesis structure

To explore the concept of collegiality as it is expressed in both Roman magistrates and priests, this thesis is divided into two parts. The first part investigates Roman magistrates via thematic discussions of three political institutions: the censorship, the consulship (and the decemvirate of 451 and 450), and the quaestorship. These magistracies were chosen specifically to explore three themes: constitutional collegiality and the auspices, mechanisms of shared power, and cross-institutional collaboration, respectively. The second part explores broader themes of collegiality in the major Roman priesthoods: the *pontifices*, the augurs, and the *decemviri sacris*

⁹¹ Cass. Dio 46.49.1–2: Ἐν τούτοις δὲ τοῖς ὑπαιτίοις καὶ ὁ Κάσκαρς ὁ Πούπλιος ὁ Σερουίλιος ὁ δήμαρχος ἐγένετο· καὶ ἐπειδὴ προὔποτοπήσας τὸν Καίσαρα ὑπεξήλθε πρὶν καὶ ἐς τὴν πόλιν αὐτὸν ἐσελεθῆναι, τῆς τε ἀρχῆς ὡς καὶ παρὰ τὰ πάτρια ἀποδημήσας ἐπαύθη, τοῦ πλήθους ὑπὸ Πουπλίου Τίτιου συνάρχοντος αὐτῷ ἀθροισθέντος, καὶ οὕτως ἔάλω.

⁹² Cass. Dio 46.49.2 (ἀλλὰ τοῦτο μὲν ὁ Βροῦτος ἐπὶ τῇ τοῦ Κολλατίνου καταπαύσει ἐπαπέθανε, τοῦτο δὲ ὁ Γράκχος ἐπὶ τῇ τοῦ Ὀκταουίου καταλύσει ἀπεσφάγη, ὃ τε Κίννας ὁ τὸν τε Μάρυλλον καὶ τὸν Φλάουιον ἀπαλλάξας οὐκ ἐς μακρὰν ἀπεφθάρη. ταῦτα μὲν οὕτω τετήρηται).

faciundis. These sections consider a variety of themes significant to the collegiality of Roman priests: hierarchies within *collegia*, priestly pairs or couples, settings for collegial activities (i.e. banquets) and commensality, mechanisms for internal decision-making, and the activities of individual priests on behalf of the *collegium*. The question of how collegiality relates to authority – and, specifically, religious authority – is a constant theme throughout both parts, for magistrates and priests. Finally, the conclusion discusses these two distinct parts together to draw broader conclusions on collegiality and religious authority across the political and religious institutions of the Roman Republic and to illuminate the comparable characteristics of the collegial relationships of both magistrates and priests.

Magistrates

Magisterial powers and collegiality: the censorship

In 179, according to the Livian account, a public reconciliation between the two newly elected censors, M. Aemilius Lepidus and M. Fulvius Nobilior, took place.⁹³ The leading senators, represented by Q. Caecilius Metellus, Livy claims, urged the pair to set aside their long-standing enmity for the good of the state. Metellus vocalised the thoughts and anxieties of senators and citizens alike, who feared the outcome of a censorship that brought together two feuding figures, and advised the censors to conduct the census, the *lectio senatus*, *equitum recensio*, and the *lustrum* with one mind and one counsel: *uno animo uno consilio*. In this version of events, Livy, through this fictitious exhortation of Metellus, presents the common conception that censorial colleagues should operate harmoniously. He draws on the importance of moral integrity for the censorship and stresses the role of *amicitia*, alongside the willingness to lay aside *inimicitia*, in political and administrative endeavours.⁹⁴ This brief account neatly encapsulates the character of the censorship most often presented in modern scholarship, as the Roman magistracy that demanded a higher degree of cooperation than any other.

As hinted at in this episode, there is an overwhelming pattern in the historical narrative to assess the success and effectiveness of a censorial pair on the basis of their harmony or, more precisely, their lack of disagreement. Although the other, regular, republican magistracies were also somewhat limited in their efficacy when disputes emerged between colleagues, as well as praised in instances of outstanding cooperation, the censorship had an apparent requirement for harmony between colleagues that went beyond this in both an informal, practical sense and with regard to their election and the conferral of magisterial powers. The ancient authors placed

⁹³ Liv. 40.45.15–46.16.

⁹⁴ Compare this with the priestly colleges, for example, Cicero's assertion that it was customary for members of the augural college to be in *amicitia* and that no *inimicus* of any current augurs should be co-opted into the college (*Fam.* 3.10.9).

definite value on censors' collaboration and consensus. The excerpt specifically highlights the essential functions of the censors as interpreted by Livy: the census, *lectio senatus* and the *equitum recensio* – all of which were carried out by the censorial pair collectively, in contrast to their secondary duties of letting contracts and arranging building programs, which could be completed individually or with additional senatorial restrictions.⁹⁵ This chapter will explore the expectations placed upon censorial colleagues in terms of collective action, mutual agreement, and harmony and investigate the division or partnership of the censors' tasks. It will reconsider how Roman magisterial powers applied to the censorship, in comparison with the consulship. Primarily, it will assess the tendency to view this magistracy, the censorship, as the most collegial.

Roman magisterial powers

Roman magisterial power is defined through the abstract and complex concepts of *potestas*, *imperium*, and *auspicium*. These ideas also greatly inform our understanding of magisterial collegiality – how it was expressed in constitutional terms, the ways in which magistrates were considered collegial, and the impact that these collegial arrangements had on magisterial functions – it is impossible to separate the notion of magisterial collegiality from magistrates' underlying powers and authorities. While these terms are crucial, in a broader sense, to Roman government and religion, precise definitions are difficult to produce. Taken simply, *potestas* refers to the specific power of a magistracy; it was the power that enabled magistrates to conduct the duties of their office. In some cases, *imperium* is defined as an element or example of *potestas* or a *potestas* in its own right, which invested a magistrate with the ability to hold a military command. Alternatively, *auspicium* – which is of the most importance for magisterial

⁹⁵ Briscoe 2008: 531. Cf. Maslakov 1984: 449 on the *censorial nota* and Val. Max. 2.9.

collegiality – was the divine confirmation of a magistrate’s authority; a magistrates’ religious competence to seek the gods’ approval. However, modern scholarship has failed to agree on this framework of magisterial powers, calling into question key features of these brief definitions and their consequences and, in some cases, arguing for a complete overhaul of our understanding of this entire system. Consequently, it is necessary to highlight the scholarly background to Roman magisterial powers and outline the defining characteristics of Roman magistracy before embarking on a discussion of how these relate to magisterial collegiality.

Mommsen’s initial assessment of *imperium* and *auspicium* (*auspicia publica*)⁹⁶ continues to be influential and remains the starting point for most modern interpretations. He suggested that there was an intrinsic connection between *imperium* and *auspicium*: they were two parts of the same concept, one human, the other divine. Both aspects of this power, *imperium auspiciumque*, were essential for command and this term signified the highest expression of magisterial power.⁹⁷ Mommsen further contrasted *imperium* with *potestas*, noting that *potestas* was the main form of power for magistrates without *imperium* (e.g. the censors), but, for magistrates with *imperium*, the terms could be used interchangeably – *consularis potestas* equated *consulare imperium* – despite the underlying theoretical difference between the two.⁹⁸ His definition of *imperium* was split into grades or different qualities of power dependent on the magistracy, in hierarchical order: *dictatorium*, *consulare*, *praetorium*. This power could be exercised within the *pomerium*, *domi*, or outside, *militiae*, with the auspices used to validate and confirm these difference instances of *imperium* (i.e. *imperium militiae*) every time a transition was made.⁹⁹ Mommsen’s “theology of *imperium*”, as it has been termed by

⁹⁶ Here *auspicium* refers to the *auspicia publica*, the right of the magistrates to auspicate (*auspicato*) or consult the *auspicia impetrativa* for public business, see: Cic. *Leg.* 3.27. Linderski 1986: 2205.

⁹⁷ Mommsen *Röm. Staatsr.* I³.76, 90.

⁹⁸ Mommsen *Röm. Staatsr.* I³.23.

⁹⁹ Mommsen *Röm. Staatsr.* I³.23.

Brennan,¹⁰⁰ presents *imperium* and *auspicium* as concepts that critically defined and influenced changes to the Roman constitution, as well as providing a set point of reference for the hierarchy of political institutions and their development.

Bleicken offered an alternative assessment, viewing *auspicium* as the foundational idea of public authority that was later supplemented with *imperium* for power within the military sphere.¹⁰¹ In seeing *imperium* as purely the power for military command, Bleicken significantly departed from Mommsen's model. Bleicken argued that *potestas*, loosely defined as authority, emerged as a concept to differentiate between magistrates who held *auspicium* and symbolised the hierarchy of magisterial office. This could be expressed as *maior potestas*, a consul held *maior potestas* compared to a praetor; *par potestas*, consuls holding equal powers; or *minor potestas*, a quaestor compared to an aedile – the system relied on comparison. Bleicken was keen to stress that both *imperium* and *potestas* were ultimately derivatives of *auspicium*, which was a practical power: the right to take the auspices (*ius auspicii*).¹⁰²

Drogula is one of the few contemporary scholars to take Bleicken's model as his starting point. He created a strict dichotomy between *imperium* and *potestas* based on their ability to be used within or beyond the *pomerium*, *domi* or *militiae*.¹⁰³ Similar to Bleicken, Drogula argued that *imperium* was entirely a military prerogative and only existed as *imperium militiae*; it did not operate within the *pomerium*, except in emergencies (with constitutional backing). In contrast, all magistrates held *potestas*, the civil expression of magisterial authority that allowed them to complete their duties in the public sphere, *domi*. This controversial model equates *imperium*, as a military power, with *potestas*, as its civil counterpart. Drogula considered these two

¹⁰⁰ Brennan 2004: 25ff.; Beck 2011: 79–80.

¹⁰¹ Bleicken 1981: 294–295.

¹⁰² Bleicken 1981: 295–296.

¹⁰³ Drogula 2007: 419–452, 2015: 32–33.

concepts, alongside *auspicium*, which he defined as the ability for a magistrate to act as an intermediary between the state and the gods, to be the fundamental components of Roman magistracy; the vital expressions of magisterial authority.¹⁰⁴ He contested the notion that consular power, for example, derived solely from *imperium*, arguing against the interchangeability of *consulare imperium* and *consularis potestas*.¹⁰⁵ Following Bleicken's lead, Drogula also attributed the ranking of magistrates to their *potestas*. He acknowledged that both *potestas* and *auspicium* ordered magistracies, but that *auspicium* did not create magisterial hierarchy in itself.¹⁰⁶ Instead, *auspicium*, which was divided into two strengths (*auspicia minora* and *maxima*), further separated military command from civil magistracy, via the conferral of *auspicium domi* and *auspicium militiae* (see the complex discussions of the *lex curiata*).¹⁰⁷ Drogula's model supports the idea that *imperium* was closely linked with *auspicium* as the necessary prerequisites for military command, but does not employ *imperium* as the defining feature of a Roman magistrate, as many scholars do – that power was expressed by *potestas*. While Drogula's radical theory has not found widespread support, especially his claim that *imperium* could not be exercised *domi*, which seems to be attested in the ancient evidence,¹⁰⁸ there are some merits to his assessment of *potestas*. As he stresses, this was the form of power held by all Roman magistrates: there were different types of *potestas* specific to each magistracy; each type of *potestas* gave its holders, only, the authority to conduct their magisterial duties; and a type of *potestas* could be conferred upon other magistrates to enable the completion of duties exclusive to a different office when necessary.¹⁰⁹ Drogula

¹⁰⁴ Drogula 2015: 6, 47, 69.

¹⁰⁵ Drogula 2015: 56.

¹⁰⁶ Drogula 2015: 65–66.

¹⁰⁷ Drogula 2015: 81. On the *lex curiata*: Humm 2012: 57–84; Vervaeke 2014: 300–351; Drogula 2015: 70–78.

¹⁰⁸ Sall. *Cat.* 29.3: *ea potestas per senatum more Romano magistratui maxuma permittitur ... domi militiaeque imperium atque iudicium summum habere.*

¹⁰⁹ E.g. Frontin. *Aq.* 95.

convincingly argues that *potestas* was the dominant power that defined Roman magistrates.¹¹⁰ Scholarship, however, generally continues to view *imperium* as a *potestas*.

Vervaeet took exactly this approach in his investigation of the *summum imperium auspiciumque*, the hierarchy of command, comprehensively rejecting Drogula's conception of *imperium* and *potestas*.¹¹¹ Vervaeet continued the scholarly tradition of adapting Mommsen's theories of *imperium* and *auspicium*. He similarly argued that there was a distinct connection between these two powers, although he disputed Mommsen's premise that they were two expressions of the same overall authority.¹¹² Vervaeet also saw an inherent link between *imperium* and *potestas*: *imperium* was always a *potestas*, but *potestas* did not exclusively refer to *imperium* – although the terms were interchangeable for magistracies which held *imperium*.¹¹³ On *auspicium*, however, Vervaeet aligned more closely with Bleicken, considering it to be the initial expression of magisterial power, owing to the importance of religious authority in the early Republic. He attributed the later prominence of *imperium* to a change in constitutional values over time.¹¹⁴ Vervaeet's model, particularly including his analysis of the *lex curiata*, presents *imperium* and *auspicium* as the central constitutional features of Roman magistracy.¹¹⁵

In a different take on these concepts, Berthelet explored the balance and control of magisterial powers via the auspices.¹¹⁶ He defined *imperium* as a subset of *potestas*: all magistrates had *potestas cum* or *sine imperio*. Rather than directly linking *imperium* with *auspicium*, like most scholars, Berthelet set *potestas (cum or sine imperio)* against *auspicium* and concluded that

¹¹⁰ Drogula 2007: 422, 434–435, 451–452, 2015: 57, 64–66, 116.

¹¹¹ Vervaeet 2014: 22 n. 19.

¹¹² Vervaeet 2014: 17, 20.

¹¹³ Vervaeet 2014: 21–22.

¹¹⁴ Vervaeet 2014: 19–21. That is, Vervaeet sees *auspicium* as more important during the “earlier, more ‘primitive’ days of the Roman Republic” and *imperium* increase in importance as the value of *auspicium* decreased.

¹¹⁵ Vervaeet 2014: 324.

¹¹⁶ The following citations are taken from Berthelet's unpublished PhD thesis as this was written during lockdown, without access to the print version of this material.

they were two inseparable facets of magisterial power, one civil, the other religious. The forms of *imperium*, *domi* and *militiae*, overlapped exactly with magistrates' internal auspices (*intra pomerium*), *auspicium domi*, and external (*extra pomerium*), *auspicia militiae*.¹¹⁷ Consequently, he considered *auspicium*, together with *potestas*, to be the defining characters of magisterial power.¹¹⁸

The precise relationship between *imperium* and *auspicium* remains central to most of these models of magisterial power – it is made explicit, in most cases, that they were inherently connected powers. For many scholars, the right to take the auspices, *ius auspicii*, was a crucial feature of Roman magistracy as it signalled the ability to seek out and act with divine approval. It is also usually considered to be the oldest form of power in Rome: it validated and confirmed a magistrate's authority.¹¹⁹ Some scholars, such as Linderski, correctly view *auspicium* as a prerequisite for holding *imperium*; Dalla Rosa stated outright that there was no *imperium* without *auspicium*.¹²⁰ However, to complicate the situation, the *auspicia publica* were separated into two distinct grades which did not entirely overlap with the usually accepted classes of *imperium* (following Mommsen: *dictatorium*, *consulare*, *praetorium*) or the different types of *potestas* specific to each magistracy.¹²¹ The higher magistrates (consuls, praetors, censors, dictators) possessed the *auspicia maxima*, while minor magistrates held the *auspicia minora*, conferred on the basis of their election in the *comitia centuriata* or *comitia tributa*, respectively.¹²² This is of particular relevance to the notion of auspicial collegiality. According to the augur M. Valerius Messalla (*cos.* 53), preserved in Gellius, praetors and consuls were elected under the same auspices, *iisdem auspiciis*, and were considered auspicial colleagues.

¹¹⁷ Berthelet 2012: 187–195, 234.

¹¹⁸ Berthelet 2012: 173–274, 402.

¹¹⁹ Dalla Rosa 2003: 186.

¹²⁰ Linderski 1986: 2180–2181; Dalla Rosa 2011: 250, 252.

¹²¹ Mommsen *Röm. Staatsr.* F.23; Rüpke 1990: 45.

¹²² Vervaet 2014: 306.

Although also invested with the *auspicia maxima*, the censors were not colleagues of the consuls and praetors.¹²³ This has significant ramifications for our understanding of the development of these magisterial offices and their associated powers, as well as the emergence of magisterial colleges. For example, some scholars see the materialisation of an imperfect collegiality between the consuls and praetor thought to make up the executive government of the early Republic, based on their shared auspices and *imperium* (albeit of different levels).¹²⁴ These powers created and informed complex institutional hierarchies, resulting in a set of constitutional expectations for both the relationships between and the collegiality of Roman magistrates.¹²⁵

For this study, I cautiously employ the following definitions of *potestas*, *imperium*, and *auspicium*, with further expansion of my position throughout. At the outset, these concepts were the three main tenets of Roman magisterial power. I accept that *potestas* referred to the abstract power that enabled magistrates to complete the duties of their office and was specific to each magistracy; the primary distinguishing feature of magistracies. The right to undertake military command was reflected in a magistrate's *imperium*, which was a form of *potestas* and could be exercised *domi* or *militiae*, graded on the basis of magisterial hierarchies (e.g. *dictatorium*, *consulare*). This power, however, was reliant on *auspicium*, the *auspicia publica*, or the *ius auspicii*, the right to take the auspices and confirm the will of the gods. This validation, via favourable auspices, provided essential religious legitimacy for any official magisterial action. It was this auspicial link between magistrates – their election *iisdem auspiciis* – that underlay the entire system of constitutional collegiality.

¹²³ Gell. *NA* 13.15.4, 6.

¹²⁴ Beck 2011: 82–83.

¹²⁵ Cf. Koortbojian 2020: 52.

The censorship and collegiality

The problem of censorial collegiality, in particular, has been examined from a variety of perspectives, from the insistence that cooperation was a principal element of this magistracy to a complex discussion of censorial *auspicium* and *potestas*. The majority of these investigations have stated simply that collegiality was a strict requirement for the censorship and focused their attention on two apparent constitutional rules: that the censorship could not be held by one individual, alone, and that it was not possible to elect a *censor suffectus* in the event that a serving censor died.¹²⁶ These two restrictions on holding office are unique to the censorship and, while they have been accepted and employed as evidenced to highlight the importance of collegiality for this magistracy, they have not been explained or re-assessed in more recent studies.¹²⁷

Mommsen, in his extensive investigation of the censorship, touched on the idea of censorial collegiality. He concluded that the principle of collegiality applied to this magistracy with far more rigid conditions than for any other republican magistracy, such as the consulship or aedileship.¹²⁸ This observation set the tone for subsequent studies of the censors, many of which have similarly concluded that the censorship can be viewed as the pinnacle of magisterial collegiality.¹²⁹ However, Mommsen also drew out the apparent inconsistencies of this magistracy, such as the contrast between the requirement for cooperation in the major official tasks and the ritual constraint that only one censor finalised the census via the *lustrum*.¹³⁰ He

¹²⁶ Liv. 5.31.6–7.

¹²⁷ For example, Suolahti (1963: 78, also 26, 79) states: “As the Romans considered collegiality to be the best guarantee of abuse of censorial powers, a censor was obliged to resign immediately if his colleague resigned or died”. Cf. Welbourn 2017: 45–46, 101.

¹²⁸ Mommsen *Röm. Staatsr.* II³:327.

¹²⁹ Suolahti 1963: 26, 30–31, 78–79; Welbourn 2017: 45–46, 100–105.

¹³⁰ Mommsen *Röm. Staatsr.* II³:346.

highlighted that while the censorship conformed to many of the expected magisterial procedures, there were notable and intrinsic peculiarities: an extended, regular, period of office that cut across the authority of multiple consular pairs – more similar to the extraordinary office of the dictatorship – and the invalidation of all the censors' primary acts in the event that a serving censor passed away, based on the inability to elect a *censor suffectus*.¹³¹

Modern scholarship has sought to solve and explain these differences of the censorship in comparison to other Roman magistracies, usually focusing on the disparities rather than the similarities and shared elements of Roman political offices. In addition to the problem of the *censor suffectus*, scholarship has grappled with the idea that this magistracy could not be held by only one individual for any length of time and the practicalities of censorial *intercessio*, the right of veto. The requirement for both censors to agree on the *lectio senatus* and the *recognitio equitum* has received recent attention in light of this, with debate centred on whether censorial pairs were explicitly obligated to cooperate for completion of these official tasks.¹³² These complexities of the censorship are all inextricably linked to the underlying concepts of Roman magisterial power shared by all magistrates: *potestas*, *imperium*, and *auspicium*.

The intricacies of the censorship are also well-referenced in the ancient literature. In the historical tradition, the census was initially introduced by King Servius Tullius, alongside the institution of the *comitia centuriata*, and continued to be conducted by the kings and later the consuls, in addition to their regular duties.¹³³ According to Livy, the censorship was created as a Roman magistracy in 443, in response to the pressing need for a survey and the immediate military demands imposed on the consuls. The Senate allegedly recognised that the size of the

¹³¹ Mommsen *Röm. Staatsr.* II³:327 n. 6, 330.

¹³² Cic. *Cluent.* 119–122. Suolahti 1963: 30–31, 564; Welbourn 2017: 158.

¹³³ Cic. *Rep.* 2.37–39; Liv. 1.42.4–5, 43.

task was incompatible with the consulship and considered the establishment of a new magistracy, with the authority to oversee scribes, public records, and census procedures, to be the most appropriate course of action. Livy reports that this innovation was well received and, after the leading men declined appointment to this new office, two ex-consulars were elected by the people and named censors.¹³⁴ In his account of the origins of the censorship, Livy also highlights the later importance of this magistracy. He specifically references their role in the regulation of discipline and morals, the composition of the Senate and equestrian order, and their jurisdiction over public and private places and public revenues.¹³⁵ The supposed initial purpose of the censorship – to conduct the census – is contrasted with its later prominence and duties that cut to the core of Roman public life. However, the practicalities of this magistracy seem to remain elusive and explicable only through historical precedent throughout Livy’s narrative.

The *censor suffectus*

The case of the *censor suffectus* is a prime example. Livy reports that in 393 the censor C. Julius died while in office and was succeeded by M. Cornelius Maluginensis as a replacement colleague to L. Papirius Cursor. During this *lustrum*, Rome was captured in the Gallic invasion and the election of a *censor suffectus* was recognised as a religious flaw or *vitium*. According to the historical narrative, it became customary for a deceased censor not to be replaced with a *censor suffectus*, but for the surviving censor to abdicate his office in anticipation of the election of an entirely fresh censorial pair.¹³⁶ To the Roman mind, this was the only solution that resolved the *religio* that was linked to one of the darkest moments in Rome’s alleged

¹³⁴ Liv. 4.8.3–7; L. Papirius Mugillanus and L. Sempronius Atratinus.

¹³⁵ Liv. 4.8.2.

¹³⁶ Liv. 5.31.6–7; 9.34.21–25; 27.6.18–19; cf. Dion. Hal. *Ant. Rom.* 1.74.5–6.

military history. In modern scholarship, this has similarly been considered a key piece in the argument for a stricter collegiality between censorial pairs: the censorial college could not be reconstructed in the same way that a consular college could, through the election of a *consul suffectus*. Very few scholars have linked this restriction to *auspicium*. Most scholars, instead, view this constraint as a means to curb censorial influence and avoid the potentially problematic situation of investing a single individual with such significant powers, especially if acting alone in office for any length of time.¹³⁷

However, I would argue that there is an underlying procedural element at play. As discussed above, *auspicium* was one of the fundamental magisterial powers and shared *auspicia* were the vital prerequisite for magisterial collegiality. It is worth returning to the concept of *iisdem auspicis* in more detail, with the full explanation of the augur, Messalla, surviving in Gellius:

Propterea ex eo libro verba ipsius Messalae subscripsimus. "Patriciorum auspicia in duas sunt divisa potestates. Maxima sunt consulum, praetorum, censorum. Neque tamen eorum omnium inter se eadem aut eiusdem potestatis, ideo quod conlegae non sunt censores consulum aut praetorum, praetores consulum sunt. Ideo neque consules aut praetores censoribus neque censores consulibus aut praetoribus turbant aut retinent auspicia; at censores inter se rursus praetores consulesque inter se et vitiant et obtinent ... Censores aequae non eodem rogantur auspicio atque consules et praetores. Reliquorum magistratuum minora sunt auspicia. Ideo illi "minores", hi "maiores" magistratus appellantur. Minoribus creatis magistratibus tributis comitiis magistratus, sed iustus curiata datur lege;

¹³⁷ Welbourn (2017: 45–46) hints at the relevance of auspicial collegiality; Suolahti (1963: 78–79) makes the unsatisfactory argument that the surviving censor could influence the election for his colleague if allowed to preside over it.

*maiores centuriatis comitiis fiunt” ... Sed et conlegam esse praetorem consuli docet, quod eodem auspicio creantur.*¹³⁸

Therefore, I quote from that book Messalla’s own words: “The auspices of the patricians are divided into two powers. The highest [*auspicia maxima*] are those of the consuls, praetors, and censors. However, all of these are not, between themselves, the same or identical powers, and for that reason the censors are not colleagues of the consuls or praetors, but the praetors are colleagues of the consuls. For that reason, the consuls or praetors neither disturb nor restrain the auspices of the censors, nor the censors those of the consuls or praetors; but the censors possess them and vitiate them between themselves, and again the consuls and praetors between themselves ... Equally, the censors are not elected under the same auspices as the consuls and praetors. The *auspicia minora* are those of the remaining magistrates. For that reason, these are called the ‘lesser’ magistrates, the others, the ‘greater’. While the lesser magistrates are elected in the *comitia tributa*, the greater magistrates are made in the *comitia centuriata*; but legitimacy is given by a curiate law [*lex curiata*]” ... But he [Messalla] also informs us that praetors are colleagues of the consuls, because they are elected under the same auspices.

Messalla highlights the differences between the *auspicia maxima* and the *auspicia minora* and further explains the divide between magistrates holding the *auspicia maxima*, the consuls, praetors, and censors. Importantly, this division represents a break in collegiality – the reason that the censors are not colleagues with the consuls, in the same way that praetors are colleagues of the consuls, is entirely due to the practicalities of their election. Messalla indicates that consuls and praetors were elected *iisdem auspiciis*, under the same auspices, in the same sitting of the *comitia centuriata*. The key to their auspicial collegiality was that their election was the

¹³⁸ Gell. *NA* 13.15.4, 6; cf. Cic. *Att.* 9.9.3. Humm 2012: 65–66. See Vervaet (2014: 304–310) for a discussion of the phrase *sed iustus curiata datur lege* applying to the higher magistracies, particularly the idea of a *iustus magistratus*.

result of an uninterrupted vote.¹³⁹ This technicality or underlying procedural arrangement poses problems for the auspicial collegiality of magistrates where one member of the college was elected at a later point.

There is a mechanism that potentially explains how this auspicial collegiality was created and preserved in magistracies where the election of a *suffectus* was permitted. Pina Polo has recently investigated the electoral process for consuls in cases where the initial vote returned only one successful candidate. He found that, rather than retaining the magistrate who presided over the first election, the successful candidate, or *consul designatus*, took over this task.¹⁴⁰ Consequently, the second successful candidate was elected at a different sitting of the *comitia centuriata*, with a different presiding magistrate – his colleague-in-waiting. For example, in 216, P. Cornelius Asina, as *interrex*, held the consular elections. According to Livy, C. Terentius Varro was the only candidate to be duly elected consul, which called a stop to the electoral proceedings. The following day, Varro convened the *comitia* for the election of his colleague and L. Aemilius Paullus was successfully returned. Varro then held the election of the praetors, which had similarly been adjourned after his election on the previous day.¹⁴¹ In this episode, Varro, as *consul designatus*, presided over both the elections for his consular colleague-to-be and the praetors for the following year. Pina Polo does not attempt to explain the procedural reasoning behind this process. In my view, it is highly likely that this mechanism allowed the consuls and praetors to create the auspicial link usually conferred via their election *iisdem auspiciis*. It is particularly informative that the *interrex*, Asina, did not continue with the vote for the praetorian elections.¹⁴² This allowed Varro, as *consul designatus*, to confer his auspices upon his future colleagues – consul and praetors – as the presiding magistrate of their

¹³⁹ Note Varro (*Ling.* 6.66): *collegae, qui una lecti* (colleagues, who are chosen as one). Stewart 1998: 105, 111.

¹⁴⁰ Pina Polo 2013: 431–434.

¹⁴¹ Liv. 22.34.1, 22.35.2–6. (*C. Terentius consul unus creatur, ut in manu eius essent comitia rogando collegae*).

¹⁴² Cf. Mommsen *Röm. Staatsr.* I³:659.

election, despite the fact that this occurred on a different day, in a different sitting of the *comitia*. While their election was not the product of an entirely uninterrupted vote, it did retain this necessary auspicial connection. This is the same procedure that was followed when an active consul, rather than a *consul designatus*, presided over the election of a *consul suffectus*.

It is worth raising two additional points in support of this: the constitutional position of the *interrex* and the consequences of an electoral *vitium*. Elections could only be presided over by a magistrate who held *auspicium*. An *interrex* was typically reverted to in cases where the consuls could not return to Rome to hold elections or in the event that the consular year expired prior to the vote for new consuls.¹⁴³ The office itself was non-collegial and invested with *imperium* and *auspicium* for a short period of five days, with the principal purpose of holding consular elections.¹⁴⁴ However, the process of appointment relied heavily on the technicalities of *auspicia*. An *interrex* was chosen (possibly by lot) by the patrician senators, the *patres*, who hosted the *auspicia populi Romani* – the auspices originally passed from Jupiter to Romulus and then conferred upon Rome’s highest magistrates, in the historical tradition – when there were no serving curule magistrates, so Cicero: *dum enim unus erit patricius magistratus, auspicia ad patres redire non possunt*.¹⁴⁵ This first *interrex*, although a crucial link in this chain, was not appointed *auspicato*, with the consultation of the auspices, and was subsequently required to select a second *interrex, auspicato*, who had the authority to convene the *comitia*.¹⁴⁶ This procedure highlights the apparent constitutional importance of religious legitimacy for

¹⁴³ Cf. Cic. *Leg.* 3.3.9; Liv. 1.32.1, 5.31.7–8, 6.41.6. In this instance, the consuls requested an *interrex*, however the Senate initially appointed a dictator to hold the consular elections. The appointment of the dictator and his *magister equitum* was declared flawed and they resigned, so the state reverted to an *interregnum* (Liv. 22.33.9–12).

¹⁴⁴ Mommsen *Röm. Staatsr.* I³:649, 651–652, 660–661. Mommsen specifically highlights that the *interrex* was a magisterial office without collegiality; Koptev (2016: 208, 220–221) discusses the ambiguity of the magisterial status of the *interrex* and emphasises that its purpose was to hold elections.

¹⁴⁵ Cic. *Ad Brut.* 1.5.4: Now since there is one patrician magistrate, the auspices cannot return to the *patres*. Cf. Cic. *Dom.* 38.

¹⁴⁶ Linderski 1990: 37–41; Koptev 2016: 211–213, 219–220.

magisterial elections, especially in order to pass an auspicial link between magistrates. This principle extended to magistrates who were elected together, as described by Messalla in his explanation of *auspicia*. As discussed above, consuls and praetors were elected *iisdem auspiciis*, under the same auspices. In the event of a ritual flaw in their election, or *vitium*, the entire magisterial college was required to resign as they were considered *vitio creati*.¹⁴⁷ An auspicial connection existed between consuls and praetors where it did not between consuls or praetors and censors, despite all holding the *auspicia maxima*. As noted above, this is the primary explanation for why Varro, as *consul designatus*, presided over the election of his consular and praetorian colleagues.

This process could not – and did not – apply to the censorship. While consuls had the authority and ability to preside over their colleague’s election and satisfy the religious and constitutional necessities of auspicial collegiality, censors did not. A consul presided over the election of censors in the *comitia centuriata*; consuls and censors were not elected *iisdem auspiciis*. Furthermore, a censor was not invested with the authority to hold electoral proceedings. In order for a censorial college to maintain their auspicial collegiality, they could only be elected at the same sitting of the *comitia*, on the same day: there was no process by which a single censor could elect his colleague. Consequently, if one member of a censorial pair died, or if only one candidate for the censorship was successfully returned on the ballot,¹⁴⁸ the only solution was to call an entirely new election. Magisterial collegiality strongly depended on the concept of *auspicium*, or, more precisely, the election of a magisterial college *iisdem auspiciis*. From this perspective, the apparent rigid conditions of collegiality for the censorship become far less outstanding or remarkable. It appears, instead, that the collegiality of the censors was

¹⁴⁷ Linderski 1986: 2160–2164. E.g. Liv. 23.31; Plut. *Marc.* 12.1–2.

¹⁴⁸ Cf. Kukofka 1991: 119.

not significantly different from the collegiality of consuls and praetors, who also held the *auspicia maxima*. It was not the case that a different, stricter, set of rules concerning magisterial collegiality applied to the censorship, but that the practical outcomes of the underlying concepts of magisterial power, applicable in some way to all Roman magistracies, produced an apparent inconsistency. Auspicial collegiality created an abstract, crucial, link between magisterial colleagues for the length of their time in office.

Par potestas and the ius intercessionis

Two alternative foundations for magisterial collegiality are the concepts of *par potestas* and the *ius intercessionis*. As I develop the case that magisterial collegiality was underpinned by the concept of *auspicium*, specifically, election *iisdem auspiciis*, it is worth exploring how scholars define collegiality in terms of *par potestas* or equal powers. Two informative examples of this stance are: Bleicken, who states “Die *par potestas* is identisch mit der römischen Kollegialität”, “Danach ist der Kerngedanke der römischen Kollegialität die Gesamtverantwortung jedes einzelnen Kollegen für die Amtshandlungen aller”; and Drogula, “the fundamental policy of collegiality within a magisterial college rested on the fact that all members of a magisterial college had the same, or equal (*par*), *potestas*”.¹⁴⁹ In his account of the creation of the first dictator, Livy emphasises the importance of these shared powers for the consulship, in contrast to the sole power of the dictator: *neque enim, ut in consulibus, qui pari potestate essent, alterius auxilium, neque provocatio erat neque ullum usquam nisi in cura parendi auxilium*.¹⁵⁰ This passage invites the conclusion that *par potestas* was a vital element of magisterial collegiality and served as a check and balance on magistrates that was notably

¹⁴⁹ Bleicken 1981: 279, 280; Drogula 2015: 64. Bleicken (1981: 280): “Da die *par potestas*, also die Kollegialität”.

¹⁵⁰ Liv. 2.18.8: For neither was there, as for the consuls, who had equal power, aid by the other, nor was there appeal nor any aid anywhere unless in diligent submission.

absent in the case of the extraordinary magistracy of dictator. A number of scholars take this line of argument, recognising that colleagues of the same rank had the official capacity to intercede or veto their colleagues' actions (the *ius intercessionis*). However, this right of veto for magisterial actions applied not only to magistrates with *par potestas*, but also allowed magistrates with a *maior potestas* to intervene.¹⁵¹ As outlined above, each magistracy was invested with a specific category of *potestas*, for example: *consularis potestas*, *censoria potestas*, *tribunicia potestas*. These powers related directly to each magistracy's official duties and functions. Conversely, a number of examples appear to demonstrate that these distinct types of *potestas* could also be conferred upon magistrates of a different rank, either as a constitutional norm or to enable the holder to complete some of the tasks usually attributed to that office. The extraordinary magistracies of the *magister equitum* and the unusual fourth century institution of the *tribuni militum* are prime examples: both held *consularis potestas*.¹⁵² Furthermore, early imperial sources indicate that it was common to bestow *censoria potestas*, often on the aediles, to ensure oversight of the water distribution when no censors were in office.¹⁵³ Thus, it is worth clarifying the extent of the *ius intercessionis* in relation to *par potestas*. Two magistrates may have equal powers, *par potestas*, but be of a different magisterial rank (e.g. a consul and a *magister equitum*). This did not enable them to intercede in each other's actions; they did not have the *ius intercessionis*. The expression of *par potestas* was not enough, in and of itself, to signal definitively that two magistrates were colleagues. This is acknowledged in Drogula's definition, quoted above, which states that the collegiality conveyed by *par potestas* depended entirely on magistrates being of the same magisterial college. This supports the notion that the auspices, under which a magisterial college was

¹⁵¹ It appears that there was no *maior potestas* which could interfere in censorial activities, see: Gell. *NA* 13.15.4. Greenidge 1901: 218; Suolahti 1963: 30, 79; Moore 2013: 156, 167–168; Drogula 2015: 64–67; Welbourn 2017: 102, 116, 267.

¹⁵² Liv. 23.11.10: *magistrum equitum, quae consularis potestas sit*; Liv. 4.6.9: *comitia tribunis consulari potestate tribus creandis indicuntur*. On the *magister equitum* see also: Jordan (forthcoming).

¹⁵³ Frontin. *Aq.* 95; Tac. *Ann.* 3.30.1.

created (at an election), were the principal factor for magisterial collegiality. The concepts of *par potestas* and the *ius intercessionis* were secondary features of collaboration and shared magistracy.

Modern scholarship also often approaches the practicalities of censorial collegiality from the perspective of the *ius intercessionis* and how this applied to the magistracy, if at all. The inconsistency in scholarship stems from Mommsen's assessment that there was a formal obligation for censors to cooperate in their major official tasks.¹⁵⁴ De Martino took this to the extreme, concluding that censorial collegiality was inherently different from the usual form of magisterial collegiality that was built on *par potestas* and the *ius intercessionis*: the censorship required mutual consent.¹⁵⁵ In contrast, Siber argued that intercession was allowed – each censor must consult his colleague on any decision and allow him the opportunity to disagree, a process that was not obviously different from mandatory cooperation.¹⁵⁶ However, scholarship has more recently changed tack to view the agreement of censorial colleges in terms of the right of veto; rather, the choice not exercise it. A number of late republican examples are used to make this case. The provisions of the *lex Clodia de censoria notione*, passed by P. Clodius Pulcher in 58, are particularly illuminating in this context. According to Asconius, who explains Cicero's comment that this law 'eradicated the censorship',¹⁵⁷ it prevented the censors from expelling senators or marking them with dishonour without a formal condemnation from both magistrates.¹⁵⁸ Tatum argued that this law did not represent

¹⁵⁴ Mommsen *Röm. Staatsr.* II³:345 n. 1.

¹⁵⁵ De Martino 1972: 333.

¹⁵⁶ Siber 1952: 466–468.

¹⁵⁷ Cic. *Pis.* 9: *ab eodem homine ... illa magistra pudoris et modestiae censura sublata est* (by that same man [Clodius] ... that instructor of decency and moderation, the censorship, was abolished).

¹⁵⁸ Asc. *Pis.* 8C: *ne quem censores in senatu legendo praeterirent, neve qua ignominia afficerent, nisi qui apud eos accusatus et utriusque censoris sententia damnatus esset. Hac ergo eius lege censuram, quae magistra pudoris et modestiae est, sublatam ait* (that not the censors pass over any man in choosing the Senate, nor inflict dishonour, unless that man has been called to account before and convicted by the decision of both of the censors. Thus here, he [Cicero] asserts that in this law of that man [Clodius] the censorship, the instructor of decency and moderation, was abolished).

the legal consolidation of what already existed as custom, as Mommsen suggested,¹⁵⁹ but that it innovated and ratified the process of the *lectio senatus*, requiring explicit agreement between the censors on any case of censure and allowing senators the right of appeal. He convincingly argued that *notae* recommended by one censor were previously acted on unless actively opposed by his colleague and that it was not tradition to allow a defence for removal from the Senate.¹⁶⁰ In his opinion, the vehement opposition of Cicero to this reform also indicates that it did not simply legislate customary rules; likewise, that the *lex Clodia* was repealed within a short timeframe, in 52, by Q. Caecilius Metellus Pius Scipio Nasica.¹⁶¹ The law itself, while in operation, significantly damaged the censorial powers and forced justification of every senatorial expulsion by a united censorial pair, removing their ability to independently judge morals and moderation.¹⁶² Bunse also argued that the *lex Clodia* only temporarily induced the necessity for collective decisions, rejecting the idea that there was a different quality of censorial collegiality and instead proposing that this collegiality emerged alongside and was expressed in the same way as for the consuls.¹⁶³

Kukofka drew a similar conclusion on censorial consensus in his analysis of the censorship of Ap. Claudius Pulcher and L. Calpurnius Piso in 50. He argued that Dio's account clearly demonstrates the return to a system where an official veto was required to overturn a colleague's decision, rather than the formal agreement of both censors. Dio reports that Claudius expelled a large number of senators and *equites* without the formal objection of Piso, who wanted to avoid conflict and take no responsibility for these actions despite being opposed

¹⁵⁹ Mommsen *Röm. Staatsr.* II³:386–387.

¹⁶⁰ Tatum 1990: 34–39. This was possible during the census.

¹⁶¹ Cass. Dio 40.57. Cf. Clemente 2018: 219.

¹⁶² Cass. Dio 40.57. Tatum 1990: 42–43.

¹⁶³ Bunse 2001: 145–162.

to them.¹⁶⁴ Dio's language, ἐκβιασάμενος τὸν συνάρχοντα,¹⁶⁵ implies that Claudius forced his colleague's hand in avoiding intercession. Kukofka emphasised the individual actions of Claudius in this case. He concluded that the censorship was no different from other Roman magistracies: each individual magistrate possessed the full powers of the office, i.e. *ensoria potestas*, subject to his colleague's tacit approval.¹⁶⁶ In this instance, however, it appears that this approval was forced – the censors' collegiality did not always result in a consensus-driven outcome. This runs against the grain of the scholarly tendency to see the *ius intercessionis* as the key limiting factor on censorial powers.¹⁶⁷ The *ensoria potestas* was distinctively unique: it was a power held by no other magistrate, unlike the overlapping and similar powers of the consulship and praetorship. It is clear that the *ius intercessionis* applied to the censorship, with brief exception in the late Republic under the *lex Clodia*, and that this concept, at least at face value, encouraged cooperation between the censorial pair. While it could restrict an individual censor's influence, this was not a given: it did not create necessary cohesion or forced collaboration between censors in the way that Clodius's reform did. The censorship, however, was not unique in this sense; much like the concept of *auspicium*, the expressions of *par potestas* and the *ius intercessionis* were not noticeably different for the censorship as for other Roman magistracies.

The extraordinary census

¹⁶⁴ Cass. Dio 40.63–64.2.

¹⁶⁵ Cass. Dio 40.63.3: “forcing the hand of his colleague”. I do not accept the Loeb translation of “overruling his colleague” as this gives the sense that Piso did attempt to obstruct Claudius, formally, despite Dio's explicit comment that this was not the case.

¹⁶⁶ Kukofka 1991: 119–122.

¹⁶⁷ Bleicken (1981: 280) suggests that intercession restored the political unity in colleges, based on the potential for objection.

There is one attested extraordinary case of a single magistrate presumably invested with the *ensoria potestas* conducting the censorial duty of the *lectio senatus*: the highly unusual appointment in 216 of M. Fabius Buteo, the oldest living ex-censor, as dictator, without a *magister equitum* and simultaneously to the dictator M. Iunius Pera, for the purpose of revising the senatorial lists.¹⁶⁸ As has been widely observed, this was a highly exceptional case on a number of levels. It is the only case in which a dictator was nominated explicitly without the need to name a *magister equitum*, in an equally unparalleled setting of being nominated as a second dictator.¹⁶⁹ Furthermore, it is the only example of a republican magistrate other than a censor carrying out censorial duties and doing so without a colleague. Livy's narrative draws out these abnormalities and more: Buteo himself allegedly openly objected to the appointment on the grounds that he had already held the censorship; that censorial powers should not be given to one individual alone; and that the six-month tenure was gratuitous. He proposed to self-restrict his powers by operating on fixed criteria for filling the vacancies in the Senate: he would not remove any from the list created by the previous censors, nor would he make judgements on the morals and character of senators; instead he would select men who had held magisterial offices or won military achievements. According to Livy, he swiftly completed this task while remaining on the *rostra* and resigned from the dictatorship immediately. Livy's narrative places emphasis on Buteo's desire not to abuse his power or make any decisions that could be considered controversial without the backing of a colleague.¹⁷⁰ Hartfield suggested that there is no reason to question authenticity of this dictatorship and that the peculiarities of this appointment are all explainable given the historical context – there was crisis following

¹⁶⁸ Liv. 23.22.10–23.8; Plut. *Fab. Max.* 9.4.5. The date of Buteo's censorship is reconstructed as 241, with C. Aurelius Cotta, on the basis that all other prior censorships within a reasonable timeframe are known: *MRR* 1.219.

¹⁶⁹ Mommsen *Röm. Staatsr.* II³:148; Hartfield 1982: 19–20, 481, 504; Kunkel & Wittman 1995: 676 n. 60; Jordan (forthcoming). There are two other cases where a *magister equitum* is not named: in 249, M. Claudius Glicia was supposedly forced to resign (*vitio creatus*) immediately upon nomination (*Fast. Cap.*; Liv. *Per.* 19) and 49, C. Julius Caesar chose not to appoint a *magister equitum* (Cass. Dio 41.36.1–2). Neither of these cases represent a constitutional arrangement (*ex s.c.*).

¹⁷⁰ Liv. 23.23.2–3. Siber 1952: 236–237; Kunkel & Wittman 1995: 440. Welbourn (2017: 158 n. 635) emphasises the need for collegial decisions in the revision of the *lectio senatus*.

the defeat at Cannae and a pressing need to refill the Senate. She argued that expediency was critical and the usual collegial arrangement of censorial office could result in lengthy delays.¹⁷¹ However, this is at odds with Livy's emphasis of the senatorial decision to appoint Buteo for a six-month term – the *lectio senatus* was usually achieved in a short timeframe and was entirely independent from the census and the *lustrum*.¹⁷² Furthermore, while Buteo himself ostensibly set out to adhere to a strict system for selection, Moore has pointed out two distinct deviations from normal process: the absence of moral considerations for the revision and the selection of men who had not yet held any curule office. Another apparent inconsistency is that the entire process was completed in public, on the *rostra*, in one day.¹⁷³ Buteo's departure from the accepted procedure, in his attempts to make the irregularities less controversial, actually resulted in the completion of a *lectio senatus* that was notably different: it neglected any comment on senators' morals and made no attempt to exclude any men.¹⁷⁴ Reportedly, the Senate made a conscious decision to appoint the most senior individual who had held the censorship, with the expectation that they would use this knowledge and experience to carry out this task.¹⁷⁵ It appears, however, that Buteo did not fully draw on his prior office or the time allocated to him to accomplish the revision, in detail, and chose instead to adopt a different approach.

The exceptional nature of Buteo's dictatorship and subsequent *lectio senatus* also illustrates some further intricacies of the magistracy. Re-election to the censorship was not allowed: it seems that the only mechanism for selecting a past censor to complete a censorial task was to

¹⁷¹ Hartfield 1982: 503–506.

¹⁷² Suolahti 1963: 54; Wiseman 1969: 64–65; Moore 2013: 91, 100, 106, 116, 125–126; Clemente 2018: 207; cf. Hartfield 1982: 15 n. 13. Kunkel & Wittman (1995: 670–671) suggest that the stress on the six-month tenure in this case reflects the normal practice followed in the appointment of a dictator; cf. Vervaet 2010: 100.

¹⁷³ Moore 2013: 47–49, 82 n. 129, 83.

¹⁷⁴ Cf. Cornell 2000: 82. This, however, is probably representative of the need to refill the Senate: there was no urgency to expel men on moral grounds.

¹⁷⁵ Willems 1885: 1.288–289; Kunkel & Wittman 1995: 693–694.

confer *ensoria potestas* while they were active in a different magisterial office.¹⁷⁶ This was supposedly to restrict access to the considerable censorial powers.¹⁷⁷ Arguably, Buteo was invested with far greater powers than the *ensoria potestas* alone: as dictator, he also had the full swath of dictatorial powers, *imperium, auspicium, potestas*. However, the *lectio senatus* was not one of the original censorial tasks: according to Festus, it was added to their duties in the provisions of the *plebiscitum Ovinium* passed prior to the censorship of 312, where previously it had fallen under consular remit.¹⁷⁸ Given that this was the only task attached to Buteo's dictatorship – and not any of the other regular censorial duties – it is perhaps not as constitutionally remarkable for a non-censor to complete the *lectio senatus* as it has been considered in recent scholarship. Buteo himself seems not to have adopted the moral regulatory element that arose from the provisions of the *plebiscitum Ovinium*, which called for the impartial selection of the best men (*optimi*),¹⁷⁹ in his decision to choose new senators who fit within set magisterial and military criteria. These were, perhaps, the best men 'on paper', with emphasis on their magisterial attainments, but without comment on their morals, behaviour or character.¹⁸⁰ Clemente argued that Buteo's approach probably followed a customary pattern, on the grounds that Livy's narrative emphasises his desire not to break from tradition. Clemente also suggested that the only reason that this moral element was overlooked was due to Buteo's position as dictator without a colleague, although he also highlighted that it was an integral part of the censors' duties.¹⁸¹ Furthermore, Buteo's appointment as dictator to carry out the *lectio*

¹⁷⁶ Re-election to the censorship was prevented by law following the second censorship of C. Marcius Rutilus Censorinus in 265: Plut. *Cor.* 1.1.

¹⁷⁷ Val. Max. 4.1.3.

¹⁷⁸ Fest. 290L. On the *plebiscitum Ovinium* and its dating, see: Willems 1885: 1.156; Cornell 2000: 69–89; Humm 2005: 185–226, esp. 192–194.

¹⁷⁹ Fest. 290L. Humm 2005: 212–214; Clemente 2018: 203, 205–208, 210–211.

¹⁸⁰ Cornell 2000: 82. Humm (2005: 212) notes that the Ovinian plebiscite introduced moral regulation; whereas Clemente (2018: 208, 210, 217) suggests that it was likely that the census prior to the Ovinian rogation had some moral or character element and this carried on up to and throughout the later republic, despite drastic changes in Roman society.

¹⁸¹ Liv. 4.8.2. Clemente 2018: 208–209; cf. Willems 1885: 169; Astin 1988: 14–16, 19, 32–33; Humm 2005: 209. Similar arguments in: Kunkel & Wittman 1995: 693–694; Cornell 2000: *passim*.

senatus points to the idea that collegiality was not a prerequisite for the *ensoria potestas*, in itself, despite the exceptional circumstances of his nomination. The magistracy of the dictatorship had within it the capacity – normally as an essential requirement – to provide a colleague in the form of the *magister equitum*. The option to confer *ensoria potestas* on both the dictator and his chosen *magister equitum* and create a substitute censorial college was readily available to the Senate and explicitly avoided.¹⁸² If the Senate had granted this to both Buteo and a *magister equitum*, they would have held censorial *par potestas*, even if their rank and capacity to act was considerably different.¹⁸³ Buteo's *lectio senatus* of 216 is often interpreted in modern treatments as a means to avoid collegiality.¹⁸⁴ For the censorship, in particular, this mandatory duality of office is seen as both preventing individuals from acting freely – even and especially when absent, in the case of Buteo – but also as creating insurmountable stalemates and inaction. Buteo's alleged resistance to action without a colleague, alongside Livy's supporting narrative, demonstrates just how important this conception was to the Roman mindset.

Individual action: the *lustrum* and censorial prayers

The *lustrum* – the purification ceremony marking the completion of the census – is one of the features of the censorship that Mommsen noted as an inconsistency: while the census was the fruit of both censors' labour, only one censor had the honour of finalising and confirming the results via this ritual.¹⁸⁵ The census was only valid if this ceremony was completed

¹⁸² This could explain Buteo's reported haste to complete the *lectio senatus* that same day. The dictator typically appointed his *magister equitum* as his first magisterial duty (Liv. 9.38.13–14; 23.22.11). This also highlights the extraordinary constitutional circumstances: there was a preference to appoint a second dictator, not a single censor.

¹⁸³ I.e. the dictator held *maius imperium*.

¹⁸⁴ E.g. Hartfield 1982: 504–505; Clemente 2018: 212; cf. Suolahti 1963: 598. Mommsen (*Röm. Staatsr.* II³:148) saw the dictator as a solution to the disadvantages of collegiality.

¹⁸⁵ Mommsen *Röm. Staatsr.* II³:346.

successfully.¹⁸⁶ The *lustrum* is often overlooked by scholars who explore the nature of censorial collegiality, most likely because it is an example of individual censorial action. However, I suggest that the process of the *lustrum* actually provides some of the best evidence for the censors' joint action in conducting their major task: the census. The *lustrum* is frequently referred to in the literary accounts of each censorship, sometimes as the only record of the magistracy.¹⁸⁷ Reports vary between noting simply that the censors completed the *lustrum* to naming the censor who presided over the ceremony and crediting them with the closure of the census.¹⁸⁸ Scholars have used these snippets to highlight that both censors were ultimately equally responsible for the census: it was an inherently joint action. The selection of which censor conducted this ritual act was allegedly determined by lot,¹⁸⁹ removing the need for choice and agreement within the censorial pair. The prayers taken during this ritual are key to understanding this expression of collegiality.

In general, Roman prayers, vows, and ritual phrases adhered to strict formulae, with importance placed on the correct recital throughout the rite. As the aim of the prayer was to secure divine protection, safety, and prosperity for the Roman state and her people, consistency and precision were necessary to establish a strong and effective line of communication with the gods.¹⁹⁰ Cicero, in numerous speeches, indicates that there was significant value attached to repetition and continuity within Roman rituals, aimed at preserving and maintaining divine favour on the basis of successful rites taken before.¹⁹¹ Since consistency was essential, many prayers and vows were recorded in priestly books or public tables, with the intention that these would be

¹⁸⁶ Wiseman 1969: 65; Linderski 1986: 2187–2188.

¹⁸⁷ E.g. Liv. 10.9.14; 35.9.1.

¹⁸⁸ E.g. Liv. 35.9.1–2: *Censores erant priore anno creati Sex. Aelius Paetus et C. Cornelius Cethegus. Cornelius lustrum condidit*; Liv. Per. 54.3: *lustrum a censoribus conditum est*.

¹⁸⁹ Varr. Ling. 6.87; Liv. 38.36.10: *M. Claudius Marcellus censor sorte superato T. Quinctio lustrum condidit*.

¹⁹⁰ Hickson 1993: 1, 7, 62–63.

¹⁹¹ Cic. Dom. 140–141; Har. Resp. 21–23.

recited in full, from a script provided by an assistant, or repeated exactly after the assistant read them out. This acted as a safeguard against an incorrect reading, which could result in a religious flaw, *vitium*, and a second attempt at competently completing the ceremony.¹⁹² In *De Domo Sua*, Cicero suggests that speaking out of order, hesitation, and incorrect pronunciation were all potential faults, alongside a failure to respect the solemnity of the occasion through the overall tone.¹⁹³ Most prayers opened with a stock phrase that confirmed to the gods that this was a recurrent request for aid.¹⁹⁴ Consequently, it is plausible that the formulae surviving in the literary sources might closely resemble an original wording and provide reliable evidence for magisterial and priestly rites.

One particular censorial prayer has received attention in recent scholarship: the alleged modification of the ritual wording by P. Cornelius Scipio Africanus Aemilianus to close the census in 142. Valerius Maximus reports that Scipio did not repeat the exact words of the scribe who was dictating the vow to him from the public tables for the *solitaurilia* sacrifice at the *lustrum*.¹⁹⁵ Instead, he chose a different phrase and requested for the tables to be edited to reflect his new wording.¹⁹⁶ Scholarship tends to focus on the credibility and historicity of this anecdote. Questions range from whether the alteration of a formula mid-recital would violate the legitimacy of the ritual procedure and if Scipio, as censor, had the authority to make this change without prior consent from the Senate or priesthoods.¹⁹⁷ A passage of Cicero casts further doubts on this exemplum: it suggests that Scipio's colleague, L. Mummius, completed the *lustrum* for this censorship. In addition, it references the internal workings of their

¹⁹² For example, Livy (41.16.1–2) records the example of the Latin festival in 176, where a magistrate supposedly omitted the phrase '*populo Romano Quiritium*' from his prayer. The error was reported to the Senate, who referred it to the Pontifical College, and it was decreed that the ceremony should be repeated to resolve the flaw. Aymard 1948: 104; Astin 1967: 328.

¹⁹³ Cic. *Dom.* 140–141.

¹⁹⁴ Plin. *NH* 28.4; Quint. *Inst.* 1.6.40.

¹⁹⁵ Usually *suovetaurilia*, e.g. Liv. 1.44.1–2: the sacrifice of a sheep, pig, and bull, cf. Fest. 373L.

¹⁹⁶ Val. Max. 4.1.10a–b. Cf. Hickson 1993: 99–100.

¹⁹⁷ E.g. Aymard 1948: 103, 110–113; Astin 1967: 325–331.

recognitio equitum, where Mummius supposedly vetoed the *nota* that Scipio had placed on Ti. Claudius Asellus.¹⁹⁸ Based on the weight of this evidence, as well as the general idea that precision was expected and necessary to obtain divine favour in these rituals, it is unlikely that this episode followed the exact procedure reported in Valerius Maximus' account. However, while this tale is not altogether reliable, there are hints of the practicalities surrounding the *lustrum*. Firstly, it confirms that for the *solitaurilia*, at least, the ritual formula was recorded in public tables. Secondly, it highlights that an assistant (*scriba*) dictated these phrases to the presiding magistrate for accurate repetition during the ceremony. Thirdly, and finally, it implies that only one of the censors was responsible for the recital of this prayer.

This chapter opened with Livy's account of the censorship of M. Aemilius Lepidus and M. Fulvius Nobilior in 179. In the speech of Q. Caecilius Metellus that comprises a large section of his narrative, Livy also includes reference to the censorial prayer in preparation for the *lustrum*, with the wording: *ut ea res mihi collegaeque meo bene et feliciter eveniat*.¹⁹⁹ This short extract bears remarkable similarity to a section of the republican antiquarian Varro, who quotes the *ensoriae tabulae* for the prayer taken as part of the commencement of the *lustrum*:²⁰⁰

*Quod bonum fortunatum felix salutareque siet populo Romano Quiritibus reique publicae populi Romani Quiritium mihiue collegaeque meo, fidei magistratuique nostro.*²⁰¹

May this be good, prosperous, favourable and beneficial to the Roman people, the Quirites, and to the *res publica* of the Roman people, the Quirites, and to myself and my colleague, and to our good faith and our magistracy.

¹⁹⁸ Cic. *De or.* 2.268; cf. Gell. *NA* 3.4.1, 4.17.1; Cass. Dio fr. 76.1. Aymard 1948: 113; Astin 1967: 119.

¹⁹⁹ Liv. 40.46.9: May this matter turn out a good and happy thing for me and my colleague.

²⁰⁰ Varr. *Ling.* 6.86: *Nunc primum ponam de Censoriis Tabulis.*

²⁰¹ Varr. *Ling.* 6.86. Commentary at de Melo 2019: 406–407, 887–888.

Varro explains the timing of this rite: it was made after a censor had taken the auspices, at night, after which he asked the herald to call together the men (*Quirites pedites armatos, privatosque, curatores omnium tribuum*). This was a formal invitation (*inlicium*) to the assembly, where people could protest the census results prior to the ritual purification.²⁰² At dawn, the censors, assistants (*scribae*), and magistrates (*magistratus*) were anointed with myrrh and unguents. When the praetors, tribunes, and other invitees had arrived, the censors cast lots (*sortitio*) to determine which of them would complete the *lustrum*. After the *templum* was placed,²⁰³ the chosen censor presided over the assembly.²⁰⁴ Under Varro's reported chronology, this prayer was made prior to the casting of lots to confirm which of the two censors would close the *lustrum*. This chronology is possibly confused – it is not clear how the censors would decide who would recite this particular prayer or account for the chance that the censor who had taken the auspices and recited this prayer would not go on to convene the assembly and complete the purification;²⁰⁵ instead, it suggests that neither censor, nor the gods, could know who would go on to preside over the proceedings until after they had already commenced.²⁰⁶

²⁰² Similar to Livy's account (1.44.1–2) of the *lustrum* held under King Servius Tullius: after the completion of the census, there was a call for all Roman citizens to assemble at dawn in the *Campus Martius*.

²⁰³ On the *Campus Martius*. Varro elsewhere (*Ling.* 7.8, cf. 7.5–13) describes a *templum in terris* as the place set aside for augury (*augurium*: ceremonies of augurs) or the taking of the auspices (*auspicium*: auspication of magistrates), which Linderski (1986: 2266, cf. 2248 n. 398, 2272) emphasises was a *locus* with a unique formula for taking the auspices, in contrast to a *templum in caelo* for a field of vision.

²⁰⁴ Summary of Varr. *Ling.* 6.86–87.

²⁰⁵ Linderski (1986: 2189) notes that this was a particular form of popular assembly, but an assembly nonetheless, so was convened *auspicato*: after the presiding magistrate had taken the auspices before dawn. However, the chronology of Varro seems to suggest that the presiding magistrate would not be confirmed until after these auspices were taken as it was only decided via the *sortitio*. On the *sortitio*, Linderski (1986: 2174, 2194 n. 173) infers that this must take place in a *templum*, which, according to Varro, is only formally set after the *sortitio* has occurred, unless, as for Gargola (2017: 127), there are two *templa*. De Melo (2019: 888) suggests that a *templum* needed to be established in the *Campus Martius* not for the auspication, but to conduct the census and purification; however, Humm (2014: 340) recognises that the *Campus Martius* was already an inaugurated *templum*.

²⁰⁶ Mommsen (*Röm. Staatsr.* I³:81 n. 2, 98 n. 6) attributes this taking of the auspices to the moment the censors took up their office, which Linderski (1986: 2189 n. 157) argues is very unlikely. Albanese (1995: 74) follows Mommsen's argument, discrediting the idea that this occurred just prior to the *lustrum*, despite the explicit reference to it. He suggests instead that Varro may have mixed different sections of the *ensoriae tabulae*, rendering his chronology obsolete, and that it would make no procedural sense to ask for protests (*ratio*) at this point as the census would be recorded and complete. Humm (2014: 337, 339) convincingly describes this as the ritual summoning of citizens for the census or the *lustrum*: for the latter, in their new census classifications that enabled the censors to proceed with the *lustrum*. I follow Humm in viewing this as a gathering of the people just prior to the *lustrum* (cf. Liv. 1.44.1–2), according to their new ratings, and suggest that Varro's reference to a *ratio* may be in light of this – this assembly confirmed acceptance of the census.

It is also worth noting that Varro's description of the procedure implies the involvement of magisterial and priestly authority that transcends the censorial pair and their assistants: they are flanked by magistrates, presumably the consuls, who are also anointed and supposedly played some role alongside the second censor in legitimising the ritual;²⁰⁷ likewise, an augur may have been necessary to demarcate the sacred space.²⁰⁸ The vow itself calls for the prosperity and good fortune of the Roman people and confirms to the gods that the census had been completed correctly. It refers to the censors' competency in support of their request for divine approval. Most important, however, are the dedications to their collegiality: *mihique collegaeque meo, fidei magistratuique nostro*. The rite would have been recited by one of the two censors responsible for carrying out the census, jointly. The formula, thus, seems to exemplify a key feature of the censorship: both censors were equally responsible for their decisions and actions taken together. In exchange for the successful completion of their duties, the censors were now collectively asking for the prosperity of the Roman state and for their own magistracy.

This is a core component of Metellus' speech in Livy's narrative. There was considerable risk for a censorial pair that did not respect the gravity of their duties, particularly in relation to their ability to make a genuine and accurate vow to the gods in support of their actions, for the benefit of the Roman state. A census that was completed without consensus or that did not reflect the equal responsibility of each censor jeopardised the divine approval of the Roman people. Albanese is one of the only scholars to remark on this element of the ritual and analyse these passages of Varro in detail.²⁰⁹ He also explained the importance of censorial collegiality:

²⁰⁷ De Melo 2019: 888.

²⁰⁸ Cf. Varr. *Ling.* 6.95. Linderski 1986: 2261; Gargola 2017: 126–130, esp. 127; Humm 2014: 337–340. This placing of a *templum* hints at the presence of an augur to inaugurate it. Gargola, following Varro's chronology, suggests that the censor conducting the *lustrum* defined a second *templum*, after the *sortitio*.

²⁰⁹ Albanese 1995: 67–102.

the *lustrum* was conducted by one censor, but it was a collegiate magistracy, hence the precise reference to “my colleague, *collegaeque meo*” in the wording of the prayer. He argued that the use of *noster*, specifically, confirms the collegial conception of this magistracy.²¹⁰ Albanese, however, conformed to De Martino’s aforementioned assessment of censorial collegiality: that this magistracy strictly required consensus; he appears to reject the findings of Siber that the censorship allowed intercession.²¹¹ Given this, Albanese emphasised that this case clearly and somewhat paradoxically outlines the activity of only one censor. He stressed that Varro’s opening lines set up the expectation that only one censor is present (*ubi noctu in templum censor auspicaverit*).²¹² However, I point to the evidence for the second censor’s involvement in the ritual: he is a visible presence, with ritual garb, throughout, even if he did not directly speak the words and was invoked only by his colleague.²¹³ The ritualistic uncertainty built into this process by the late decision of who would preside over the ceremony, via the *sortitio*, further illustrates that both censors needed to be equally prepared for the duty, as well as highlighting their collective capacity. Moreover, I note that this corresponds well with the detail preserved in the later example of the early imperial author Valerius Maximus. Varro states that his evidence comes from the formula recorded in the censorial tables, like the public tables read from by Scipio; similarly, only one of the censors recited this prayer and he was assisted by *scribae*. Despite potential difficulties with chronology, this excerpt of Varro is likely to be a reliable indication of how censorial prayers functioned. This being the case, vows taken by other magistrates and priests may shed light on the nuances of this censorial example.

²¹⁰ Albanese 1995: 90.

²¹¹ Albanese 1995: 90 n. 35.

²¹² Albanese 1995: 71.

²¹³ The joint rituals of *flamen* and *flaminica* might be a useful comparison here. See Maschek 2018 on the *Ara* of Domitius Ahenobarbus likely displaying *deductio*, not *census*.

The prayer formula reported by Varro is often compared with the opening lines of prayers taken by the *fratres aruales*. Both use the near-identical phrase ‘*quod bonum faustum fortunatum felix salutareque siet*’, which is on occasion found in abbreviated form. One example is particularly noteworthy as it is the vow taken prior to the co-optation of a new priest into the brotherhood: a collegial arrangement.²¹⁴ However, numerous variations of this formula exist in republican and early imperial texts, indicating that it was an established stock phrase and giving additional credibility to the text recorded in Varro.²¹⁵ However, it is particularly informative to compare the text of Varro’s prayer with other known magisterial prayers to investigate the element of collegiality. The most similar example is preserved in Cicero, where he describes the dedication given by the consul to declare the successful completion of the consular elections for the following year:

*Quae precatus a dis immortalibus sum, iudices, more institutoque maiorum illo die quo auspicato comitiis centuriatis L. Murenam consulem renuntiavi, – ut ea res mihi fidei magistratuique meo, populo plebique Romanae bene atque feliciter eveniret, eadem precor ab isdem dis immortalibus ... quod si illa sollemnis comitiorum precatio consularibus auspiciis consecrata tantam habet in se vim et religionem quantam rei publicae dignitas postulat, idem ego sum precatus ut eis quoque hominibus quibus hic consulatus me rogante datus esset ea res fauste feliciter prospereque eveniret.*²¹⁶

That which I prayed to the immortal gods, judges, in the manner of the custom and practice of our ancestors, on that day when, after taking the auspices for the *comitia centuriata*, I announced L. Murena as consul – that this matter may turn out a good and happy thing for me and my good faith and my magistracy, and for the Roman state and

²¹⁴ Henzen 1874: 154; Hickson 1993: 63–64.

²¹⁵ E.g. Cic. *Div.* 102; Liv. 1.17.10, 10.8.12; Plaut. *Trin.* 41. Hickson 1993: 14, 70–71; Albanese 1995: 77–81; Chapot & Laurot 2001: 337–338. See also the prayer asking for a pardon for ritual errors at Liv. 22.10.2–6, cf. Champion 2017: 169 n. 214.

²¹⁶ Cic. *Mur.* 1. Chapot & Laurot 2001: 264–265.

people, this same thing I pray to the same immortal gods ... and if that solemn prayer of the *comitia*, dedicated under the auspices of the consuls, has as great power in itself and as great a sacredness as the *dignitas* of the *res publica* demands, I pray likewise that this may also turn out a happy, favourable, and prosperous thing for those men also, to whom the consulship was given here with me presiding.

The context is remarkably similar. Firstly, Cicero notes that this vow was taken after the consul had taken the auspices, prior to his official announcement (*renuntiatio*). Secondly, only one of the two consuls could preside over the consular elections, although both had the authority and competency – the task was one of their collective duties, even if it was ultimately conducted by one individual.²¹⁷ Finally, and most importantly, the wording of the prayer is distinctly similar. In this case: *mihi fidei magistratuique meo*, where previously: *mihique collegaeque meo, fidei magistratuique nostro*.²¹⁸ Despite this similarity, there is a highly relevant difference between these two vows for the notion of magisterial collegiality, assuming they are reported with some accuracy. The censor makes specific reference to his colleague and their shared magistracy; the consul does not and refers only to himself and his office. The underlying reason for this distinction rests in the nature of the task just completed: the consul vows for an action taken as an individual, without the input of his colleague, whereas the censor vows, as an individual, for the collective action of the censorial college in the presence of his colleague. This explains why the two formulae retain the overall sense, but vary in this one exact detail.

Few magisterial tasks required the unambiguous cooperation and consensus of the entire magisterial college outside of the census.²¹⁹ Nonetheless, it is noteworthy that this is the only apparent example of a prayer that confirms the role of a colleague or recognises their dual

²¹⁷ Note the plural *consularibus auspiciis* signifying the collective authority of the consular *auspicia*.

²¹⁸ Cf. Macrob. *Sat.* 3.10.9.

²¹⁹ Suolahti 1963: 564, 597.

competency and responsibility for official actions – and that this is confirmed in the accounts of both Varro and Livy. I would argue that this phrasing does not simply reflect that the censorship was the most collegial of magistracies, as the majority of scholars suggest, but that it was due to the precise procedural obligations of the magistracy for the completion of its central tasks. This conclusion unravels the idea that the *lustrum* was an unusual example of individual censorial action surrounding the census. Although it was by definition an individual act, conforming to the standard religious procedures, both censors had a distinct ritual presence and their collective action, authority, and faithfulness were explicitly dedicated in the wording of at least this one prayer. Roman ritual language keenly and precisely expressed the conditions of official magisterial action, recognising the work of a single magistrate in contrast to the joint decisions of a whole magisterial college.

Reconciliation and collaboration: the censors of 179 and 142

This reconciliation of M. Aemilius Lepidus and M. Fulvius Nobilior, the censors elected in 179, is well-documented in the ancient sources.²²⁰ A fragment of Ennius, surviving in Cicero, records that Lepidus reconciled with Nobilior in the Campus Martius, as soon as their election was announced.²²¹ Gellius claims that they both voluntarily, of their own accord, laid aside their hostilities upon election.²²² Valerius Maximus, like Ennius, attributes their harmony to Lepidus' desire not to harbour private hostilities with a magisterial colleague.²²³ But, as we have seen, Livy preserves the most detailed narrative, as summarised in the introduction to this chapter.²²⁴ He describes their hostility as *inimicita – inter hos viros nobiles inimicitiae erant* –

²²⁰ *MRR* 1.392.

²²¹ *Cic. Prov. Cons.* 20.

²²² *Gell. NA* 12.8.5–6.

²²³ *Val. Max.* 4.2.1.

²²⁴ *Liv.* 40.45.6–46.16.

and attributes the resolution of their feud to a mutual desire to cooperate for the benefit of the state, following a lengthy exhortation by Q. Caecilius Metellus. There is a key difference between Livy's narrative and the accounts presented in Ennius, Gellius, and Valerius Maximus: for the latter three, there is the clear notion that it was Lepidus' and Nobilior's election to the censorship itself that prompted their harmony and that the expectations placed upon those who held this magistracy dictated this: censors must have friendly (political) relations. For Livy, however, it was the result of an intervention: the leading senators, driven by fear, were at pains to remind them of their collegial duties, not just for their own status, but for the good of the state. Intriguingly, all of the sources praise the pair for their responsible behaviour post-reconciliation – despite the fact that they had clear differences of opinion.

The literary tradition paints this pair as operating harmoniously following their public reconciliation, as an admirable exemplum of collegiality. The expectation of unanimous decision-making is created. Livy's narrative, however, records a different reality. Despite Metellus, in his reported speech, asking for the two censors to proceed with one mind and one counsel, not all of their decisions followed this method. Livy reports that the censors chose the Senate faithfully and harmoniously: *censores fidei concordia senatum legerunt*.²²⁵ This is followed by the comment that Lepidus, also *pontifex maximus*, was named *princeps senatus* and chose to include three men in the senatorial list whom Nobilior had marked for removal. Notably, the literary tradition does not view this as a sign of disunity between the colleagues. However, there are hints in Livy's narrative that this decision arose from Lepidus' superior status and Nobilior's willingness to lay aside his own opinion to avoid disagreement: the structure of this passage emphasises Lepidus' *auctoritas* and that he was ultimately responsible

²²⁵ Liv. 40.51.1.

for the final outcome.²²⁶ One of the underlying notions of collegiality was that magistrates were constitutional equals. Roman society, however, measured status with different criteria. Neel pointed out that men who shared office were ideally political equals, even if they had significantly different wealth, *dignitas*, or other qualities. This case highlights the practical discrepancies between colleagues that ultimately influenced their cooperation. In her assessment of this episode, Neel concluded that it is debatable whether Lepidus or Nobilior is characterised in a better position: Nobilior is portrayed as a better citizen, whereas Lepidus used his authority to further his own interests and views.²²⁷ On my reading, Livy favours Nobilior for acting in accordance with republican virtues, leaving aside his personal concerns and prioritising harmony with his colleague. The paradox of their relationship was that they were constitutional equals, but never truly social equals – and the social relationship between colleagues was seemingly just as important.

Their other major communal task, according to Livy, centred on their fiscal collegiality. Immediately following their reconciliation, they jointly requested their shared funds (*ensoribus deinde postulantibus*) for public works.²²⁸ They divided the money assigned to them into three parts, for individual and joint projects: *opera ex pecunia attributa divisaque inter se haec confecerunt*.²²⁹ Livy comments that Nobilior let contracts for more work, which were also of greater public benefit than Lepidus', who used public funds to carry out work which should have been completed at his own cost. There is no suggestion that Nobilior was given a greater share of the money. Alongside their individual programs, they agreed to use their shared resources to build aqueducts and arches: *habuere et in promiscuo praeterea*

²²⁶ Liv. 40.51.1–2: *princeps lectus est ipse censor M. Aemilius Lepidus pontifex maximus: tres eiecti de senatu; retinuit quosdam Lepidus a collega praeteritos.*

²²⁷ Neel 2015: 29–31.

²²⁸ Liv. 40.46.16.

²²⁹ Liv. 40.51.2.

pecuniam.²³⁰ Similarly, they joined forces to establish port taxes, opened public places and shrines that had been previously privately occupied, and reorganised the voting arrangements of the tribes.²³¹ There is an underlying sense in Livy that Nobilior acted in the most appropriate way throughout the censorship – and he does not attribute the decision to reconcile to Lepidus himself, as other sources do; rather, he describes it as a mutual agreement. Importantly, it appears that although the funds were granted jointly, once the censors separated the revenue, their collective authority over the resulting works was lost: Nobilior built a basilica (the *basilica Fulvia*).²³² Modern scholarship often incorrectly lists this as a joint venture, although Livy is clear that only Nobilior should be credited.²³³ Furthermore, it is apparent that what each individual censor decided to use his allotted share of the censors' public money for was entirely up to him – his colleague had no ability to influence his decisions or take credit for the result. Livy is less favourable to Lepidus' decisions, but this does not affect his approval of Nobilior's projects or of their censorship overall: Lepidus alone bears responsibility for his choice to use his censorial office to complete works for individual benefit.

Harders argued for the importance of *amicitia* and kinship to the formation of Roman society, promoting social cohesion across the elite and encouraging flexibility in the face of competition for success. She highlighted that this was especially beneficial as these social ties were not “rooted in the political institutions, but underlying them”.²³⁴ In this episode, however, the ancient sources imply that it is precisely Lepidus' and Nobilior's joint election to the censorship that is the catalyst for their *amicitia*, not a pre-existing desire to connect based on mutual admiration or for potential political or social reciprocity. Their *amicitia* is presented as a

²³⁰ Liv. 40.51.7.

²³¹ Liv. 40.51.8–9.

²³² Later known as the *basilica Aemilia et Fulvia* after restorations.

²³³ Weigel 1979: 53.

²³⁴ Harders 2010: 47.

necessary condition of their election, and one that had to be met for the good of the state. Neel argued that this censorship, as portrayed in Ennius' narrative in particular, demonstrates that competitive collegiality was viewed as a Roman political virtue: friendly competition for the benefit of the state.²³⁵ Livy's description of this event, however, implies that their reconciliation was the culmination of a much more inimical relationship than simply friendly competition. Furthermore, Livy, via Metellus' use of the proverb, *amicitias immortales, mortals inimicitias debere esse*, insinuates that their newfound friendship, derived from their shared political office, should last. However, the fact that this censorship is held up as an exemplum further hints that reconciliation might not always be expected between feuding colleagues.

The comparison to Romulus and Titus Tatius is also telling. Metellus references this pair for their great reconciliation: from waging war against each other to peaceful joint rule: *T. Tatius et Romulus, in cuius Urbis medio foro acie hostes concurrerant, ibi concordēs regnarunt.*²³⁶ Livy associates this episode with a legendary example of collegiality and, possibly, makes a statement on inequality between colleagues. Neel concludes that Romulus consistently fails to share power, first with his brother, Remus, and then with Titus Tatius, which reinforces the notion that collegiality and competition were at odds in the governmental sphere. She also highlights that, in Livy's narrative, this pairing between Romulus and Titus Tatius was inherently unequal, and it was this inequality that ultimately led to their joint reign: Titus Tatius moves to the city of Rome, whereas Romulus retains his existing powers. Their lack of co-operation, in Neel's view, is a sign that shared authority and ambition could not – and did not – benefit the state.²³⁷ There are similar inequalities between Lepidus and Nobilior that seem to dictate their interactions throughout their censorship. In terms of status alone, Lepidus, as both

²³⁵ Neel 2015: 28.

²³⁶ Liv. 40.46.10.

²³⁷ Neel 2015: 176–181. Cf. Wiseman (2008: 298, 301) on the formation of the Romulus and Remus myth to reflect the duality of the consulship.

pontifex maximus and *princeps senatus*, could certainly be seen in superior terms to Nobilior. Nevertheless, according to Livy, their censorship was harmonious and effective: perhaps the result of Nobilior acting in accordance with Lepidus' wishes, as seen in their selection of senators.

In contrast to the effective censorship of Lepidus and Nobilior, the censorship of 142, between P. Cornelius Scipio Africanus Aemilianus and L. Mummius, highlights the pitfalls of uncooperative censorial colleagues.²³⁸ Cassius Dio comments that the pair were completely different in character and approached their censorship with opposite outlooks: Scipio set out to exercise a strict review of senators, while Mummius was lenient, degrading no one and vetoing some of Scipio's harsh calls.²³⁹ Unlike Nobilior in 179, who chose not to exercise his veto when in disagreement with Lepidus, Mummius' choice to veto Scipio's *notae* had the maximum effect. His interventions apparently undermined the efficacy of their censorship – at least from Scipio's point of view. Valerius Maximus reports that Scipio spoke from the rostra: *se ex maiestate rei publicae omnia gesturum, si sibi cives vel dedissent collegam vel non dedissent*.²⁴⁰ The implication, here, is that a colleague in the censorship acted primarily as a check against actions which were not in the state's interest, and the unspoken accusation levelled at Mummius is that he prevented Scipio from acting in this way – Scipio did not require a colleague to make the correct decisions.²⁴¹ There is no attempt on Scipio's part to view the census as a joint activity, nor does he consider amicable relations as a condition of the censorship.

²³⁸ Cf. Hölkeskamp 2018: 455.

²³⁹ Cass. Dio *fr.* 76.

²⁴⁰ Val. Max. 6.4.2a. Similarly: Auct. *Vir. Ill.* 58.9: *Publius Scipio Aemilianus ... Censor Mummius collega signiore in senatu ait: utinam mihi collegam aut dedissetis aut non dedissetis.*

²⁴¹ Hölkeskamp (2018: 456) notes that Scipio insulted Mummius by not inviting him to a banquet celebrating the dedication of a temple to Hercules in the *forum Boarium*; a deity that was of particular interest to Mummius. This may also highlight the lack of *amicitia* between the pair.

The censorships of 179 and 142 reveal the expectations placed upon censorial pairs, both in terms of harmony and effective decision-making. In the first instance, Lepidus' and Nobilior's admirable censorship seems to arise from the imbalances of their social standing, with Nobilior content to let Lepidus' opinions dictate their decisions. In contrast, this is supposedly what unravels for the censors of 142: Mummius refuses to follow Scipio's lead – and, likewise, Scipio, according to the historiographical tradition, views his co-censor more in terms of an inconvenience than as a true colleague. Where Lepidus and Nobilior adhere to their newly-founded political friendship, *amicitia*, Scipio and Mummius retain their *inimicitia*, and avoid cooperation. Both of these censorships demonstrate not only the relevance of social standing and a willingness to collaborate to complete the practical duties of their magistracy, but also the importance of having a colleague for magisterial authority. Despite Scipio's insistence that he could act fairly, with a colleague or without, his lack of cooperation with Mummius ultimately hampered the outcomes of their censorship: collective action was integral for this particular censorial task.

***Concordia* and the censorship?**

The term *concordia* is often used in conjunction with the censors: as we have just seen, Livy describes the censors Lepidus and Nobilior selecting the senate harmoniously: *censores fidei concordia senatum legerunt*.²⁴² Akar investigated the concept of *concordia* throughout the Republic.²⁴³ He theorised that *concordia* shaped magisterial relationships within a political system that saw the leading officials reach their posts via competition, not cooperation, despite their need to work together effectively during their tenure. This *concordia*, however, only

²⁴² Liv. 40.51.1.

²⁴³ Akar 2013.

applied to magistrates of the same type: censors or magistrates holding *imperium*, consuls, praetors, proconsuls; it did not exist between hierarchically differentiated magistrates – only those with *par potestas* or *imperium*. In his view, it was this equality, exactly, that made *concordia* necessary: there was a danger associated with a lack of hierarchy between magistrates of the same rank as it gave rise to potential conflict or violence, and called into question the legitimacy of magisterial decisions. This concept, then, reflected an adherence to behavioural principles that were established through the *auctoritas* of the Senate. For the censors specifically, *concordia* was most pressing for the *lectio senatus*, which, since it was conducted jointly by both magistrates, highlighted the importance of unity for effective decisions – in discord, Akar argues, these decisions were useless. He stresses this point to suggest that the ordering of individuals in the *lectio senatus* and *recognitio equitum*, as a decision of common authority, also guaranteed *concordia* throughout the ruling classes: there was a problem when individuals did not conform to this order and acknowledge the recognised authority of an individual who ranked above them. Akar separates this concept from collegiality, arguing that *concordia* was an ideal behaviour that allowed their collective authority to flourish:

“La concorde se définissait comme un idéal des relations entre magistrats égaux, tel que leur compétition ne dégénérait pas en conflit violent mais, au contraire, qu'ils agissent ensemble, permettant à un pouvoir de nature collégiale de se déployer dans toute son efficacité.”²⁴⁴

Akar views *potestas*, *imperium*, and magisterial rank (or type) as the key factors underlying relationships governed by *concordia*, and does not include *auspicia* in his discussion, except for a solitary footnote on electoral procedures and “véritable collégialité”.²⁴⁵ He claims that

²⁴⁴ Akar 2013: 100.

²⁴⁵ Akar 2013: 98 n. 165.

while collaboration lay at the heart of magistrates' functions, *concordia* solved the problem of how to arrange the actions of perfectly equal magistrates.²⁴⁶

In the example of Lepidus and Nobilior's censorship discussed above, *concordia* features in Livy's description of their selection of the Senate. However, it is the concept of *amicitia* as a behavioural expectation that takes centre-stage in Metellus' speech urging them to reconcile. Throughout this chapter, I have made the case that shared *auspicia* were the principal feature of magisterial collegiality. Furthermore, as we will discuss further, the constitutional arrangement of Roman magistrates included mechanisms for establishing hierarchy between magistrates with equal authority, *par potestas*, specifically to avoid this problem of equal powers – the *turnus* of the *fasces* (and *summum imperium*) for the consuls, sortition, and *comparatio*,²⁴⁷ alongside the broad social differentiation. While Akar acknowledges that social differentiation was an important factor in establishing hierarchy between individuals, he does not consider the constitutional mechanisms that created precedence between magistrates. Consequently, he sets up an unrealistic situation where magistrates were truly equals and *concordia* was a necessary behavioural norm to avoid conflict. In fact, we often see conflict in the ancient narratives; and, constitutionally, collegial magistrates could be separated: rank and status played a significant role. The situation where two magistrates were truly “equal” did not exist – or did so infrequently that it was remarkable – thus adherence to *concordia* seems more of a reflection of social and political hierarchies than an underlying principle itself. For example, we might consider the obligation of censors to act in unison for effective and legitimate decisions. The ancient sources record numerous instances in which one censor disengages with this process or does not veto his colleague's actions, despite disagreeing, in an

²⁴⁶ Akar 2013: 98–100.

²⁴⁷ Stewart 1998. Note Vervaet (2014: 53) on the *turnus* of the *fasces* as a constitutional principle or formal bond for the division of competence between the consuls.

effort to avoid conflict: while the Senate was chosen ‘*fideli concordia*’, Nobilior and Lepidus are one example. However, there are no questions raised over whether their decisions were legitimate, and Akar does not comment on cases where it is clear that the censors are not acting in the spirit of *concordia*, but the stalemate of inaction is not reached and their decisions are not rendered useless. We might be tempted, instead, to conclude that their collegial authority conferred legitimacy on their choices, rather than their harmony or friendship.

Conclusions

Throughout this chapter, I have argued that magisterial collegiality depended on election to office, *iisdem auspiciis*. The concepts of *par potestas* and the *ius intercessionis* were important, but secondary to this auspicial connection. Furthermore, I have questioned the notion that censors were the “most collegial” magistrates on the grounds of the inability to elect a *censor suffectus*. Instead, I suggest that the *censor suffectus* subscribed to the regular patterns of shared election that governed other magistrates. We have seen that the *lustrum* ceremony, often viewed as a contradictory example of ‘individual’ censorial action, actually demonstrates the inherent connection between these magistrates. The use of sortition to decide which of the two censors would complete this ritual, and the wording of the prayer itself, highlights that both were equally capable and present, in contrast to our evidence for consular prayers. Lastly, we have briefly examined the idea of *amicitia* and collegial relationships, noting that this was a desirable quality between magisterial colleagues, but not one of the defining criteria.

The mechanics of shared power and collegiality: the consulship

It is with the consulship – however it was first formed – that most discussions of collegiality begin. The question is often how Roman government transformed from a single, life-long ruler to a system of dual consuls, who served for a year, and how they adopted a system of collegiality. However, the historical narratives retain numerous experiments in political administration and shared power across the Early Republic. As I have discussed in the context of the censorship, the auspices were also central to the concept of magisterial collegiality – and, according to our sources, this link seems to have been generated at an early stage, if not simultaneously with the development of Roman republican magistracies.²⁴⁸ In this chapter, I do not attempt to solve problem of early Roman magistracies or offer a radical new alternative to the initial organisation of the consulship (or praetorship). Instead, I will focus on the mechanics of shared power between the leading magistrates. It is difficult to find an early Roman magistracy that is not collegial: our sources describe consuls or praetors from 509, *decemviri legibus scribundis* in 451 and 450, and, on occasion, consular tribunes with military powers from 444. I will discuss the mechanisms that enabled shared power within the magisterial college for two of these magistracies, the *decemviri legibus scribundis* and the consuls, and briefly comment on the longevity of the consuls' duality.

The *decemviri legibus scribundis*

In 451, according to the historical tradition, a board of ten men – the *decemviri legibus scribundis* – were chosen to create and define the Roman law code, the ten tables (they produced twelve). In the accounts of both Livy and the Late Republican Greek historian

²⁴⁸ Cic. *Div.* 2.70; Dion. Hal. *Ant. Rom.* 2.6.1.

Dionysius of Halicarnassus, two consuls, Ap. Claudius Crassus and T. Genucius Augurinus, were elected as *consules designati* for the year.²⁴⁹ Livy reports, however, that the form of government was changed again, with authority transferred from consuls to decemvirs, just as it had previously passed from the kings to the consuls.²⁵⁰ Allegedly, P. Sestius, one of the consuls for 452, brought this proposal to the Senate, against his colleague's wishes, and the decision was taken to adopt this new magistracy.²⁵¹ Dionysius provides further details, emphasising that the consular elections were held much earlier than normal, in an attempt to delay repeated requests from the tribunes to appoint lawgivers in line with a senatorial decree. The consuls-elect, Claudius and Genucius, although not formally in office, supported the tribunes, forcing Sestius to assemble the Senate alone to propose the laws, with his colleague too unwell to conduct public business.²⁵² The measure received broad praise from the people: Claudius and Genucius willingly resigned from the consulship to allow for the appointment of a new set of magistrates and both were selected to serve as decemvirs instead.²⁵³ This new system of government had a specific rationale: to deliver a body of law. It was not, apparently, a permanent solution to Rome's government and administration. Indeed, Livy comments that the change was not remarkable because it was so short-lived:

*anno trecentesimo altero, quam condita Roma erat, iterum mutatur forma civitatis, ab consulibus ad decemviros, quem ad modum ab regibus ante ad consules venerat, translato imperio. minus insignis, quia non diuturna, mutatio fuit. laeta enim principia magistratus eius nimis luxuriavere; eo citius lapsa res est repetitumque, duobus uti mandaretur consulum nomen imperiumque.*²⁵⁴

²⁴⁹ Liv. 3.33.4; Dion. Hal. *Ant. Rom.* 10.54.6.

²⁵⁰ Liv. 3.33.1.

²⁵¹ Liv. 3.33.4.

²⁵² Dion. Hal. *Ant. Rom.* 10.54.3–55.3.

²⁵³ Dion. Hal. *Ant. Rom.* 10.55.1.

²⁵⁴ Liv. 3.33.1.

Despite the decemvirs' success in law codification, this magisterial experiment apparently failed. In 450, the second group of decemvirs, after finalising the law code, and without a clearly defined task, adapted the office to suit their own personal agendas. After intense political discord, Rome returned to government under the dual consulship. Regardless of the historicity of these events and however transitory in nature, the *decemviri* are particularly notable when considered from the perspective of magisterial collegiality. The discrepancies between the two decemviral colleges of 451 and 450 respectively, as presented in the literary tradition, illuminate some of the key themes and problems associated with defining and explaining collegiality.

In an extraordinary modification to what is presented as normal Roman government (if that can be said at this early stage in the development of Rome's political institutions), the *decemviri* were elected in the absence of all other magistracies.²⁵⁵ Dionysius describes the conditions of their administration:

ἄνδρας αἰρεθῆναι δέκα τοὺς ἐπιφανεστάτους ἐκ τῆς βουλῆς· τούτους δ' ἄρχειν εἰς ἔνιαυτὸν ἀφ' ἧς ἂν ἀποδειχθῶσιν ἡμέρας, ἐξουσίαν ἔχοντας ὑπὲρ ἀπάντων τῶν κατὰ τὴν πόλιν ἦν εἶχον οἱ τε ὑπατοὶ καὶ ἔτι πρότερον οἱ βασιλεῖς, τὰς τ' ἄλλας ἀρχὰς πάσας καταλελύσθαι ἕως ἂν οἱ δέκα μετέχωσι τῆς ἀρχῆς.²⁵⁶

Cicero, too, reports that in the absence of the consuls and tribunes, the decemvirs possessed the greatest *potestas*, without challenge, and the highest *imperium*:

sed aliquot ante annis, cum summa esset auctoritas in senatu populo patiente atque parente, initia ratio est, ut consules et tribuni plebis magistratu se abdicarent, atque ut decemviri

²⁵⁵ On the Greek sources misconstruing that there were no other magistrates in office except the tribunes of the plebs or that the other magistracies ceased to function under the dictatorship (e.g. Polyb. 3.87; Dion. Hal. *Ant. Rom.* 5.70.4; Plut. *Cam.* 5.1, *Fab.* 9.2), see the useful discussion in Konrad 2022: 78–85.

²⁵⁶ Dion. Hal. *Ant. Rom.* 10.55.4.

*maxima potestate sine provocatione crearentur, qui et summum imperium haberent et leges scriberent.*²⁵⁷

This group of ten men – the most distinguished of the Senate – was granted substantial constitutional powers, without the potential support or interference of other magistrates. The only mechanism that governed their actions was through their internal system of collegiality.

However, there were crucial differences in the shared power arrangements of the decemvirs in 451 and their successors in 450. The sources pay close attention to the transfer of authority between members of this magisterial college, with Dionysius providing a detailed account of their organisation in 451: only one of the decemvirs held the insignia of consular powers and the *fasces*; he also assembled the Senate, certified decrees, and performed all governing functions while his colleagues arbitrated cases. This authority rotated throughout the college over the year, with each decemvir taking command for an equal, pre-set number of days that had been mutually agreed upon.²⁵⁸ Zonaras, preserving fragments of Cassius Dio, records that each decemvir held power for the duration of a single day, and each decemvir, in turn, assumed control.²⁵⁹ Livy adds that the decemvirs administered justice to the people on every tenth day and that, on that day, the presiding decemvir was preceded by twelve *lictors* with *fasces* while his colleagues were attended by one.²⁶⁰ This system created hierarchy within the magisterial college, giving one member constitutional precedence as well as the visual representation of this power through the *fasces* and consular insignia. It depended on shared goodwill: each member served an equal time in this role, all members collectively agreed on the duration, all retained the capacity to intercede in their colleagues' decisions, and all were united by a

²⁵⁷ Cic. *Rep.* 2.61.

²⁵⁸ Dion. Hal. *Ant. Rom.* 10.57.1–2.

²⁵⁹ Zon. 7.18.

²⁶⁰ Liv. 3.33.8.

common goal – a shared task.²⁶¹ Furthermore, the sources are unanimous in their commendation. Dionysius comments that Rome was governed exceptionally well by the first college of decemvirs;²⁶² Cicero confirms their worthy praise;²⁶³ and Livy writes that the decemvirs administered with fairness and moderation.²⁶⁴ In Livy's account, however, this magisterial harmony is not necessarily the desired outcome: *et in unica concordia inter ipsos, qui consensus privatis interdum inutilis est, summa adversus alios aequitas erat.*²⁶⁵ In context, with the *decemviri* as the only serving magistrates, unanimity could easily turn into tyranny. No other magistrates could interject or challenge their rule and magisterial duties and powers were not shared across multiple magisterial colleges, with a differentiation of power, but focused entirely within this board of ten. While there was a mechanism for intervention – *intercessio* – internal to the college, it would only be exercised in a breakdown of collective agreement. Collaboration among equal magistrates was expected but had the potential for disastrous consequences.

The second college of decemvirs appears to fall exactly into this category. The Senate, deciding that the decemvirate had been a success and that the code of law was not complete, favoured the election of a second board of ten.²⁶⁶ According to Livy, this brought about a burst of activity as men competed for election or re-election: Ap. Claudius Crassus successfully won a second year in office and immediately influenced his new colleagues.²⁶⁷ The decemvirs' constitutional

²⁶¹ Vervaeke (2014: 37 n. 22), following Mommsen (*Röm. Staatsr.* I³:37), comments that collegial cooperation would have hampered civil jurisdiction, and that it is clear from Livy and Dionysius that one decemvir was supported by his nine colleagues as assistants while he held the *fasces*. This, however, minimises the right of the 'assistants' to intercede.

²⁶² Dion. Hal. *Ant. Rom.* 10.57.3.

²⁶³ Cic. *Rep.* 2.61.

²⁶⁴ Liv. 3.33.8.

²⁶⁵ Liv. 3.33.8.

²⁶⁶ Dion. Hal. *Ant. Rom.* 10.58.1.

²⁶⁷ Liv. 3.35–36.1. According to Livy (3.35.7–8), the youngest decemvir, Ap. Claudius Crassus, was asked to convene the *comitia* for the election of new *decemviri*, with the aim of preventing his re-election, cf. Taylor and Broughton 1968: 167 n. 8.

arrangements were entirely reimagined. Instead of regular rotation of the *fasces* throughout the college, on a set schedule, all ten were preceded by twelve *lictors* with *fasces*, simultaneously, for the whole year. Livy writes that one hundred and twenty *lictors* crowded the Forum, all with axes, on the basis that they had been elected to an office without appeal (*sine provocatione*).²⁶⁸ One fundamental aspect of this modification was that the decemvirs collectively agreed to remove the right of intercession – they would not interfere in each other’s actions, and each decemvir was entitled to make his own, unchecked, decisions.²⁶⁹ Dionysius includes the detail that any measure approved by one decemvir would be ratified by the whole college without question. Furthermore, they jointly decided to hold their magistracy for life, electing no new magistrates to replace them and all possessing the same powers: all business would be conducted under their own, personal, authority, without the need or consideration for the votes of the Senate or of the people.²⁷⁰ Both Dionysius and Livy comment that there were now ten kings instead of one,²⁷¹ while Zonaras suggests that the second board of ten seemed to have been elected for the purpose of overthrowing the state.²⁷² Zonaras summarises the central difference between the first and second college of decemvirs: in the first iteration, one man held command for one day, followed by each in turn; in the second, all men held command, on equal terms, at once.²⁷³ The sources are unanimous in their assessment that this was a destructive combination. Contrary to the newly written and ratified laws, ancestral customs, and without a vote of the Senate or the people, the decemvirs refused to elect replacements at the end of their tenure.²⁷⁴ Cicero remarks that a third year of the decemvirate followed, with ten of the most noble men in command, no tribunes to offer opposition, no other magistrates

²⁶⁸ Liv. 3.36.4. cf. Cic. *Rep.* 2.54.

²⁶⁹ Dion. Hal. *Ant. Rom.* 10.59.2; Liv. 3.36.5. McFayden 1942: 12.

²⁷⁰ Dion. Hal. *Ant. Rom.* 10.59.2.

²⁷¹ Dion. Hal. *Ant. Rom.* 10.60.1; Liv. 3.36.5.

²⁷² Zon. 7.18.

²⁷³ Zon. 7.18. Taylor and Broughton 1949: 7 n. 38.

²⁷⁴ Dion. Hal. *Ant. Rom.* 10.60.6.

whatsoever in office, and no right of appeal.²⁷⁵ The decemvirs' collective agreement to redefine their internal constitutional arrangements and their attempt to abandon the magisterial principles of intercession, defined periods of primacy (the *summum imperium*), and limited tenure was considered a decisive failure.

The decemvirate can be viewed in the context of the innovation and development of magisterial offices at Rome. The experiment to elect a board of ten men illustrates the Roman preference to place supreme power and authority into the hands of a collective body with shared responsibilities. The organisation of the first college of decemvirs, however, gave consular powers not to ten men equally, but to one: only one decemvir held the *summum imperium* and he was aided by the remaining nine men.²⁷⁶ This arrangement is, in broad terms, similar to the organisation of the pontifical college: the *pontifex maximus* holds a superior position, although his colleagues, the *pontifices*, are invested with religious authority. However, there is one notable difference between the magisterial and priestly roles: time in office. Significant emphasis is placed on the decemvirs' short time in command, with the sources recording this for as little as one day. In contrast, the *pontifex maximus* held his position for life and his precedence was not shared or rotated, as a general rule, amongst his colleagues. The second college of decemvirs adopted some of these principles: they aimed to hold their magistracy for life and priority was no longer rotated. When these decemvirs all held truly equal powers – as we might initially expect from a system of collegiality – it was definitively considered to be a failed administration. It appears, then, that the underlying element that was critical to 'successful collegiality', as assessed by the ancient sources for the *decemviri*, was not magistrates' equal powers, but rather the ability to overturn a colleague's decision – the right

²⁷⁵ Cic. *Rep.* 2.62; cf. Liv. 3.37–38.1.

²⁷⁶ Vervaeke 2014: 37 n. 22. The same arrangement of *summum imperium* is present in consular colleges.

of intercession. Furthermore, as Livy observes, there was a fine line between collaboration or *concordia* and tyranny. From the presentation of the two colleges of decemvirs, it appears that the conditions for fruitful magisterial cooperation arose from a system of priority, based on the *turnus* of the *fasces*, not a system of equal powers.

The *turnus* of the *fasces* or the ‘custom of alternation’

The *turnus* of the *fasces*, or, as it is sometimes termed, ‘custom of alternation’ similarly dictated which of the two consuls was active at any one time as the *consul maior*. This principle only applied when both consuls were at Rome or they held the same *provincia* and the same command. In Rome, the *fasces* changed hands monthly, while, in the field, this seems to have occurred daily.²⁷⁷ When a consul did not have possession of the *fasces*, he still had the right of *intercessio*, the right to command his army, and the right to take the auspices.²⁷⁸ However, this principle gave precedence to one of the two colleagues: the consul without the *fasces* could not initiate public acts without his collaboration, unless it fell under his own *imperium auspiciumque* or in the event that his colleague was incapacitated.²⁷⁹ As Drummond argued, this custom was probably not aimed at restricting consular powers, but enabling their shared responsibilities:

“The primary function of the alternation was to prevent clashes between the consuls, not to deprive each consul of as much of his power as possible for one half of his year of office: that would run contrary to the basic principles of collegiality.”²⁸⁰

In the post-Sullan period, where it became normal for the consuls to spend the majority, if not all of their time in office in Rome, this principle became highly relevant: each would govern

²⁷⁷ Taylor and Broughton 1949: 9; Vervaeke 2014: 48, 50; Konrad 2022: 74.

²⁷⁸ Konrad 2022: 76.

²⁷⁹ Vervaeke 2014: 44; Konrad 2022: 76.

²⁸⁰ Drummond 1978: 85.

for a month at a time.²⁸¹ The consul who was elected first, the *consul prior*, usually held the *fasces* first, as the *consul maior*,²⁸² unless the pair agreed otherwise.²⁸³ Gellius writes that under the Iulian law of 18, priority of the *fasces* was given not to the elder of the two consuls, but to the one who had the most children, although it remained usual for a consul to concede the *fasces* to a considerably older colleague, a colleague of a greater rank, or a colleague entering their second consulship.²⁸⁴ This suggests that while the consuls' election conferred the status of *consul prior* on one consul, it was customary for him to yield the privilege of *consul maior* for the first month to his colleague.²⁸⁵

It is worth briefly examining the source tradition on the *turnus* of the *fasces* as a constitutional development. The majority of our evidence agrees that this mechanism was introduced at the very beginning of the Republic and introduced by one of the first consuls. Cicero writes that P. Valerius Publicola, who was elected as suffect consul to replace L. Tarquinius Collatinus in 509, instituted the rule that the *fasces* alternated between the two consuls each month so that the insignia of power was not greater under the Republic than it had been under the monarchy.²⁸⁶ Allegedly, after his colleague, L. Iunius Brutus, died in office, Publicola passed a law recognising the right of appeal (*provocatio*), removed the axes from his *fasces*, and, on the next day, had Sp. Lucretius elected as his new colleague.²⁸⁷ Publicola then ordered his *lictors* to attend Lucretius instead, on account of his seniority in age: *sibi collegam Sp. Lucretium subrogavit suosque*.²⁸⁸ Valerius Maximus follows this broad tradition, discussing

²⁸¹ Pina Polo 2011: 236; 2013: 193; Steel 2022: 143–144.

²⁸² Cf. Fest. 154L: *Maiorem consulem L. Caesar putat dici vel eum, penes quem fasces sint, vel eum, qui prior factus sit.*

²⁸³ Taylor and Broughton 1949: 5–6, 9; 1968: 166–167; Pina Polo 2013: 193. Drummond (1978: 86) suggests that a flexible approach should be taken to the *consul prior* holding the *fasces* first.

²⁸⁴ Gell NA 2.15.4–8, esp. 8: *solitos tamen audio, qui lege potiores essent fasces primi mensis collegis concedere aut longe aetate prioribus aut nobilioribus multo aut secundum consulatum ineuntibus.*

²⁸⁵ Vervaeke 2014: 51–52.

²⁸⁶ Cic. *Rep.* 2.55: *ut singulus consulibus alternis mensibus lictores praeirent.*

²⁸⁷ Cic. *Rep.* 2.54.

²⁸⁸ Cic. *Rep.* 2.55.

Publicola as the first example in his section on moderation. He suggests that all of the kings' insignia and powers, after their expulsion, were transferred to Publicola as consul. Publicola moderated the power of the office by withdrawing the axes from the *fasces*, halving their number, and selecting Lucretius as his colleague on his own accord: *ultra Sp. Lucretio collega adsumpto*. Like Cicero, Valerius Maximus reports that Publicola yielded the *fasces* to Lucretius as he was the older of the two.²⁸⁹ Although Plutarch does not comment on the *turnus* of the *fasces* specifically, he similarly credits Publicola with appointing Lucretius as his colleague and ceding the *fasces* to him via the privilege of age.²⁹⁰ This source tradition emphasises that Publicola took a colleague out of a desire for moderation, and all three authors agree that this occurred only after he had successfully passed a law granting the right of appeal. However, Livy suggests that Publicola, as sole consul, purposefully passed a series of laws prior to the election of a colleague so that they could be considered exclusively his own: *quas cum solus pertulisset, ut sua unius in his gratia esset, tum demum comitia collegae subrogando habuit*.²⁹¹

Dionysius of Halicarnassus presents a different tradition and records that the initiative for the *turnus* of the *fasces* was taken by the first consular pair, L. Iunius Brutus and L. Tarquinius Collatinus. He highlights that this was a joint reform that aimed at dissolving any public opinion that there were now two kings instead of one. One consul was preceded by twelve *lictors* with axes in their *fasces*, while the other was preceded by twelve *lictors* with *fasces* only: the axes rotated between them on monthly intervals.²⁹² Livy confirms that these features of the consulship – the *turnus* of the *fasces* and the *lictors* – specifically separated it from the kingship: the consulship was an annual office, with magisterial insignia held by one consul at a time to prevent the appearance of a double authority. Brutus was the first to hold the *fasces*

²⁸⁹ Val. Max. 4.1.1.

²⁹⁰ Plut. *Pub.* 12.4.

²⁹¹ Liv. 2.8.3.

²⁹² Dion. Hal. *Ant. Rom.* 5.2.1. Cf. Liv. 2.55.3 on twenty-four *lictors* for the consuls.

under this arrangement, and was granted them by the consent of his colleague: *Brutus prior concedente collega fasces habuit*.²⁹³ These measures ensured that the consulship would not be seen as a supplementary dual-kingship.

As we can see from these accounts, the *turnus* of the *fasces* was considered an inherent characteristic of the consulship, created by one of the first consuls at the inception of the institution: this symbol of power and mechanism for sharing it emerged simultaneous to the magistracy itself. Furthermore, the purpose of this alternation was to avoid the visual perception that Rome was now governed by two kings.²⁹⁴ Importantly, however, it was a practical method for dividing priority between two colleagues with the same authority. Since each consul was not free to act at the same time as his colleague – unless it fell under his own *imperium auspiciumque* – the ability to initiate state business could only fall on the shoulders of one magistrate, unless the pair agreed to collaborate. Their collegiality meant that each, theoretically, had the capacity, authority, and powers to complete their magisterial tasks, but the *turnus* of the *fasces* divided these shared responsibilities fairly across both consuls.

In a highly provocative article, Simpson argued that the ‘custom of alternation’ was created by C. Iulius Caesar in 59, with the Late Republican and early imperial source tradition retrojecting its archaism.²⁹⁵ In contrast to my argument – that this mechanism was a core characteristic of consular collegiality that enabled shared power – Simpson claimed that the *turnus* of the *fasces* was: “quite incompatible both with the Roman Republic’s fundamental governing ‘principle of collegiality’ and with the alleged right of ‘*intercessio*’”.²⁹⁶ Vervaeke likewise disputed this

²⁹³ Liv. 2.1.7–8.

²⁹⁴ In Livy’s account, there was an ingrained resistance to the idea of rule by two kings – although, according to the foundation myths, Rome had been ruled by both Romulus and Titus Tatius.

²⁹⁵ Simpson 2005.

²⁹⁶ Simpson 2005: 167 (also at 169–170).

stance and countered that: “the custom of alternation resulted precisely from the need to reconcile the republican principle of collegiality with the imperative of a unified and coherent supreme command.”²⁹⁷ This neatly explains the *turnus* of the *fasces* as a defining feature of the consulship that governed interactions between the two magistrates, encouraged collaboration for state initiatives, and theoretically prevented or resolved internal conflicts before the need arose.

In 216, the consuls C. Terentius Varro and L. Aemilius Paullus embarked on a joint military campaign against Hannibal at Cannae. According to Livy, the pair alternated command – and thus the *fasces* – every day:

*Ceterum victoribus effuse sequentibus metu insidiarum obstitit Paulus consul, cuius eo die – nam alternis imperitabant – imperium erat, Varrone indignante ac vociferante emissum hostem e manibus debellarique, ni cessatum foret, potuisse.*²⁹⁸

Livy also implies that the decision of who would take command first was decided by lot:

*Itaque postero die Varro, cui sors eius diei imperii erat, nihil consulto collega signum proposuit instructasque copias flumen traduxit, sequente Paulo, quia magis non probare quam non adiuvere consilium poterat.*²⁹⁹

Varro and Paullus, however, disagreed on their strategy: Polybius, who comments that the consuls obeyed the usual practice of taking command on alternate days,³⁰⁰ writes that the pair clashed continuously, protesting against each other’s action until they incurred a disastrous

²⁹⁷ Vervaeke 2014: 53 n. 76, also: “The mechanism of the rotating summum imperium auspiciūque was most probably instituted from a pragmatic concern to reconcile the existence of two legally equal consuls with the need for unity of the high command.”

²⁹⁸ Liv. 22.41.2–3.

²⁹⁹ Liv. 22.45.5. The lot could be used elsewhere in cases of disagreement. For example, in 431, in face of the military threat from the Volsci and the Aequi, and disagreements between the consuls, the Senate opted to appoint a dictator. The two consuls, however, could not agree on which of them should make the nomination and resorted to drawing lots: *sors, ut dictatorem diceret – nam ne id quidem inter collegas convenerat, T. Quinctio evenit* (Liv. 4.26.11). In this case, sortition was employed to decide which of the two equally-capable magistrates who would complete the task.

³⁰⁰ Polyb. 3.110.4.

defeat.³⁰¹ Vervaet concludes that the principle of the *turnus* in the military sphere was indispensable: decisiveness – which might not be achieved through an equal command – was crucial in battle. Nevertheless, it is apparent from this incident that the *turnus* of the *fasces* was not always enough to prevent conflict and ensure a unified approach.³⁰² However, the occurrence of a shared military campaign was rare, and the consuls rarely had joint tasks after leaving Rome.³⁰³

In contrast to *comparatio*, which amounted to mutual agreement between the consuls, and sortition, which could be used effectively to break disagreements between colleagues,³⁰⁴ the *turnus* of the *fasces* was a constitutional principle that governed the consuls' interactions and activity. Vervaet considers it one of the primary features of the political and military system, sitting alongside the equality of the consuls in terms of *par potestas* and the auspices, as well as the restriction on their length of tenure. Furthermore, this mechanism likely arose from the need to reconcile the shared powers and responsibilities of the consuls and promote unity in command.³⁰⁵ We have seen that these same constitutional principles applied to the first college of the *decemviri legibus scribundis* – priority rotated on a daily basis, there were limitations on their time in office, and each decemvir held equal powers – with great effect, according to the source tradition. The *turnus* of the *fasces* had practical outcomes that were based solely on clarifying and sustaining the consuls' shared magistracy.

Consular legislation

³⁰¹ Polyb. 3.106–116; Liv. 22.38–50, esp. 22.44.5. Vervaet 2014: 43–44, cf. 46–48.

³⁰² Vervaet 2014: 52–53.

³⁰³ Cf. Pina Polo 2011.

³⁰⁴ Stewart 1998: 137–159.

³⁰⁵ Vervaet 2014: 53.

The mechanisms for and processes behind joint consular legislation provide an unexpected example of the nuances of consular collegiality. One of the primary functions of the consuls was to propose laws and, unlike the main legislative magistrates, the tribunes of the plebs, it is possible to look closely at the procedure that informed how this occurred. As I have argued, the consulship had a number of constitutional technicalities, including the *turnus* of the *fasces* or ‘custom of alternation’ and the notion of a *consul prior*, both of which introduced an element of hierarchy into the magisterial college. These distinctions, which were either inherent to their election or rotated on monthly intervals (in the case of the *fasces*), also determined which consul would present legislation to the assembly (as, for example, the first *rogator*). Since the consular college comprised two magistrates, it is easier to determine the internal workings of the consuls leading up to the bill than is the case for the larger college of tribunes.³⁰⁶ Ferrary, in a landmark article on the collegiality of Roman magistrates in the law-making process, investigated the proposal of laws by both consuls or by several tribunes, in contrast to laws proposed by individual magistrates.³⁰⁷ He found that the consuls frequently passed legislation together, as a pair, especially when the law was a directive of the Senate. This feature is often overlooked in discussions of consular legislative practice, in part due to the comparatively limited number of examples we have of consular legislation. Similarly, the consuls, at least up until the Late Republic, typically spent a significant part of the consular year away from Rome, resulting in the Senate opting to request that certain laws were passed at the very outset of their tenure, when this remained possible – there are few examples of consular law passed at other times of the year.³⁰⁸ Ferrary postulated that joint consular laws were more common than anticipated by most scholars and, on the basis of examples preserved in Cicero, suggested that there may have been a general rule that consular laws instigated by the Senate were proposed

³⁰⁶ Cf. Pina Polo 2011: 100ff.

³⁰⁷ Ferrary 1996; Hurlet 2017: 283. On legislation as political communication, see: Walter 2017: 533–540.

³⁰⁸ Ferrary 1996: 227. Cf. Taylor and Broughton (1949: 5) on January as a good month for passing laws due to the number of comitial days.

by both consuls, unless one was already away from Rome.³⁰⁹ These laws would take the name of both consuls, such as the *lex Gabinia Calpurnia* of 58, which conferred immunity on Delos.³¹⁰ Since this was often one of the first actions of the new consular pair, the *consul prior*, who currently held the *fasces*, received certain legislative privileges (as the first *rogator*).³¹¹

Importantly, Ferrary linked this legislative process to collegiality and the mechanisms that allowed differentiation between consular colleagues: he argued that collegiality was one of the fundamental characteristics of Roman magistracy, which not only meant that a legislative initiative of one magistrate could be blocked by the intercession of one of his colleagues, but also that a law could be proposed by several magistrates of the same college: two consuls or two or more tribunes.³¹² Furthermore, Mommsen suggested that there was a key difference between the record of consular and tribunician legislation: laws passed by the two consuls would reflect this in their name, while laws passed by multiple tribunes would carry only the name of the first *rogator*.³¹³ Consequently, it is perhaps easier to detect joint consular legislation in the source material: Ferrary commented that primarily because there is no equivalent of the alternation of the *fasces* for the tribunes, it is more difficult to define joint plebiscites.³¹⁴ There are further implications that arise from this framework of consular collegiality and legislative practices. Vervaeet observed that in addition to this joint consular legislation, usually passed at the instigation of the Senate, most other consular legislation

³⁰⁹ Ferrary 1996: 224, 228. Cf. Taylor and Broughton 1949: 5 n. 22.

³¹⁰ Crawford 1996: 345–351; Ferrary 1996: 218, 231–232; Linderski and Kaminska-Linderski 1973: 247–252; Vervaeet 2014: 40. Calpurnius, as *consul prior*, probably allowed Gabinus to act as first *rogator* in this instance, given his connections to Delos.

³¹¹ Ferrary 1996: 227, 229. Cf. Liv. 23.30.14 on the consul-elect for 215, Ti. Sempronius Gracchus, convening the assembly as soon as he entered office. Ferrary (1996: 224 n. 29) notes that his colleague, L. Postumius Albinus, died before entering office and thus could not be involved with this process, cf. Liv. 23.24.6. Pina Polo 2013: 427.

³¹² Ferrary 1996: 217.

³¹³ Mommsen *Röm. Staatsr.* III³.1: 315.

³¹⁴ Ferrary 1996: 240. Ferrary (1996: 223–226), however, argues that there are cases of abbreviation in, for example, Cicero, where only the first *rogator* is named although the two consuls passed joint legislation, and instances in which we do not know which consul acted as first *rogator*.

would be passed jointly: a bill presented by the consul in one month would often require the support of his colleague the next month, after the rotation of the *fasces*: a *rogatio* could be proposed by both consuls, but only one of them could preside over the assembly. Therefore, the colleague could either allow him to authorise the vote as *rogator* or call the assembly himself.³¹⁵

The evidence for joint consular legislation demonstrates that the hierarchical elements of magisterial colleges, where they existed, played a significant role in informing internal actions and creating a collaborative working relationship between colleagues. The consulship had a built-in mechanism that differentiated between the magistrates in office and determined which of the two consuls would primarily be responsible for certain actions, at a certain time, even when both consuls were equally credited with the final outcomes and both played a role in the legislative process: in this case, laws were credited with both consuls' names. We might see this in the same light as the *lustrum* ceremony for the censorship, where both magistrates carried out the task, but only one could ultimately be responsible for the final act. Collegiality gave joint responsibility, even when hierarchy between colleagues had been purposefully created.

The duality of the consuls?

It is entirely uncontroversial that, throughout the Republic, Rome was governed by two consuls. However, Hurllet recently investigated the duality of the consuls over the *longue durée* from the perspective of norms and transgressions. He starts from the premise that:

³¹⁵ Vervaeet 2014: 39–41.

“Nous avons tous appris, et enseigné, que les magistratures étaient collégiales, exception faite de la dictature en tant que magistrature extraordinaire, et qu’il y avait deux consuls par an, chiffre qui n’a jamais été imposé par une loi et relevait de la coutume.”³¹⁶

Hurlet studies the norm of two consuls by investigating the number of consuls chosen at given times. For example, Suetonius suggests that when Augustus was consul, he asked for not one, but two colleagues:

*Exegit etiam, ut quotiens consulatus sibi daretur, binos pro singulis collegas haberet, nec optinuit, reclamantibus cunctis satis maiestatem eius imminui, quod honorem eum non solus sed cum altero gereret.*³¹⁷

Hurlet suggests that this request was refused primarily because it risked transgression of the norms.³¹⁸ The consuls were, however, exceptional in this fact: unlike the aediles, quaestors, or praetors, the consular pair did not evolve into a larger college but, according to the source tradition, continued in its form for nearly a millennium.³¹⁹ He takes the case of Cn. Pompeius Magnus being elected *sine collega* for his third consulship in 52, following the inability of the *comitia* to elect two consuls in 53, as the first deviation from the norm. Whether this was out of a desire either not to let Pompeius be named dictator or to prevent C. Iulius Caesar from being elected,³²⁰ it created a precedent that Caesar later exploited in 45, when he was elected sole consul – despite Pompeius restoring the norm with his abdication and the subsequent election of two new consuls.³²¹ Hurlet classifies the decision to elect suffect consuls under the triumvirate as a case of bypassing the norms (and not transgressing customary practice): this increased the number of consuls each year without violating the principle of two consuls. While

³¹⁶ Hurlet 2017: 283.

³¹⁷ Suet. *Aug.* 37.

³¹⁸ Hurlet 2017: 284, 289–292. Hurlet questions whether there was memory of the period where *imperium* was allegedly held by a college of three praetors.

³¹⁹ Hurlet 2017: 284.

³²⁰ E.g. Cass. Dio 40.50; Plut. *Pomp.* 54. Cf. Rosillo López 2017: 81–82.

³²¹ Cass. Dio 43.33; Suet. *Iul.* 76, 80. Hurlet 2017: 287–288.

the republican system allowed the election of replacement magistrates in the event of death, this was a pragmatic solution that reconciled the custom of the dual consulship with the desire to allow more men to hold high office.³²² Augustus continued this trend, which was sustained well into the imperial period.³²³ Hurlet concludes that the norm of two consuls, which appears at first glance a fixed principle, was actually adapted throughout the Late Republic and Empire with significant flexibility. The provision of electing suffect consuls, originally intended to allow swift replacements when a magistrate died in office, was undermined and repurposed, firstly by Caesar, and a new norm was created that granted high office to a large number of qualified men. This similarly highlights the role of competition in relation to the number of consuls. Hurlet suggests that the growing number of praetors led directly to increased competition for the consulship, which remained a two-person post. The solution was to elect suffect consuls, but, since competition was ingrained in Roman political culture, no configuration could effectively put an end to it.³²⁴ It is noteworthy that the practice of electing men to the dual consulship remained steadfast despite the political and social pressures working against it.

Conclusions

For many modern scholars, the consulship is the embodiment of the concept of collegiality. The historical tradition reports that it was with the consulship that Rome adopted a system of shared power, liberating herself from the tyranny sole rule. However, the magistracy itself had constitutional features that caused differentiation between the consuls, with the *turnus* of the *fasces* the most striking. Rather than granting equal authority to both consuls at all times, this

³²² Hurlet 2017: 288–289.

³²³ Hurlet 2017: 296, 298.

³²⁴ Hurlet 2017: 298–299.

principle gave precedence to one magistrate over the other when both were present in Rome or shared military command. This custom did not restrict the consuls' powers but enabled them to govern and command effectively, theoretically minimising disagreements through the fair division of tasks and encouraging collaboration for major initiatives. The source tradition on the two colleges of *decemviri legibus scribundis* highlights that the most successful form of administration was through this rotation of priority, not from creating truly equal magistrates. Joint consular legislation is one example of this system in practice: both consuls were recognised in the name of the law, although, due to the technicalities of the assemblies, the *consul maior* (usually *prior*) acted as the first *rogator*. Furthermore, it appears that there was strong insistence to retain the nature of the dual consulship throughout the Republic that continued well into the Empire. Rather than adapt the magistracy to suit the political needs of the time, as was the case for the praetorship and quaestorship, the two consuls remained the leading magistrates at Rome. The election of consuls *sine collega* transgressed this norm and, later, the *consul suffectus* was employed both to circumvent and also uphold the custom of having only two consuls. The institution and its collegial organisation was the defining feature of Roman administration.

Institutional collaboration and collegiality: the quaestorship

The quaestorship is the obvious example for a discussion of inter-institutional collaboration between magistrates: its primary role was to support commanders (consuls, praetors, promagistrates) in the field and manage the treasury at Rome. Despite previous scholarship concluding that the quaestorship was “essentially unimportant”,³²⁵ Pina Polo and Díaz Fernández have convincingly demonstrated that this magistracy was of central significance to republican civil and military administration.³²⁶ Furthermore, the peculiar structure of the magisterial college, with its form of two urban quaestors and six quaestors in the field by the mid-Republic, invites questions on quaestorial collegiality and the division of tasks and responsibilities. While the office was typically filled by junior magistrates, at the start of their careers, it had a notable degree of fiscal authority which linked it to the highest magistracies – the censorship, the consulship, and the praetorship – as well as the major priesthoods, with opportunities to establish and develop networks with senior men in the Senate. This chapter will address these aspects of the magistracy, with particular focus on its emergence and development, the internal arrangements between quaestors at Rome and in the field, and the quaestors’ core duties as assistants to senior magistrates.

The development of the magistracy

Scholarship has vigorously debated the origins, expansion, and role of the quaestorship within the overall organisation of Roman magistracies, due to the limited and elusive source material. Consequently, there has been little consensus on the establishment of the magistracy, both in terms of timing – in the regal period or Early Republic – and in their primary duties at Rome

³²⁵ Badian 1983: 168.

³²⁶ Pina Polo and Díaz Fernández 2019.

and beyond. The source material hints at an initially independent set of assistants or officials that were later grouped together in a formal magisterial college.

Tacitus provides our most detailed evidence for the creation and evolution of the magistracy: *sed quaestores regibus etiam tum imperantibus instituti sunt, quod lex curiata ostendit ab L. Bruto repetita. mansitque consulibus potestas deligendi, donec eum quoque honorem populus mandaret. creatique primum Valerius Potitus et Aemilius Mamercus sexagesimo tertio anno post Tarquinius exactos, ut rem militarem comitarentur. dein gliscentibus negotiis duo additi qui Romae curarent: mox duplicatus numerus, stipendiaria iam Italia et accedentibus provinciarum vectigalibus: post lege Sullae viginti creati suppleto senatui, cui iudicia tradiderat.*³²⁷

According to this account, the quaestorship was instituted in the regal period, with the kings, and later, the consuls, holding the power to select assistants – quaestors – suggesting a strong constitutional crossover and continuity of magistrates from the Regal period. Allegedly, in 446, the first elected quaestors took office and acted as financial officials to the army in the field. As their duties increased, so did their number: two quaestors were added, firstly, to conduct tasks at Rome; their number was doubled to eight in the third century, as provincial revenues grew; finally, in 81, L. Cornelius Sulla increased their number to twenty to supplement the Senate. Tacitus’ reconstruction suggests that the quaestorship developed out of a need for assistants to support the pre-established magistracies (i.e. the king, the consuls), initially as selected officials. The quaestors’ role was formalised and they became elected officials as the tasks under their remit expanded, culminating in the office becoming the first step on the *cursus honorum* and the main criteria for selection to the Senate under Sulla.³²⁸

³²⁷ Tac. *Ann.* 11.22.

³²⁸ Cf. Steel 2022.

Iunius Gracchanus, following Ulpian, and Plutarch offer alternative narratives.³²⁹ Ulpian dates the quaestorship to the Regal period, but, like Plutarch, writes that the quaestors were elected by the people, probably a retrojection of the popular right to elect magistrates, and raising the question of how magistrates who were elected differed from those who were selected (or appointed). He also comments that the quaestorship was one of the oldest magistracies.³³⁰ Plutarch dates the institution of the quaestorship to the beginning of the Republic, attributing its creation to P. Valerius Publicola. Publicola supposedly made the Temple of Saturn into the treasury and allowed the people to appoint two young men as quaestors – treasurers – as he was reluctant to collect, house, and record public funds taken from the citizens for military campaigns himself, or give the task to friends. He took these acts prior to appointing Sp. Lucretius as his colleague in the consulship.³³¹ Similarly, Cassius Dio, surviving via fragments in Zonaras, records that Publicola instituted the quaestorship. He reports that Publicola assigned the management of public funds to the quaestors – also treasurers – to prevent the consuls from holding too much influence by controlling the state revenues in addition to the powers of their magistracy.³³² Livy does not provide detail on the origins of the quaestorship, but does include it in his list of magistracies created after the expulsion of the kings: *tribuni plebi, aediles, quaestores nulli erant: institutum est, ut fierent*.³³³ The sources illuminate an ongoing debate about the origin of magistracies and the place of elected officials: how public action as a magistrate compared with that of those in a non-elected or professional role.

³²⁹ Pina Polo and Díaz Fernández 2019: 6–9.

³³⁰ *Dig.* 1.13.

³³¹ *Plut. Pub.* 12.2–3.

³³² *Zon.* 4.13.

³³³ *Liv.* 4.4.3.

A key theme emerging from this evidence is that the quaestorship had particular authority over public funds. Furthermore, this responsibility was potentially given to the quaestors explicitly to separate fiscal control from the higher magistracies (consuls, censors). It is clear, however, that the magistracy was designed to facilitate cross-institutional collaboration, with quaestors acting as junior assistants to (and falling under the command of) these same magistrates (i.e. the consuls). There is also an obvious distinction between the two areas under the quaestors' remit: military financial administration in the field and financial duties at Rome. Where Tacitus reports that the quaestors' military duties – usually financial – pre-dated their care of the public finances, Plutarch and Zonaras both link the origins of the magistracy to the management of public funds at Rome for military campaigns. Following Pina Polo and Díaz Fernández's recent reassessment of the quaestorship, which emphasises the long evolutionary process of Roman institutions, it seems plausible that the quaestorship was initially conceived as an advisory role to the principal magistrates at Rome. This may have been as personally-selected assistants to the kings, consuls, or the *praetor maximus*, that later developed into an annually-elected magistracy in the fourth century: a specialised role with fiscal competencies to administer the public treasury. As might be expected from assistant officials, the nature of these functions – civil and military financial administration – reflected the core purpose of magistrates in the early stages of the Republic, as commanders at Rome and abroad.³³⁴ However, at some point in this evolution, if we accept that the quaestors were initially selected assistants, there must have been a resolution to group these men together in a collegial magistracy as part of a process of institutionalisation. We might question whether this process specifically adopted this structural organisation to match the form of other Roman institutions in existence (e.g. the tribunes of the plebs) and when we can consider the quaestors a magisterial college.

³³⁴ Pina Polo and Díaz Fernández 2019: 21–23.

This division between military and urban duties was retained as the quaestorship expanded: rather than simply increasing the number of officials, the tasks under their remit became more specialised. According to Livy, in 421, two quaestors were added for the express purpose of assisting the consuls on campaign: now, there were two urban quaestors and two in the field.³³⁵ In line with the growth of the Roman state and in response to the emerging complexities of government, the quaestorship took on a dual role.³³⁶ Two urban quaestors controlled the treasury, exclusively, while the other two continued to support the leading magistrates in both civil and military capacities. Further enlargements of the college appear to have followed this pattern: while two urban quaestors remained at Rome for the duration of their office, additional quaestors aided the consuls, praetors, and promagistrates in the provinces, acting under their commander's *imperium*. As a result, the familiar republican magisterial college seems like an unusual collection of disparate officials without clearly a defined relationship to each other or, at face value, any evidence of shared responsibilities. Indeed, this arrangement calls into question why the quaestors were grouped into a magisterial college at all.

The urban quaestors

The urban quaestors stand out as a discrete pair, residing at Rome while the remainder of the college took up roles in the provinces as individuals. In line with this organisational system, the urban quaestors are also often seen as having distinct duties at Rome: one in charge of the *aerarium*; the other completing regular and miscellaneous tasks, such as attending to delegations, as the need arose.³³⁷ Kunkel and Wittman emphasised the lack of collegiality

³³⁵ Liv. 4.43.4.

³³⁶ Pina Polo and Díaz Fernández 2019: 23–24.

³³⁷ Prag 2014: 201.

between this pair, which they believed was based on the peculiar arrangement of the magisterial college:

“Daß nicht beide Quästoren zusammen tätig werden mußten, entspricht der eigentümlichen Natur magistratischer Kollegialität und wird durch zahlreiche Zeugnisse namentlich in inschriftlich erhaltenen Gesetzen und Senatsbeschlüssen erwiesen: Wo hier von Amtsgeschäften der quaestors urbani die Rede ist, erscheinen diese regelmäßig in der Einzahl”.³³⁸

Indeed, this idea has been so accepted by modern scholarship that Prag commented: “it is likewise reasonably uncontroversial that two served as urban quaestors, of whom one was formally assigned to the *aerarium*”.³³⁹ Recently, however, this position has been comprehensively challenged by Pina Polo and Díaz Fernández. They argued for a collegial relationship between the pair, with shared responsibilities over both the treasury and various duties at Rome.³⁴⁰

The epigraphic material, as alluded to in the quote of Kunkel and Wittman, seems to point towards the idea that one quaestor was in charge of the *aerarium*, and forms the main element of their argument. For example, the *lex agraria* of 111 records a quaestor in charge of the treasury: ... *quaestor,*] *quei aerarium provinciam optinebit, in tabulis [publiceis ---]*.³⁴¹

Furthermore, the *lex Cornelia de XX quaestoribus* states:

q(uaestorem) urb(anum), quei aerarium provinciam optinebit, eam mercedem deferto, quaestorque quei aerarium provinciam optinebit eam pecuniam ei scribae scribeisque heredive

³³⁸ Kunkel and Wittman 1995: 515.

³³⁹ Prag 2014: 201.

³⁴⁰ Pina Polo and Díaz Fernández 2019: 79–84.

³⁴¹ Crawford 1996: 118 (46), translation (146): ‘the quaestor,] who shall hold the treasury as his province, in the [public] records [---]’. Cf. Crawford 1996: 72, 93 (*lex repetundarum*).

*eius soluto, idque ei sine fraude sua facere liceto, quod sine malo pequlatuu fiat, olleisque hominibus eam pequniam capere liceto.*³⁴²

These two inscriptions clearly refer to a single quaestor, who holds the treasury as his province, with no mention of a colleague. Further evidence is found in the *lex Acilia repetundarum*:

... quaestor quoui aerarium provincia obvenerit ... quaequomque pequnia ex hac lege ad q[uaestorem redacta erit, is quaestor ea pequnia facito in fiscis siet fiscique signo suo opsignentur --- ...]. Quaestor, quiquom[que erit, utei quod]recte factum esse volet, facito in diebus (quinque) proxumeis quibusquomque eiei aerarium provincia obvenerit ...

The quaestor, to whom the treasury shall have fallen as his province ... Whatever money according to this statute [shall have been deposited] in the hands of [the quaestor, that quaestor is to see that that money be in baskets and that the baskets be sealed with his seal --- ...]. The quaestor, whoever [he shall be, as] he shall deem [it] proper, is to see that in the five days next after the treasury shall have fallen to him as his province ...³⁴³

These statutes all refer to one quaestor – the urban quaestor – in the singular, who holds the treasury as his province. This evidence supports the case that only one of the two urban quaestors administrated the treasury. The wording of the *lex Acilia repetundarum*, however, does not rule out that both quaestors had control of the treasury. I suggest an alternative reading: one quaestor held responsibility to conduct all actions associated with this particular case: if one quaestor was handed money, it was his duty, explicitly, to register this with his own seal. Furthermore, the line ‘... the quaestor, whoever [he shall be]’ sets up the expectation that the responsibility would fall to one of two (or more) quaestors, whichever was available, and

³⁴² Crawford 1996: 294 (Col I.1–6), translation (297): ‘[---] he is to register [with] the urban quaestor, who shall have the treasury as his province, that fee, and the quaestor, who shall have the treasury as his province, is to pay that sum to that scribe, or (those) scribes, or to his heir, and it is to be lawful for him to do so without personal liability, in so far as it be done without wrongful enrichment, and it is to be lawful for those persons to accept that sum’.

³⁴³ Crawford 1996: 72 (66–68), 93.

explains the need to specify “that quaestor” rather than “whoever he shall be” later on – the text differentiates between the procedural requirements of one quaestor, versus the overall collegial processes. Pina Polo and Díaz Fernández instead explain these references to a single quaestor in terms of individual magisterial action: these inscriptions reflect the fact that there was no requirement for quaestors to complete their tasks in unison – specific tasks were completed by a single quaestor.³⁴⁴

The literary evidence also supports the urban quaestors’ collegiality. One of the best examples is found in Plutarch, describing the actions of the two urban quaestors in 64, M. Porcius Cato and M. Claudius Marcellus. He reports that Cato was the first among his colleagues (συναρχόντων) to arrive at the treasury, daily, and the last to leave, shouldering the responsibility of difficult decisions for his colleague (and subordinates), who frequently refused requests for public money on the grounds that Cato would not consent. Allegedly, on his last day in office, Marcellus was pressed into registering public funds to his influential friends, after Cato had been escorted home. Cato returned to the treasury and asked Marcellus for the tablets, erased them in his presence without any challenge, and then accompanied him away from the treasury.³⁴⁵ In this scenario, Plutarch confirms that both urban quaestors, at least, had access to the *aerarium*. Furthermore, he indicates that individual decisions were subject to collegial veto.³⁴⁶ Thus, it seems likely that in the Late Republic at least, after the enlargement of the college by Sulla, the quaestors operated within the expected collegial arrangements: shared competencies and the right to intervene in colleagues’ actions.

³⁴⁴ Pina Polo and Díaz Fernández 2019: 83–84.

³⁴⁵ Plut. *Cat. Min.* 18.1–4.

³⁴⁶ It is possible that Cato used his *auctoritas* (particularly moral authority) in this situation, rather than being entitled to act in this way.

Other examples also hint at this shared authority over the *aerarium*, particularly in cases where one urban quaestor carried out tasks away from Rome. Pina Polo and Díaz Fernández questioned the effectiveness of placing responsibility in the hands of one treasury official, who was not guaranteed to be present and able to administer the public funds throughout the entirety of his magistracy, despite the presence of a second urban official. To that effect, they consider the case of L. Manlius and L. Stertinius, the urban quaestors in 168, who were both away from Rome at different points of the year. First, the Senate sent Manlius to Puteoli to greet and escort Masgaba, the son of Masinissa, back to Rome. After Masgaba's assembly, Manlius was advised to return with him to Puteoli, provide gifts for his retinue, and defray all of his expenses while he remained in Italy.³⁴⁷ Shortly afterwards, the Senate sent Stertinius to Brundisium to greet Masgaba's brother, Misagenes, son of Masinissa, where he had been taken ill. Stertinius was to provide lodgings and gifts of equal value to those given to Masgaba, covering all expenses and medical needs.³⁴⁸ These circumstances demonstrate that both quaestors were sent away from Rome at various points during their magistracy: the Senate made no attempt to send only one of the two quaestors away on official duties; each was absent for at least a short length of time. This arrangement strongly implies that the two urban quaestors were equally responsible for tasks at Rome (and outside, where necessary). It does not appear that one of the two solely administered the treasury while the other dealt with all additional tasks at the request of the Senate. As Pina Polo and Díaz Fernández conclude, it is more likely that control of the *aerarium* was shared between the urban quaestors, with at least one of them present at Rome to provide constant fiscal administration and registration.³⁴⁹

³⁴⁷ Liv. 45.13.12–14.6.

³⁴⁸ Liv. 45.14.7–9; Val. Max. 5.1.1d.

³⁴⁹ Pina Polo and Díaz Fernández 2019: 80–81. Muñiz Coello (2014: 516 n. 27) suggests that there may have been a division of functions between the two urban quaestors, with control of the treasury rotated every six months, for example, to explain the reference to a single quaestor in the epigraphic evidence. Following Pina Polo and Díaz Fernández (2019: 81 n. 17) and based on the literary evidence this seems unlikely.

While it is tempting to consider the urban quaestors as fulfilling separate roles at Rome, especially in light of the differentiation between quaestorian assignments in the field, the evidence supports a collegial arrangement. Furthermore, if we accept the proposed evolution of the magistracy, from selected assistants and support for commanders to specialised fiscal administration, there is less of a need to view the quaestors operating as individual entities. Both Plutarch and Cassius Dio, via Zonaras, although following a tendentious view, maintain that the quaestorship was created, in part, to separate the higher magistracies from control of the treasury. As can be seen in the example of M. Porcius Cato and M. Claudius Marcellus, a great deal of responsibility would be placed in the hands of one urban quaestor, if he was solely charged with administration of the *aerarium* (especially if he also happened to fall under the consuls' *imperium*).³⁵⁰ If the aim was to set boundaries for access to public funds, this would be reinforced by collegiality between the urban quaestors. Collegiality, however, did not necessarily reflect a need for restriction of powers, but a need for the continuous and uninterrupted fulfillment of duties – which could not be guaranteed if this task fell under the remit of the higher magistracies or was the responsibility of a single quaestor. From this evidence, it appears that the urban quaestors shared their duties, including administration of the *aerarium*, and had equal capabilities. The unusual aspect of the quaestorship and collegiality, then, is that this collegial pair of urban quaestors were also part of a larger magisterial college that included the quaestors serving in the provinces. The question of how their role fitted into this broader collegial system remains – and is perhaps explained by the sortition ceremony that allocated quaestors their individual tasks.³⁵¹ The magistracy appears to have a distinct sub-college: the urban quaestors.³⁵²

³⁵⁰ Polyb. 6.13.2; cf. 6.12.8.

³⁵¹ Discussed below.

³⁵² We might compare this to, for example, the priestly pairs (i.e. the *flamen* and *flaminica Dialis*), who stand alone as a separate priesthood but are members of the extended pontifical college.

Access to public funds via the quaestors, from a practical perspective, is a similarly problematic issue. Polybius, in his discussion of the consuls and the Senate, includes reference to the quaestors' authority in distributing money for command-related expenses. Firstly, he states that: ἐξουσίαν δ' ἔχουσι καὶ δαπανᾶν τῶν δημοσίων ὅσα προθεῖντο, παρεπομένου ταμίου καὶ πᾶν τὸ προσταχθὲν ἐτοίμως ποιοῦντος.³⁵³ Then, he comments that:

Καὶ μὴν ἡ σύγκλητος πρῶτον μὲν ἔχει τὴν τοῦ ταμείου κυρίαν. καὶ γὰρ τῆς εἰσόδου πάσης αὕτη κρατεῖ καὶ τῆς ἐξόδου παραπλησίως. οὔτε γὰρ εἰς τὰς κατὰ μέρος χρείας οὐδεμίαν ποιεῖν ἔξοδον οἱ ταμίαι δύνανται χωρὶς τῶν τῆς συγκλήτου δογμάτων πλὴν τὴν εἰς τοὺς ὑπάτους.³⁵⁴

Pina Polo and Díaz Fernández interpreted these statements as referring to the consular or provincial quaestors, in the first instance, and the urban quaestors in the second. They claim that “there is no doubt that Polybius is speaking at this point [6.13.2] about the urban quaestors, whereas he refers to the consular quaestors in 6.12.8”.³⁵⁵ Furthermore, they point out that the duties attached to the quaestors overseas were not greatly different from the duties of their colleagues at Rome.³⁵⁶ This raises further questions on the nature of consular authority over the urban quaestors and the quaestors' access to public funds, regardless of whether they are allocated to a commander in the provinces or the *aerarium*. It seems clear that the first case relates to provincial quaestors, who were under the express command of a consul. The second case, however, is more difficult to reconcile. If it refers to the urban quaestors, as Pina Polo and Díaz Fernández suggest, did the consuls also have authority over them? And if the consuls could access as much of the public funds as they pleased through their allocated quaestor, as Polybius implies, did this allow the consular quaestors to access the *aerarium*? In terms of quaestorial collegiality, it may be worth considering this from a slightly different angle: the

³⁵³ Polyb. 6.12.8.

³⁵⁴ Polyb. 6.13.1–2.

³⁵⁵ Pina Polo and Díaz Fernández 2019: 84 n. 30.

³⁵⁶ Pina Polo and Díaz Fernández 2019: 165.

urban quaestors controlled access to public funds held in the treasury; whereas the provincial quaestors administered the *stipendium* allocated to the consuls, on an individual basis. In discussing, firstly, the consuls and, secondly, the Senate, Polybius does not overtly differentiate between the quaestors, but hints at this respective difference in their roles based on their assigned duty (i.e. their *provincia*). This evidence, however, might suggest that the collective function of the college was not really to restrict access to the public funds, but to distribute these funds to meet the needs of superior magistrates.

Furthermore, in cases where a promagistrate was issued *stipendium*, it seems that this was the responsibility of the urban quaestors. For example, in 105, Cn. Octavius Ruso took money to the soldiers of C. Marius serving in Africa, before returning to Rome with envoys for Bocchus.³⁵⁷ It is highly likely that Ruso was acting as urban quaestor that year, not as a provincial quaestor in the service of another magistrate: Marius was proconsul and L. Cornelius Sulla continued to serve him as proquaestor; neither had the authority to administer public funds until they had been issued by the urban quaestor as a stipend.

Inter-institutional collaboration

The nature of the relationship between a provincial quaestor and his commander has received considerable attention in modern scholarship. Some scholars have argued that a compulsory bond was established between the pair that defined their interactions, while others suggested that close connections developed fluidly from shared interests in their allocated province. The expectations placed on the commander–quaestor relationship, whereby individual actions reflected on both parties, gives rise to one significant question for collegiality and the

³⁵⁷ Sall. *Iug.* 104.3.

quaestorship: was there a greater need for cross-institutional collaboration with superiors than for internal collaboration between the provincial quaestors? Provincial quaestors did not hold their own *imperium* or *auspicium* and acted under the authority of the consul, praetor, or promagistrate (with *imperium*) serving in the province.³⁵⁸ This had some significant consequences: the quaestor was answerable for completing the tasks delegated to him by his commander, while the commander held ultimate accountability for the actions of his quaestor in the province – there was a shared responsibility.

This element of collective culpability (or jointly-earned success) may be why M. Tullius Cicero, in particular, claims that the relationship between a governor and his quaestor should be like the relationship between a father and son. In *Divinatio in Caecilium*, Cicero argues that he is best placed to prosecute C. Verres for his actions whilst governor in Sicily, ahead of Q. Caecilius Niger, who served as Verres' quaestor, which is discussed further below. Cicero obviously had a vested interest in the outcome of this debate and deliberately employed highly charged rhetoric to discredit Caecilius' position. The points he raises, however, recur in multiple speeches and letters, where he describes the moral obligations for cooperation and loyalty between quaestors and their commanders.

Cicero in Cilicia

Cicero's correspondence reveals that collaboration between provincial magistrates did not always go to plan. While in Cilicia, two different quaestors were allocated to the province by lot, L. Mescinius Rufus, whom we have met, and Mescinius' successor, C. Coelius Calvus. In a series of letters between May and August 50, Cicero deliberates whom to leave in charge of

³⁵⁸ Cf. Pina Polo and Díaz Fernández 2019: 139.

the province as he prepares to depart for Rome, with no magistrate with *imperium* anticipated to take over from him.³⁵⁹ His letters frankly assess the (lack of) merits of each candidate – namely, his two quaestors – and provide insight into the expectations for cross-magistracy relationships and magisterial duties. One apparent difficulty for Cicero rested on the fact that quaestors were allocated provinces by lot, often without first meeting their superiors. In April 50, in a letter to Atticus, Cicero comments that C. Coelius is coming to Laodicea as quaestor, but he knows nothing about what sort of man he is: *C. Coelium huc quaestorem venire audisti? Nescio quid sit hominis.*³⁶⁰ In contrast, Cicero writes to Atticus in June that no one thinks his current quaestor, Mescinius, is suitable for the role, as he is capricious, licentious, and light-fingered: *quaestorem nemo dignum putat; etenim est levis, libidinosus, tagax.*³⁶¹ Perhaps two weeks later, Cicero again complains to Atticus that he only has a few days left of his proconsulship and must leave someone in charge of difficult administration in the province, under the terms of the *lex Pompeia de provinciis* passed in 52.³⁶² He reiterates that no one could be less esteemed than his quaestor, Mescinius, but he has heard nothing from the new quaestor, Coelius.³⁶³ Cicero is not, however, the only governor in this situation.³⁶⁴ Earlier, in May 50, Cicero writes to Q. Thermus, propraetor governing Asia, about the problem of selecting a deputy. He advises Thermus not to overlook his quaestor, not least because he is formally the highest ranked option available and a young nobleman, but also explicitly because he is his

³⁵⁹ Cic. Att. 117.1 (VI.3.1): *obrepit dies, ut vides (mihi enim a. d. III Kal. Sext. de provincia decedendum est), nec succeditur. Quem relinquam qui provinciae praesit? Ratio quidem et opinio hominum postulat fratrem, primum quod videtur esse honos, nemo igitur potior; deinde quod solum habeo praetorium.* Marshall 1972: 911.

³⁶⁰ Cic. Att. 116.10 (VI.2.10).

³⁶¹ Cic. Att. 117.1 (VI.3.1).

³⁶² Cass. Dio 40.46.2; Cic. Fam. 84.8 (VIII.8.8). Marshall 1972: 897–900, 910; Steel 2012: 83–93; Morrell 2017: 214–236, esp. 227–228. The *lex Pompeia de provinciis* created a five-year interval between holding the consulship or praetorship at Rome and provincial command, which, in turn, prevented men from being granted continuous extensions of *imperium* (thus, avoiding prosecution) and resulted in ex-praetors being eligible to stand for the consulship prior to provincial service. Commands were also not automatically prorogued and were fixed-term. Although these changes were very short-lived, this seriously disrupted the regular pattern of holding office and created immediate difficulties in finding eligible candidates.

³⁶³ Cic. Att. 118.1 (VI.4.1): *... illud autem difficillimum, relinquendus erat ex senatus consulto qui praesset. Nihil minus probari poterat quam quaestor Mescinius. Nam de Coelio nihil audiebamus. Rectissimum videbatur Quintum fratrem cum imperio relinquere ...*

³⁶⁴ Marshall 1972: 900–901.

quaestor: *quaestor est et quaestor tuus*.³⁶⁵ This hints at a wider expectation that the quaestor, as the elected assistant magistrate to the consul, praetor, proconsul, or propraeor, was the second-in-command for provincial administration.³⁶⁶ In essence, Cicero felt that he had to select between the known entity of his former quaestor, Mescinius, and the incoming quaestor, Coelius, whom he had never met. While Cicero seriously considered two further alternatives – his brother, Quintus, and C. Pomptinus, both serving as selected praetorian *legati* – neither were viable candidates. Pomptinus departed the province early and Quintus, who had previously served as governor in Asia, was heavily opposed to the idea.³⁶⁷ This left Cicero with a choice between the outgoing and incoming quaestors – and if he delegated authority to Mescinius, this would leave Coelius serving as his quaestorian deputy, although he was currently in office.³⁶⁸

It appears that Cicero also had high expectations of his quaestors, particularly in relation to their relationship with him and their desire to fulfil their magisterial duties. At the end of June, 50, Cicero writes to Coelius that he eagerly awaited his arrival in the province and was greatly concerned that he had not yet arrived, fearing that they would not meet before he departed for Rome. Cicero anticipated that their close association (*necessitudo*), bestowed on them by chance, would be enhanced by social interaction. Coelius, however, had not given any indication of his arrival date or current whereabouts. Cicero indicates that Coelius' arrival in Cilicia would not only enable him to best honour their (magisterial) relationship, but also be in the public interest – so Coelius could complete his magisterial duties – and Cicero's own: *sed*

³⁶⁵ Cic. *Fam.* 115.2 (II.18.2): *habes enim neminem honoris gradu superiorem; ille autem, ut omittam nobilitatem, hoc ipso vincit viros optimos hominesque innocentissimos legatos tuos, quod et quaestor est et quaestor tuus.*

³⁶⁶ Marshall 1972: 907; Pina Polo and Díaz Fernández 2019: 193. Cf. C. Cassius Longinus who served as quaestor in Syria under M. Licinius Crassus Dives, proconsul, in 53 and successfully took over the command when Crassus died at Carrhae (Vell. Pat. 2.46.4).

³⁶⁷ Cic. *Att.* 114.9 (V.21.9); 117.2 (VI.3.2). Marshall 1972: 915.

³⁶⁸ Marshall 1972: 917.

*id facilius consequar si ad me in Ciliciam veneris. Quod ego et mea et rei publicae et maxime tua interesse arbitror.*³⁶⁹

In August, 50, we learn that Cicero has decided to leave Coelius in charge of the province in his absence, primarily because of his position as quaestor. Cicero writes to M. Caelius Rufus and Atticus that Coelius is a boy, and worries that he is lacking a sense of responsibility and moderation, but precedent dictated that he was the only logical choice, given that he was required to vacate his province after a year.³⁷⁰ Marshall, however, convincingly argued that Cicero's decision did not – and could not – follow standard procedure: Cicero was in an unusual and unprecedented constitutional position in light of the *lex Pompeia*, and, under normal circumstances, would likely have remained in his province until a suitable replacement arrived.³⁷¹ Despite the fact that this decision was contrary to public interest, especially in terms of provincial administration, Cicero is clear that the selection of any other individual – except his brother – would insult his assistant magistrates.³⁷² In fact, Cicero seems highly concerned about social expectations and how his decision would be received, both by his junior magistrates and at Rome. Cicero was keenly aware that, in these circumstances, Coelius, a *nobilis*, would expect promotion – although this perhaps had less effect on Cicero's own political ambitions. Cicero was more concerned with how Coelius' inexperience would be received at Rome and how he would govern effectively, given his inability to draw on the

³⁶⁹ Cic. *Fam.* 116.2 (II.19.2). Stewart 1987: 397–399.

³⁷⁰ Cic. *Att.* 121.3 (VI.6.3): *nos provinciae praefecimus Coelium. 'puerum' inquires 'et fortasse fatuum et non gravem et non continentem'. Adsentior; fieri non potuit aliter. Nam quas multo ante tuas acceperam litteras in quibus ἐπέχειν te scripseras quid esset mihi faciendum de relinquendo, eae me pungebant. Videbam enim quae tibi essent ἐποχῆς causae, et erant eadem mihi. Puerum traderem? <id rei publicae non utile>. Fratri autem? Illud non utile nobis. Nam praeter fratrem nemo erat quem sine contumelia quaestori, nobili praesertim, anteferrem.* Cic. *Fam.* 96.4 (II.15.4): *ego de provincia decedens quaestorem Coelium praeposui provinciae. 'puerum' inquis. At quaestorem, at nobilem adulescentem, at omnium fere exemplo. Neque erat superiore honore usus quem praeficerem.*

³⁷¹ Marshall 1972: 920; Morrell 2017: 227–229.

³⁷² Note the difference between Cicero's personally chosen *legati* and elected magistrates (i.e. quaestors).

advice of more experienced officials whilst in the province – all of which reflected on Cicero.³⁷³ Nonetheless, in October 50, Cicero writes to Atticus that he has left Coelius with a year's maintenance and returned a million sesterces to the treasury from his decreed funds; presumably Coelius was charged with balancing his final accounts and provincial administration.³⁷⁴

Cicero's correspondence highlights that the practicalities of provincial government did not always lend themselves to effective inter-magisterial collaboration. He appears to have had little opportunity to develop the expected relationship with his second quaestor, Coelius, and rued the characters of both of his allocated assistants.³⁷⁵ Despite their juniority, quaestors were bound to complete specific magisterial duties and held tangible authority over fiscal administration.³⁷⁶ As such, Coelius held significantly greater responsibility than would usually be expected from a quaestor: he was the sole commander left in Cilicia, not supported by an entourage of officials for military duty and administration, nor could he call upon neighbouring governors for experienced support if the local situation deteriorated.³⁷⁷ Cicero's letters also make clear that public interest was not always best served by the established tradition. In leaving Coelius in charge of Cilicia, Cicero says that he followed both the new legal and existing social protocols – but held reservations about Coelius' suitability for the job at hand. While Cicero had time to foster a close connection with his first quaestor, Mescinius, he was likewise unimpressed with the quaestor's approach to completing his magisterial duties,

³⁷³ Marshall 1972: 917–919; Stewart 1987: 428–434; Morrell 2017: 225.

³⁷⁴ Cic. *Att.* 124.6 (VII.1.6): *cum enim hoc rectum et gloriosum putarem, ex annuo sumptu qui mihi decretus esset me C. Coelio quaestori relinquere annum, referre in aerarium ad HS M.* It is unclear how Cicero provided an additional year of funds to Coelius, given that he was only supposed to govern for one year. Similarly, Coelius was Cicero's subordinate, with delegated *imperium*, despite Cicero no longer holding command.

³⁷⁵ Marshall (1972: 913 n. 101) notes that Mescinius was *pro quaestore* at this point, allowing him to serve with the same governor for the full tenure, which meant that Cicero had little chance to meet Coelius. On the *lex Pompeia* and context of Coelius' allocation, see Stewart 1987: 361–367.

³⁷⁶ Pina Polo and Díaz Fernández 2019: 192–193.

³⁷⁷ Marshall 1972: 919.

notwithstanding Cicero's own potential social transgressions. Cicero admits that he did not act entirely appropriately for their inter-magisterial association, *necessitudo*, which called for unity in preparing the provincial accounts. As Pina Polo and Díaz Fernández comment, cooperation between both magistrates was essential for smooth administration and to conceal anything that could affect either of their reputations – in this case, the separate creation of the final balance sheets and a misunderstanding of financial manoeuvres was of particularly high risk.³⁷⁸

The *lex Pompeia* further complicated Cicero's situation in 51. Morrell recently argued that this law essentially transformed provincial command into something that closely resembled a magistracy, with established hierarchies, fixed tenure, and a required interval between offices rather than a continuation of command – and this, in itself, was the underlying cause of Cicero's difficulties.³⁷⁹ It created a situation where there were noticeable gaps in those eligible to take on provincial roles and hold *imperium* – and Cicero was one of few former consuls not to have taken up a province already.³⁸⁰ The solution – as senatorial policy – was to select precisely these men, like Cicero, who met the conditions of the law but lacked previous provincial command. This policy extended to the allocation of praetorian provinces, which were chosen by sortition. M. Caelius Rufus, in a letter to Cicero in October 51, quotes the senatorial resolution for this process:

'Itemque senatui placere in Ciliciam provinciam in VIII reliquis provinciis quas praetorii pro praetore obtinerent eos qui praetores fuerunt neque in provincia cum imperio fuerunt, quos eorum ex s. c. cum imperio in provincias pro praetore mitti oporteret, eos sortitio in provincias mitti [placere]; si ex eo numero quos <ex> s. c. in provincias ire oporteret ad numerum non essent qui in eas provincias proficiscerentur, tum, uti quodque collegium

³⁷⁸ Pina Polo and Díaz Fernández 2019: 194.

³⁷⁹ Morrell 2017: 218.

³⁸⁰ Cic. *Fam.* 2.3 (V.2.3). Morrell 2017: 219, 224–225.

primum praetorum fuisset neque in provincias profecti essent, ita sorte in provincias proficiscerentur; si ii ad numerum non essent, tum deinceps proximi cuiusque collegi qui praetores fuissent neque in provincias profecti essent in sortem coicerentur quoad is numerus effectus esset quem ad numerum in provincias mitti oporteret. Si quis huic s. c. intercessisset, auctoritas perscriberetur.'

*'Huic s. c. intercessit C. Coelius, C. Pansa tr. pl.'*³⁸¹

To ensure that there were sufficient men in the pool to fill all required commands, colleges of ex-praetors were added to the lottery by seniority.³⁸² Consequently, there was a further defined set of men who could hold provincial command and eligibility – i.e. their name in the urn – was inherently linked to the precedence of their electoral college, not just the magistracy itself.³⁸³ Morrell suggested that the senatorial desire to appoint men without provincial experience during this period was partly an attempt to choose responsible men of ‘good moral character’ – often those who initially turned down their commands – and the need to conform to this strategy may have been in Cicero’s mind when selecting the inexperienced Coelius, rather than his brother Quintus, an ex-governor, as his deputy.³⁸⁴ If, however, we believe Cicero’s potentially unfounded concerns about Coelius (*‘puerum’*... *‘et fortasse fatuum et non gravem et non continentem’*),³⁸⁵ he was certainly not the best man for the role.

While Cicero’s personal attitude towards a commanders’ relationship with his quaestor, and vice versa, is perhaps not wholly representative, it does emphasise the key underlying curiosity of their connection – that it was determined by lot. In a self-conscious letter to his brother,

³⁸¹ Cic. *Fam.* 84.8 (VIII.8.8).

³⁸² Morrell 2017: 224.

³⁸³ Cf. Morrell (2017: 229–233) on the *lex Pompeia* changing the sortition process for praetorian provinces (discussed further below) so that the men’s names were drawn, rather than the provinces, which allowed for more names to be included than there were provinces for allocation – some men would not be drawn for command.

³⁸⁴ Morrell 2017: 225–226.

³⁸⁵ Cic. *Att.* 121.3 (VI.6.3).

Quintus, who was serving as proconsul and governor of Asia, in late 60, Cicero offers his thoughts on magisterial connections and authority, notwithstanding his own lack of experience in provincial command at this date. He reminds Quintus that, with protection of the province (*custodia provinciae*), he has responsibility to the provincials, Romans, and the *res publica*, not just for himself, but for all of his subordinate officials:

*His autem in rebus iam te usus ipse profecto erudivit nequaquam satis esse ipsum has te habere virtutes, sed esse circumspiciendum diligenter ut in hac custodia provinciae non te unum sed omnis ministros imperi tui sociis et civibus et rei publicae praestare videare.*³⁸⁶

Cicero remarks that the quaestor – who was not chosen by Quintus but given to him by lot – ought to act within bounds and comply with any instructions and orders willingly: *quaestorem habes non tuo iudicio delectum sed eum quem sors dedit. Hunc oportet et sua sponte esse moderatum et tuis institutis ac praeceptis obtemperare.*³⁸⁷ He recommends that Quintus assign responsibility to all of his assistants on the basis of their trustworthiness, not least because he will have to answer for their actions. This includes those that the *res publica* has given him, although those he has chosen himself would also be under close scrutiny: *atque [inter nos] eos quos tibi comites et adiutores negotiorum publicorum dedit ipsa res publica dumtaxat finibus iis praestabis quos ante praescripsi.*³⁸⁸ In short, Cicero reminds Quintus that he must exercise the correct judgement while in provincial command, as his reputation did not just depend on his own decisions and actions, but those of his subordinates and likewise his on theirs – even though, for example, who would serve as his quaestor was entirely down to chance. Furthermore, there was a strong expectation that the quaestor would conform to Quintus' commands.

³⁸⁶ Cic. *QFr.* 1.10.

³⁸⁷ Cic. *QFr.* 1.11.

³⁸⁸ Cic. *QFr.* 1.12.

There were inherent dangers in this arrangement, which linked junior and senior magistrates from different colleges and united their actions. While, in some cases, it resulted in jointly-earned success, this element of collective culpability seems to be behind Cicero's claims that the relationship between a governor and his quaestor should be analogous to that between a father and son. In the highly rhetorical *Divinatio in Caecilium*, from 70, Cicero argues that he is best placed to prosecute C. Verres for his actions as propraetor and governor in Sicily (73–71), rather than Q. Caecilius Niger, who served under Verres as his quaestor in 72. Cicero's argument is built on the notion that Caecilius could not prosecute Verres, even if he had solid grounds to, without also implicating himself, given their united provincial administration: *qui si summam iniuriam ab illo accepisti, tamen, quoniam quaestor eius fuisti, non potes eum sine ulla vituperatione accusare.*³⁸⁹ He argues that, according to tradition, there should be a paternal bond between a praetor and quaestor that respected their connection, created by lot, in serving as magistrates:

*Sic enim a maioribus nostris accepimus, praetorem quaestori suo parentis loco esse oportere; nullam neque iustioem neque gravioem causam necessitudinis posse reperiri quam coniunctionem sortis, quam provinciae, quam officii, quam publici muneris societatem.*³⁹⁰

Since this connection was “parental”, Cicero argues, Caecilius could not prosecute Verres without a breach of duty, even if his case was lawful: *quam ob rem si iure posses eum accusare, tamen, cum is tibi parentis numero fuisset, id pie facere non posses.*³⁹¹ He lists a series of examples in which a quaestor was prevented from prosecuting his commander to demonstrate

³⁸⁹ Cic. *Div. Caec.* 60.

³⁹⁰ Cic. *Div. Caec.* 61.

³⁹¹ Cic. *Div. Caec.* 62. Cf. Stewart 1987: 396, 404–405.

the social and societal expectations placed upon this association.³⁹² Cicero then asks which is more honourable, again emphasising the role of sortition in creating this relationship:

'Accusavi eum cui quaestor fueram, qui cum me sors consuetudoque maiorum, qui cum me deorum hominumque iudicium coniunxerat', an 'accusavi rogatu sociorum atque amicorum, delectus sum ab universa provincia qui eius iura fortunasque defenderem'?
*dubitare quisquam potest quin honestius sit eorum causa apud quos quaestor fueris, quam eum cuius quaestor fueris accusare?*³⁹³

Cicero's argument relies on the theoretical notion that an unbreakable bond existed between Caecilius and Verres, as quaestor and governor; however, the practical reality of these relationships – at least, as it appears in Cicero's letters – was considerably different. The social expectations placed on this connection ensured successful provincial administration as much as they necessitated that junior and senior magistrates operated in full respect of their elected positions. Indeed, Pina Polo and Díaz Fernández suggest that the one way that this link resembled a paternal relationship was that the quaestor acted under the *auspicium* and *imperium* of his governor, subordinate to all of his decisions – and, in turn, the governor held responsibility for his quaestor's actions.³⁹⁴

Cicero's correspondence and speeches reveal that there were important social expectations associated with this inter-institutional relationship that reinforced and emphasised appropriate magisterial conduct and adherence to magisterial responsibilities. This included close collaboration between the elected officials, with the knowledge that the actions of one could strongly affect the reputation of the other. Cicero laments that neither of his allotted quaestors,

³⁹² Cic. *Div. Caec.* 63. These include M. Aurelius Scaurus against L. Flaccus (117), Cn. Pompeius Strabo against T. Albucius (propraetor in Sardinia, 104), L. Philo against C. Servilius (praetor in Sicily, 102). Thompson 1962: 354.

³⁹³ Cic. *Div. Caec.* 65.

³⁹⁴ Pina Polo and Díaz Fernández 2019: 194–195.

Mescinius or Coelius, met his expectations for their relationship and acted more on their own accord than committing wholly to collaborative duties. Yet, in *Divinatio in Caecilium*, Cicero argues – for his own benefit – that there was always an element of collective responsibility. This appears to be the paradox of their positions: while the quaestor–commander pair were designed to form a strong bond, or, at least, present a united front for provincial administration (especially in financial terms), one magistrate was clearly superior in rank, experience, and powers. This was, by definition, not an equal arrangement or an electoral college, but it still called for close collaboration to complete a variety of shared tasks.

Sortition

One theme found in Cicero’s writings, including letters and speeches, is the role that sortition played in creating connections between magistrates, including what kind of connection this should create – in terms of social etiquette – and how these seemingly random allocations influenced and reinforced proper magisterial conduct. We have seen how the *lex Pompeia* affected Cicero’s governorship in Cilicia and his ability to interact with his provincial quaestors, Mescinius and Coelius. Morrell also demonstrated, however, that this law altered how the praetorian provinces were allocated.³⁹⁵ Rather than casting lots with the names of the provinces available for command, the names of the eligible magistrates themselves were drawn from the lottery.³⁹⁶ This allowed more men to enter the draw than there were provinces available – since candidates were added to the pool in their elected colleges, based on seniority, it would be highly coincidental if the numbers matched up. It also added an extra element of chance into the process, as there was no guarantee that every individual would be granted a

³⁹⁵ Morrell 2017: 229–234.

³⁹⁶ Cic. *Lig.* 21: *Tuberonis sors coniecta est ex senatus consulto, cum ipse non adesset, morbo etiam impediretur: statuerat excusare.*

provincial command. This new system, however, could also restrict access to the sortition. Caesar writes that: *Scipioni obvenit Syria, L. Domitio Gallia. Philippus et Cotta privato consilio praetereuntur, neque eorum sortes deiciuntur. In reliquis provincias praetores mittuntur.*³⁹⁷ L. Aurelius Cotta, consul in 65, and L. Marcius Philippus, consul in 56, were both omitted: their lots not even thrown into the urn. Ultimately, for a brief period following the *lex Pompeia*, the Senate controlled access to provincial command, not the vote of the electoral body.³⁹⁸ There was still, however, an obvious link between collegiality (i.e. magisterial electoral colleges) and sortition in this case. Former magistrates were not added to the draw as individuals, but as colleges, with the whole group becoming simultaneously eligible for command. This connection between election and sortition is a key element of magisterial collegiality, even beyond the unique circumstances of the *lex Pompeia*.

As already demonstrated throughout this discussion, sortition was an essential feature for quaestorian assignments. It determined whether individual quaestors would serve in the provinces – under the command of a senior magistrate – or as an urban quaestor at Rome, in charge of the treasury. The election of quaestors – dependent on a vote of the *comitia tributa* – essentially conferred eligibility for this provincial lottery, which itemised and distributed tasks to individuals across the whole magisterial college. Rosenstein fittingly observed that “[t]he custom of casting lots instead underscored the essential equality of colleagues in a magistracy by placing them on the same footing in any division, no matter what the vote had been to elect them.”³⁹⁹ In essence, this sortition process was conditional on the collegiality of those thrown into the lottery: each quaestor could, by chance, be selected to complete any one of the chosen duties. The outcomes, however, were not all equal, and not just in light of the local situation in

³⁹⁷ Caes. *BCiv.* 1.6.5.

³⁹⁸ Morrell 2017: 232–233.

³⁹⁹ Rosenstein 1995: 46.

the province itself. As we have seen with Cicero's commentary on his own practical experience, there was no guarantee that a quaestor would be allocated to a commander with whom he had a pre-existing, amicable relationship, or even one that he had already met, nor was there any attempt to pair magistrates where such a relationship might be more forthcoming. The sortition process, by definition, avoided this element entirely and magistrates were expected swiftly to form successful working relationships as a crucial aspect of their roles. This system did, overall, offer an impartial method for dividing tasks – or making choices – without competition or conflict, in a way that encouraged cohesion and cooperation for group actions.⁴⁰⁰ Perhaps unsurprisingly, then, there are few examples of appointments *extra sortem* or of magistrates refusing to take up their assigned roles. The most notable of these is in 202, where the quaestor C. Laelius served with P. Cornelius Scipio Africanus in Africa as *quaestor extra sortem ex senatus consulto*: a case which has often been interpreted in light of the friendship between the pair.⁴⁰¹ Pina Polo and Díaz Fernández rightly pointed out that, ultimately, any such arrangement relied on senatorial authorisation and was viewed as a concession to the commanding magistrate.⁴⁰² In 83, according to Cicero, the quaestor, M. Pupius Piso, declined to serve under the consul, L. Cornelius Scipio Asiagenus, in the context of the Sullan conflict:

*quaestor cum L. Scipioni consuli obtigisset, non attigit pecuniam, non ad exercitum profectus est; quod de re publica sensit, ita sensit ut nec fidem suam nec morem maiorum nec necessitudinem sortis laederet.*⁴⁰³

It appears that Piso simply did not undertake any of his magisterial duties as he could not compromise between his *fides*, the *mos maiorum*, and his obligations as quaestor, *necessitudo*. He was apparently not replaced by an alternative quaestor – presumably as the lottery was

⁴⁰⁰ Rosenstein 1995: 43–46, 51, 64, 68; Stewart 1998:20.

⁴⁰¹ Liv. 30.33.2.

⁴⁰² Pina Polo and Díaz Fernández 2019: 75–76.

⁴⁰³ Cic. *Verr.* 2.1.37.

complete – neither was he forced to act under Scipio’s command. Indeed, Cicero draws on Piso’s actions favourably, as an example of the best course of action given the circumstances. Likewise, in 58, the quaestor C. Calpurnius Piso Frugi disregarded his allotted province of Pontus and Bithynia to remain in Rome and secure the return of Cicero, his father-in-law, from exile.⁴⁰⁴ In 54, M. Iunius Brutus supposedly refused to serve as quaestor under Caesar in Gaul and instead travelled with Ap. Claudius Pulcher, the consul and his father-in-law, to Cilicia.⁴⁰⁵ The effect of these individual decisions on provincial allocations is not detailed in the sources. Aside from accepting that there would be no quaestor serving in a particular province, one plausible solution is that the Senate reorganised allocations or made additional appointments, in a similar way to the assignment of provinces *extra sortem*.⁴⁰⁶ Importantly, these irregular examples demonstrate that the sortition for quaestorian provinces was more a method of dividing tasks amongst equal colleagues than to create binding or non-negotiable outcomes, though this process was usually respected. In all likelihood, the Senate – as it did under the *lex Pompeia* – could authorise extraordinary allocations or prorogations to ensure stable provincial administration where necessary, and draw on the entire magisterial college for rearrangements, as a result of the quaestors’ shared capabilities and collegiality.⁴⁰⁷ As in the division of tasks for the higher magistracies, the censorship and the consulship, this collective grouping offered flexibility for the distribution (or redistribution) of duties and sortition mitigated against intense competition within magisterial colleges for the most desired roles.⁴⁰⁸

⁴⁰⁴ Cic. *Red. Sen.* 38.

⁴⁰⁵ *Vir. Ill.* 82.3–4. This date is extrapolated, see: DPRR IUNI2459. Likely *extra sortem*.

⁴⁰⁶ Pina Polo and Díaz Fernández 2019: 77; cf. Thompson 1962a.

⁴⁰⁷ Cicero implies that in the late Republic, at least, these provincial allocations were all authorised by a *senatus consultum*, whether determined by lot or *extra sortem*, in his attack on M. Antonius serving as quaestor under Caesar in 51 without a senatorial decree, sortition, or a law: *quaestor es factus: deinde continuo sine senatus consulto, sine sorte, sine lege ad Caesarem cucurristi* (*Phil.* 2.50). Pina Polo and Díaz Fernández 2019: 70–71.

⁴⁰⁸ Note the manipulation of the praetorian lot in 183 to allow the *flamen Dialis* to obtain Rome as his province: Liv. 39.45.4.

The sortition ceremony itself sheds further light on the quaestors' collegiality: it was the first official act for the college, taking place at the *aerarium* on the day that they took up their offices. Although all of our evidence relates to the late republican period, after the Sullan reforms, it is highly informative for both procedure and public opinion. In the *Pro Murena*, Cicero explains how the quaestors' equality was, in part, derived from the lot, in contrast to their election:

“Quaesturam una petiit et sum ego factus prior.” Non est respondendum ad omnia. Neque enim vestrum quemquam fugit, cum multi pares dignitate fiant, unus autem primum solus possit obtinere, non eundem esse ordinem dignitatis et renuntiationis, propterea quod renuntiatio gradus habeat, dignitas autem sit persaepe eadem omnium. Sed quaestura utriusque prope modum pari momento sortis fuit. Habuit hic lege Titia provinciam tacitam et quietam, tu illam cui, cum quaestores sortiuntur, etiam adclamari solet, Ostiensem, non tam gratiosam et inlustrem quam negotiosam et molestam. Consedit utriusque nomen in quaestura. Nullum enim vobis sors campum dedit in quo excurrere virtus cognoscique posset.⁴⁰⁹

While Cicero stresses the parity between all members of the quaestorian college at election, his comments divulge the general feeling that the electoral process distinguished between candidates on merit, by order of announcement (*renuntiatio*). He follows this up by suggesting that the sortition for provinces levelled the playing field, granting each quaestor a role of near-equal importance. In theory, according to Cicero, despite the circumstances of election and the result of the provincial lottery, there was magisterial equality across all members of the college, built on their election at the same ceremony and the drawing of lots for their individual duties. In practice, as Cicero reveals, there were notable discrepancies between quaestors: favoured candidates may be elected first; provincial assignments were not equal or necessarily suited to

⁴⁰⁹ Cic. *Mur.* 18.

particular magistrates' characters. In this case, L. Licinius Murena was awarded a quiet province, while his colleague, Ser. Sulpicius Rufus, took on the arduous task of serving as *quaestor Ostiensis* – by luck of the draw, neither enhanced their reputation during their magistracy.⁴¹⁰ Nonetheless, this passage of Cicero supports the notion that sortition was a neutral mechanism for dividing a set of pre-determined tasks across a college of magistrates with equal capabilities, preventing personal motivations or popularity from influencing the results. That this procedure occurred on their first day in office is similarly telling: these individualised roles were, in fact, the primary functions of the magistracy itself and the reorganisation of the college from a group of elected quaestors into assistants of different commanders or administrators of the treasury was central to achieving this purpose.

The *lex Cornelia de XX quaestoribus* indicates that, after the Sullan reforms of 81, the sortition occurred on the Nones of December, in advance of the other magistrates taking up office.⁴¹¹ The reasons for this are not clear – it perhaps enabled the quaestors to familiarise themselves with and perform administrative tasks in preparation for the new fiscal year.⁴¹² Pina Polo and Díaz Fernández emphasised that the quaestors' subordination to a superior magistrate was a significant feature of the magistracy;⁴¹³ however, the quaestors themselves were assisted by *scribae quaestorii*, among other *apparitores* or assistants, who provided administrative support both in the field and at the *aerarium* at Rome. Our evidence suggests that in the late Republic the draw for provinces for the quaestors and the *scribae* occurred consecutively. In *In Catilinam*, which was given on the Nones of December 63, Cicero writes that the whole body of scribes was gathered at the *aerarium* awaiting their sortition: *scribas item universos, quos*

⁴¹⁰ Tentatively dated to 74: *MRR* 2.103.

⁴¹¹ Crawford 1996: 294, 297; Pina Polo and Díaz Fernández 2019: 65–66. Cf. Athenian officials elected by lot to keep accounts (Arist. [*Ath. Pol.*] 48.3).

⁴¹² Pina Polo and Díaz Fernández 2019: 66–68.

⁴¹³ Pina Polo and Díaz Fernández 2019: 73.

*cum casu hic dies ad aerarium frequentasset, video ab expectatione sortis ad salutem communem esse conversos.*⁴¹⁴ Similarly, the scholiast on Cicero's *In Clodium et Curionem* records that both sets of provinces were allocated at the treasury:

*Tanto prius ad aerarium venit, ut ibi ne scribam quidem quemquam offenderet. Aput aerarium sortiri provincias et quaestores solebant et scribae, ut pro certo appareret, in quam provinciam vel cum quo praeside profiscerentur. Ardorem quendam nimiae cupiditatis volens exprimere festinasse ad aerarium dixit, ut etiam scribarum praeveniret adventum.*⁴¹⁵

This passage describes the quaestor of 61, P. Clodius Pulcher, arriving so early for the draw that there were not even any scribes present.⁴¹⁶ More importantly, however, the scholiast connects the provincial allotments for the scribes and quaestors in time and place – each group of assistants was awarded their destinations at the *aerarium*, via sortition, so all were aware of their duties for the year ahead and whom they would serve under as their commander.⁴¹⁷ Taken together, this evidence strongly suggests that the lottery of provinces for quaestors and for their *scribae quaestorii* was linked. This is not, however, the only parallel between the two groups. Although the quaestors were elected magistrates, their actions were (usually) dependent on a senior magistrate – as with the scribes – and their official tasks also included financial administration.⁴¹⁸ This observation prompts questions on whether the collegiality and division of quaestors was reflected in the organisation of their own assistants and what the underlying purpose and function of assistants in this broader administrative system of provincial command and fiscal supervision actually was.

⁴¹⁴ Cic. *Cat.* 4.15.

⁴¹⁵ Schol. Bob. in *Clod. et Cur.* fr. 11 (Stangl 1964: 87).

⁴¹⁶ Whether these scribes were those servicing the treasury or those awaiting sortition themselves is unclear. P. Clodius Pulcher was quaestor in Sicily in 61–60, under the propraetor C. Vergilius Balbus.

⁴¹⁷ Cf. Plin. *Ep.* 4.12.2: *Cum in provinciam quaestor exisset, scribamque qui sorte obtigerat ante legitimum salarii tempus amisisset, quod acceperat scribae daturus, intellexit et statuit subsidere apud se non oportere.* Note that the quaestorian sortition was for provinces and not commanders.

⁴¹⁸ Hartmann 2020: 67.

As might be expected from their title, the *scribae quaestorii* attended the quaestors in their duties at either the *aerarium* or in the provinces. In *In Verrem*, Cicero provides valuable evidence for the expected actions and functions of official *scribae quaestorii* serving in a province:

*Nuper, Hortensi, quaestor fuisti. Quid tui scribae fecerint, tu potes dicere; ego de meis hoc dico: cum in eadem ista Sicilia pro frumento pecuniam civitatibus solverem et mecum duos frugalissimos homines scribas haberem, L. Mamilium et L. Sergium, non modo istas duas quinquagesimas sed omnino nummum nullum cuiquam esse deductum.*⁴¹⁹

*“Ordo est honestus.” Quis negat, aut quid ea res ad hanc rem pertinet? Est vero honestus, quod eorum hominum fidei tabulae publicae periculaque magistratuum committuntur. Itaque ex his scribis qui digni sunt illo ordine, patribus familiis, viris bonis atque honestis, percontamini quid sibi istae quinquagesimae velint: iam omnibus intellegitis novam rem totam atque indignam videri.*⁴²⁰

Cicero’s purpose here is to attack Maevius, C. Verres’ scribe, for appropriating public money on Verres’ behalf while he was serving as *propraetor* in Sicily, 73–71. In doing so, Cicero explains how his own *scribae quaestorii*, L. Mamilius and L. Sergius, operated during his quaestorship in Sicily in 75, under the *propraetor* Sex. Peducaeus. The text illustrates not only that he had two *scribae*, but also that they specifically served him for his post in Sicily. It appears that the scribes were charged with assisting Cicero with corn payments, and, unlike Maevius, kept scrupulously accurate accounts. Cicero emphasises that the *scribae* overall maintained their honourable status exactly because they were magisterial assistants: their actions influenced the reputations of the elected officials that they served and they were trusted

⁴¹⁹ Cic. *Verr.* 2.3.182.

⁴²⁰ Cic. *Verr.* 2.3.183.

with the public accounts, *tabulae publicae*. While there were dishonest characters within the profession, they were in the minority; it was largely on account of the ability to pay for membership in the order that such men were *scribae* at all.⁴²¹ There are some notable similarities to the quaestors in this arrangement. Firstly, the *scribae quaestorii* were given official roles for the year, in the service of a superior magistrate. Secondly, their primary duties included fiscal administration – perhaps as a joint task with their scribal colleague, perhaps also with their magistrates. Finally, their actions directly reflected upon their commanders and vice-versa. When Cicero asks Verres about the actions of his scribe: *Tu ex pecunia publica HS terdeciens scribam tuum permissu tuo cum abstulisse fateare, reliquam tibi ullam defensionem putas esse?*, it assumes that there is no credible argument for Verres’ defence.⁴²²

The situation for the *scribae quaestorii* serving the quaestors at the *aerarium* is more difficult to reconstruct. Plutarch describes M. Porcius Cato, one of the urban quaestors in 64, reining in the group of *apparitores*, including *scribae*, serving at the treasury. Plutarch conjures the image of a large, united band of public servants, led by a particularly fraudulent individual whom Cato expelled from service, who collectively waged war against these disciplinary actions – not a contained set of professional administrators with highly specific duties.⁴²³ Supposedly, Cato reminded the *scribae* that they were assistants, in service to a superior magistrate, regardless of their expertise:

ὄθεν εὐθὺς εἰς τὴν ἀρχὴν καταστὰς μεγάλῃν ἐποίησε μεταβολὴν τῶν περὶ τὸ ταμειῖον ὑπηρετῶν καὶ γραμματέων, οἳ διὰ χειρὸς ἀεὶ τὰ δημόσια γράμματα καὶ τοὺς νόμους ἔχοντες, εἶτα νέους ἄρχοντας παραλαμβάνοντες δι’ ἀπειρίαν καὶ ἄγνοιαν ἀτεχνῶς διδασκάλων ἐτέρων καὶ παιδαγωγῶν δεομένους, οὐχ ὑφίεντο τῆς ἐξουσίας ἐκείνοις, ἀλλὰ

⁴²¹ Cic. *Verr.* 2.3.184.

⁴²² Cic. *Verr.* 2.3.184.

⁴²³ Plut. *Cat. Min.* 16.1–6.

ἦσαν ἄρχοντες αὐτοί, μέχρι οὗ Κάτων ἐπιστὰς τοῖς πράγμασι νεανικῶς, οὐκ ὄνομα καὶ τιμὴν ἔχων ἄρχοντος, ἀλλὰ καὶ νοῦν καὶ φρόνημα καὶ λόγον, ὑπηρεταίς, ὅπερ ἦσαν, ἡξίου χρῆσθαι τοῖς γραμματεῦσι, τὰ μὲν ἐξελέγχων κακουργοῦντας αὐτούς, τὰ δὲ ἀμαρτάνοντας ἀπειρία διδάσκων.⁴²⁴

Plutarch indicates that the *scribae* developed a specialised skillset in fiscal administration, serving, educating, and advising a new set of inexperienced magistrates each year. Unfortunately, he sheds little light on their number, though we might expect it to be considerable – perhaps more than two per urban quaestor, in contrast to the provincial quaestors – given their administrative load. Scholarship has generally accepted that the treasury was staffed by a relatively fixed group of *scribae quaestorii*, which facilitated this expertise.⁴²⁵ At face value, however, this conflicts with the allocation of *scribae quaestorii*, via sortition – it would be highly unusual to subject a set of permanent professionals to an annual lottery. The situation is further complicated by the organisation of *scribae* into *decuriae*, groups of scribes of a particular status, such as the *III decuriae ab aerario*. We know from the *lex Cornelia de XX quaestoribus* that other *apparitores*, the *praecones* (heralds) and *viatores* (summoners), were similarly grouped into *decuriae* and that, under this law, a new *decuria* was chosen by the current consuls to attend the treasury in the following year; thus, a different group might serve each year. From these *decuriae*, *praecones* and *viatores* were chosen (*sumere*), not sorted by lot, for active service that year, based on their suitability for the role.⁴²⁶ Whether any elements of this arrangement pertained to the *scribae*, who are dealt with in the preceding, lost section of the law, is uncertain: modern scholars caution against inferring that the logistics presented for *praecones* and *viatores* applied more broadly.⁴²⁷ Hartmann suggests that it would not be unreasonable to presume that scribal *decuriae* were replaced annually on a similar

⁴²⁴ Plut. *Cat. Min.* 16.2–3.

⁴²⁵ Purcell 2001: 655; Hartmann 2020: 71–73.

⁴²⁶ Crawford 1996: 293–300.

⁴²⁷ Crawford 1996: 299; Purcell 2001: 652; Hartmann 2020: 69.

model,⁴²⁸ and this notion is not altogether incompatible with Plutarch's account, which underlines not the longevity of the scribes' positions, but their specialist knowledge. This may even explain the sortition process: it allocated *scribae* from the relevant *decuriae* to new posts each year, in the same way that provinces were allocated. The parallels between this arrangement and that for the urban quaestors are notable. There were distinct groups of *scribae quaestorii* who served at the *aerarium*, separate to those who served in the provinces, as there were provincial and urban quaestors – though, for the *scribae*, this may have been a pre-determined division based on their *decuriae*. These *scribae* likely formed a larger, cohesive group at Rome, in contrast to the two *scribae quaestorii* per province attested by Cicero, and similar to the urban quaestors. Furthermore, they were allocated their roles by lot, annually.

This model cuts against the grain of our current understanding of scribal relationships, which are seen as a series of networks, or patronage, that linked loyal scribes to individuals within the magisterial elite. Thus, modern scholarship has resisted attaching any importance to the role of sortition in allocating impartial *scribae quaestorii* to provinces, in the way that it supposedly did for the quaestors themselves. The solid evidence for sortition is often either explained away as a method of allotting the 'leftovers', who were not already hand-picked for service by their patrons, or a process that was manipulated to deliver guaranteed outcomes.⁴²⁹ We might question why – if the lottery was rigged for the scribes – the quaestors themselves respected this procedure. The examples typically used to call the sortition process into question are likewise not clear-cut. For instance, Hartmann uses the example of M. Porcius Cato serving as *pro quaestore pro praetore* to annex Cyprus in 58 to demonstrate that the system was open to exploitation. According to Plutarch, P. Clodius Pulcher, the tribune, sent Cato away with no

⁴²⁸ Hartmann 2020: 73.

⁴²⁹ Badian 1989: 599–600; Hartmann 2020: 89.

assistants except two scribes: one a thief, the other a client of Clodius.⁴³⁰ As a result, Hartmann concludes that these *scribae quaestorii* were specifically chosen to play a key role in the political struggle between the pair.⁴³¹ Velleius Paterculus, however, offers more detail on this episode. He indicates that Cato was appointed to this role by a *lex* presented by Clodius – not as an elected magistrate – with a quaestor as his subordinate.⁴³² Consequently, Cato was operating outside the regular magisterial system of provincial allocation: he did not obtain his post by lot and was not allocated any *scribae quaestorii* himself; instead, he was given a quaestor. There is no reason to assume that Cato’s quaestor and the quaestorian scribes were also appointed differently to the regular sortition procedure described above. It is plausible, however, that the scribes that Plutarch refers to were in fact *scribae quaestorii* allotted to Cato’s quaestor, who was in turn assigned to Cato by lot. This adds an extra level of complexity to the situation, not obvious from Plutarch’s account, and calls into question the interpretation that this assignment of *scribae* was strongly affected by political wrangling.

Conclusions

This discussion of the quaestorship has raised a number of questions about magisterial collegiality in contrast to the interrelations of different elected magistrates, and, in turn, the interactions between magistrates and their personally chosen *legati* or their allocated professional assistants. In particular, it has highlighted that there is an ongoing question of what it might mean to be an assistant in the Roman world. We might also consider whether the evolution of quaestorship itself displays these nuances: our sources suggest that the early quaestors functioned more like selected assistants than elected magistrates. It is with this

⁴³⁰ Plut. *Cat. Min.* 34.2–4.

⁴³¹ Hartmann 2020: 89.

⁴³² Vell. Pat. 2.45.4; cf. Liv. *Per.* 104.

background in mind that we might also view the urban quaestors: a distinct, collegial, sub-college created by the process of sortition that gave quaestors their provinces.

Priests

Hierarchy and the Pontifical College

The organisation of the *collegium pontificum* provides perhaps the most useful starting point for any discussion of priestly collegiality. Its unique structure, with a clear hierarchical framework, and its membership, which seemingly included both the *pontifices* and individual priests with specialised functions, set the *collegium* apart from what might be considered the standard definition of collegiality: shared responsibilities and the same powers. In the later Republic, at least, the *collegium* comprised not only the *pontifices* and the recognised leader, the *pontifex maximus*, but also the *rex sacrorum*; the *flamines*, including the *flamines maiores*, the *flamines Dialis, Martialis, Quirinalis*; the *flamines minores*, the *flaminicae*, and the *Vestales*.⁴³³ Within this framework, the *pontifex maximus* had some power over the *flamines*, the *rex sacrorum*, and the *Vestales* – and was responsible for their co-optation through the process of *captio* – but his authority was not absolute: it did not apply to his direct colleagues, the *pontifices*.⁴³⁴ While modern scholarship, in general, agrees that the *collegium pontificum* had a more complex structure than the remaining priestly *collegia*, there is also a tendency to consider it the model upon which all other Roman priesthoods were built.⁴³⁵ This assessment of the college poses the question: to what extent can the college be considered an archetype?

⁴³³ Cic. *Har. Resp.* 12–13: *At vero meam domum P. Lentulus consul et pontifex, P. Servilius, M. Lucullus, Q. Metellus, M'. Glabrio, M. Messalla, L. Lentulus flamen Martialis, P. Galba, Q. Metellus Scipio, C. Fannius, M. Lepidus, L. Claudius rex sacrorum, M. Scaurus, M. Crassus, C. Curio, Sex. Caesar flamen Quirinalis, Q. Cornelius, P. Albinovanus, Q. Terentius, pontifices minores, causa cognita, duobus locis dicta, maxima frequentia amplissimorum ac sapientissimorum civium adstante, omni religione una mente omnes liberaverunt. Nego unquam post sacra constituta, quorum eadem est antiquitas quae ipsius urbis, ulla de re, ne capite quidem virginum Vestalium, tam frequens collegium iudicasse.* Cf. Macrobian *Sat.* 13.10.11. Wissowa *RK*: 503–504.

⁴³⁴ Gell. *NA* 1.12.1–17. This process is not explored in detail here, but will be the subject of further discussion, especially for the role of the *pontifex maximus* acting as an individual on behalf of the *collegium pontificum*. The passage of Gellius cited here similarly requires significant attention as *capio* is also used to refer to the *augures* (e.g. *sed flamines quoque Diales, item pontifices et augures "capi" dicebantur*), potentially suggesting that the term had different usage over time or that its meaning needs further assessment.

⁴³⁵ E.g. Beard, North, Price 1998: 19. Rüpke 2012: 21: “It should be stressed that all the other colleges were modelled on the form of the pontifical college, without necessarily replicating the authority structures obtaining within it”. Bollan (2013: 44) states that the structure of the *collegium pontificum* gave it a “cohesiveness and standing that no other priestly group could rival”.

Following this, when did this collegial structure take shape? It also raises some key questions for the concept of collegiality, particularly surrounding the inclusion of specialised individuals or pairs, such as the *rex sacrorum* and the *flamines*. Could their duties be shared with other members of the *collegium*, as true *collegae*?⁴³⁶

Priestly power: the *pontifex maximus* and the *rex sacrorum*

One central theme in most discussions of the nature of priestly power – and how it is defined in comparison to political power – is the elevated role of the *pontifex maximus*. The *pontifex maximus* is typically placed not only as the head of the *collegium pontificum*, but also at the centre of the republican religious structure, as the pre-eminent judge of the sacred. However, technically, the *pontifex maximus* was simply the leader of the *collegium pontificum*, with an assumed lack of broad authority over any of the other priestly *collegia*, or across the religious system more generally.⁴³⁷ Thus, how did the *pontifex maximus* obtain this standing? Traditionally, it was not the *pontifex maximus*, but the *rex sacrorum* who took over the religious duties of the king at the fall of the monarchy and would arguably be the prime candidate for this role.⁴³⁸ This sentiment is reflected the *ordo sacerdotum* preserved by Festus:

⁴³⁶ The *flamines* and *flaminicae* are highly relevant examples of this, and are discussed below. While Cicero (*Leg.* 2.20) defines the *flamines* as representative of one god, closer investigation suggests that their ritual calendars were not formulated exclusively around service to their principle deities (Vanggaard 1988: 105–114). The absence of a *flamen Dialis* (and subsequently also a *flaminica Dialis*) from 87/86 to 11 also raises key difficulties: were these ritual duties subsumed within the *collegium pontificum* and carried out by other members (which is supported by Tac. *Ann.* 3.58)? There still exists the problem of who performed the ritual program of the *flaminica Dialis*, which DiLuzio (2016: 18ff.) has shown was substantial, and how the series of religious restrictions applicable to these priesthoods – including that they were, by definition, required to be a priestly pair – were maintained if their roles were taken over by *pontifices* who may not have been able to fulfil all aspects, which is discussed in more detail below. These questions are also pertinent to the evolution of religious practice and priesthood across the republican period.

⁴³⁷ Beard, North, Price 1998: 191.

⁴³⁸ Fest. 423L.: *Sacrificulus rex appellatus est, qui ea sacra, quae reges facere adsueverant, fecisset*. The *rex sacrorum* is referred to variously as the *rex sacrorum* (e.g. Cic. *Dom.* 38), *rex sacrificulus* (e.g. Liv. 2.2.1), *rex sacrificiorum* (e.g. Liv. 9.34.12), for a full list see Glinister 2017: 59 n. 3. The Athenian parallels to the *rex sacrorum* require further investigation.

*Ordo sacerdotum aestimatur deorum <ordine, ut deus> maximus quisque. Maximus videtur Rex, dein Dialis, post hunc Martialis, quarto loco Quirinalis, quinto pontifex maximus. Itaque in soliis Rex supra omnis accumbat licet; Dialis supra Martialem, et Quirinalem; Martialis supra proximum; omnes item supra pontificem. Rex, quia potentissimus: Dialis, quia universi mundi sacerdos, qui appellatur Dium; Martialis, quod Mars conditoris urbis parens; Quirinalis, socio imperii Romani Curibus ascito Quirino; pontifex maximus, quod iudex atque arbiter habetur rerum divinarum humanarumque.*⁴³⁹

The *rex sacrorum* is clearly described as the most powerful, whereas the *pontifex maximus* places at fifth. It is generally agreed that this list reflects an archaic order of the priests, with a clear ceremonial element that may have been purely reserved for banquet occasions.⁴⁴⁰ However, if this *ordo sacerdotum* presents the ancient hierarchy of priests, how are the power relations between the *rex sacrorum* and the *pontifex maximus* established? Livy, channelling theories about *libertas* and the expulsion of the kings, explains that the position of the *rex sacrorum*, at its inception, was deliberately made subordinate to the *pontifex maximus*.⁴⁴¹ Furthermore, it was the responsibility of the *pontifex maximus* himself to ensure the selection of the individual who filled this priestly role.⁴⁴² Glinister's assessment of the activities attributed to the *rex sacrorum* also highlights that – contrary to our source's belief – it did not fulfil the functions formerly conducted by the kings. Rather, it was the magistrates and the *pontifex maximus* who assumed most of these religious duties.⁴⁴³ Moreover, the *rex sacrorum* was explicitly restricted from involvement in all civic and military affairs.⁴⁴⁴ This leaves us

⁴³⁹ Fest. 198–200L.

⁴⁴⁰ The importance of banquets to collegial operations will be discussed below.

⁴⁴¹ Liv. 2.2.1–2: ... *regem sacrificulum creant. Id sacerdotium pontifici subiecere, ne additus nomini honos aliquid libertati, cuius tunc prima erat cura, officeret.*

⁴⁴² Cf. Liv. 40.42.8.

⁴⁴³ Glinister 2017: 61–69.

⁴⁴⁴ Dion. Hal. *Ant. Rom.* 4.74.4.

with the central question of whether the *rex sacrorum* was imbued with superior power that was later eclipsed by the *pontifex maximus* or whether the *pontifex maximus* always held the authoritative role? The transfer of authority is difficult to explain.⁴⁴⁵ Cornell suggests that there was a *rex sacrorum* in place prior to the expulsion of the kings, which requires no reallocations of power between either the kings, the *pontifex maximus*, or the *rex sacrorum*.⁴⁴⁶ Alternatively, Rüpke advocates for a gradual evolution of the *pontifex maximus*, who “cannot be shown to have represented an autonomous centre of executive authority until Ti. Coruncanius”.⁴⁴⁷ He calls for a new approach to the sacred and political status of the *rex sacrorum*, stressing that the priesthood had a central role in intercalation and significant interaction with other members of the *collegium pontificum*. It was the development of the collegiate priesthoods which had more political functions that catalysed an increase in the importance of the *pontifex maximus*.⁴⁴⁸ However, while this may explain the status of the *pontifex maximus* in the later republican political setting, it does not necessarily clarify the internal hierarchies within the *collegium pontificum*. If the *rex sacrorum* was, at one point, more powerful, why was he subordinate to the *pontifex maximus*? Was it necessary that this priestly role should be subsumed into the *collegium pontificum*?

In comparison to the *ordo sacerdotum*, Festus also has a separate entry to describe the *pontifex maximus*:

*Maximus pontifex dicitur, quod maximus rerum, quae ad sacra et religiones pertinent, iudex sit vindexque contumaciae privatorum magistratuumque.*⁴⁴⁹

⁴⁴⁵ See Latte (1960: 195f.) for the now widely discredited suggestion that the *rex sacrorum* was at the forefront of Roman religion and, in a revolutionary move, was disempowered by the *pontifex maximus*.

⁴⁴⁶ Cornell 1995: 235–236. However, Cornell still considers the purpose of the *rex sacrorum*, if instituted prior to the fall of the kings, to be to conduct the rituals associated with the kingship. Glinister (2017: 69) also argues for the institution of a *rex sacrorum* prior to the fall of the monarchy.

⁴⁴⁷ Rüpke 2011a: 81 n. 55. Ti. Coruncanius was the first plebeian *pontifex maximus* in 254 (Liv. *Per.* 18).

⁴⁴⁸ Rüpke 2011a: 81 n. 55.

⁴⁴⁹ Fest. 113L.

This description confirms that the *pontifex maximus* not only had a vital role in the mediation of the sacred, in contrast to ritual importance of the *rex sacrorum* and *flamines maiores* established in the *ordo sacerdotum*, but also the authority to intervene in the political sphere. This duty also gave the *pontifex maximus* a primary administrative function, leading Wissowa to attribute the legal unity of *collegium pontificum*, including all its constituent parts, to their interrelation and dependency on the *pontifex maximus*.⁴⁵⁰ One often cited example of the relationship between the *pontifex maximus* and the *rex sacrorum* is relayed by Livy for the year 180: the refusal of L. Cornelius Dolabella to resign his position as *duumvir navalis* to be inaugurated *rex sacrorum*, at the request of C. Servilius Geminus, *pontifex maximus*, who subsequently imposed a fine. The fine was appealed and heard in the assembly. Livy reports that several tribes voted in favour of Cornelius resigning his post, but the assembly was interrupted by thunder and subsequently the *pontifices* were required, on religious grounds, to appoint P. Cloelius Siculus instead.⁴⁵¹ Firstly, it must be stated, outright, that this is not in fact an instance of the *pontifex maximus* ruling over the *rex sacrorum*, but an individual who was pre-selected for the role: it was not a case of internal discipline.⁴⁵² Rather, this is a key example of the *pontifex maximus* confirming obligations to and protecting the *sacra*: the *pontifex maximus* had authority over the *collegium pontificum* as well as any individual or magistrate who failed to uphold his will.⁴⁵³ This case also demonstrates the non-collegial functions of the

⁴⁵⁰ Wissowa *RK*: 504.

⁴⁵¹ Liv. 40.42.8–11. *De rege sacrificulo in locum Cn. Cornelii Dolabellae contentio inter C. Servilium pontificem maximum fuit et L. Corneliium Dollabellam duumvirum navalem, quem ut inauguraret pontifex magistratu sese abdicare iubebat; recusantique id facere ob eam rem multa duumviro dicta a pontifice; deque ea, cum provocasset, certatum ad populum. Cum plures iam tribus intro vocatae dicto esse audientem pontifici duumvirum iuberent, multamque remitti, si magistratu se abdicasset, vitium de caelo quod comitia turbaret intervenit. Religio inde fuit pontificibus inaugurandi Dolabellae. P. Cloelium Siculum inaugurarunt, qui secundo loco nominatus erat.*

⁴⁵² Linderski (1986: 2218–2220, esp. n. 274, cf. 2221 n. 283) discusses the legal and sacred position of the selected *rex sacrorum*, and makes the pertinent observation that while the selected individual was subject to the disciplinary powers of the *pontifex maximus*, they were also clearly not members of the college. If this was the case, we would expect the entire nomination procedure to start again, *rex sacrorum vitio creatus*, rather than selecting the second nominee. Johnson (2007: 95 n. 293) and Bollan (2013: 50–51) suggest that this selection as *rex sacrorum* was enough to draw Cornelius into the collegial framework, despite the lack of inauguration, which does not uphold the reported procedure.

⁴⁵³ Thomas 2005: 121–123; Johnson 2007: 95–96, 99–100.

pontifex maximus – Livy implies that it was not the duty of the *collegium* as a whole to request that Cornelius resign his office or enforce the punishment at his refusal, but the sole responsibility of the *pontifex maximus*. His account illuminates the procedural differences between the initial action to advise Cornelius that he had been selected as the *rex sacrorum* (*quem ut inauguraret pontifex magistratu sese abdicare iubebat*), the administration of a fine (*a pontifice*), and the final decision to inaugurate Cloelius (*religio inde fuit pontificibus inaugurandi Dollabellae. P. Cloelium Siculum inaugurarunt, qui secundo loco nominatus erat*). It is clear that while the *pontifex maximus*, alone, was charged with the first two orders, it was the *collegium* who concluded that Cornelius should not be inaugurated and that Cloelius, who was the second nominee, should be inaugurated in his place. Subsequently, the *nominatio* for the *rex sacrorum* was also likely to be an internal decision of the *collegium*.⁴⁵⁴ While the *pontifex maximus* was the voice of the pontifical authority in this case, the *collegium pontificum* was also heavily involved in the deliberative action. The distinction between individual and collective action – and duties that were attached to specific priestly roles – are particularly noteworthy for the *collegium pontificum*. Would any other member of the college have the authority to order the resignation of an officer or impose a fine?

The *lictors curiatii* and the *comitia calata*

Although Mommsen's assessment of the *pontifex maximus* as a true quasi-magistrate, with *imperium* and *auspicium*, has been definitively refuted by Bleicken, modern scholarship has continued to view this priesthood as a central authority within the Roman state with powers that did, in some cases, align with those of a magistrate.⁴⁵⁵ The connection of the *lictors*

⁴⁵⁴ The *nominatio* procedure is best described by Cicero (*Phil.* 2.4), where no more than two current *augures* could nominate the same individual to be put forward for election and co-optation to the *collegium augurum*. This is discussed in further detail in the final chapter.

⁴⁵⁵ Mommsen *Röm. Staatsr.* II³: 19ff.; Bleicken 1957: 349–351.

curiatii to the *pontifex maximus* and the operations of the *comitia calata* are two examples which demonstrate this view clearly. This section will explore the difficulties surrounding the role of the *pontifex maximus* for the *comitia calata* in particular. However, it will first discuss the *lictiores curiatii*: an association of *lictiores* whose primary function was to serve the priests. They have been employed as a powerful symbol of quasi-magisterial status when referenced in relation to the *pontifex maximus*.⁴⁵⁶ However, this sentiment often overlooks the fact that the *Vestales* and the *flamen Dialis* were also accompanied by *lictiores* on all matters of public business.⁴⁵⁷ In general, the *lictiores* were a conspicuous visual representation of authority, carrying the *fasces* and, outside the *pomerium*, an axe, offering not only a practical form of protection, but also demonstrating the potential for immediate public discipline. In a magisterial context, current scholarship considers the *fasces* an important and necessary symbol of command, with some scholars going so far as to link their possession directly to *imperium*.⁴⁵⁸ Staveley remarks that “it is beyond question that there was a necessary connection between *fasces* and *imperium*”.⁴⁵⁹ This position emerges from a series of references in the ancient material: Livy connects the *fasces* with *insignia imperii* and Cicero describes them as *dignitatis insignia*, to list but two examples.⁴⁶⁰ Subsequently, the attendance of *lictiores* to the priests has been largely ignored, or, if acknowledged, seen precisely as evidence for their magisterial qualities. However, in his reassessment of *imperium* and *potestas*, Drogula has effectively demonstrated that while bearers of *imperium* did all possess the *fasces*, the two were not causally linked: *lictiores* were not exclusively reserved for commanding magistrates.⁴⁶¹ The

⁴⁵⁶ E.g. Mommsen *Röm. Staatsr.* I³:374; Magdelain 1978: 84 n. 137; Bollan 2013: 63–64.

⁴⁵⁷ Fest. 82L; Plut. *Num.* 10; *Quaest. Rom.* 113. If anything, the *flamen Dialis* possessed *insignia* that matched closest to a magistrate, as the only priest who held a seat in the Senate (by design), a curule chair, and a lictor.

⁴⁵⁸ Marshall 1984; Vervaeet 2014: 12 n. 7. The *turnus* of the *fasces* and its role for collegiate rule are significant for the concept of collegiality; likewise, the denotation of rank via number of *lictiores* (cf. Vervaeet 2014: 30–55). See again the unusual statement of Simpson (2005: 167) who proposes that the alternation of the *fasces* seems “quite incompatible with the Roman Republic’s fundamental governing “principle of collegiality””.

⁴⁵⁹ Staveley 1963: 459.

⁴⁶⁰ Cic. *QFr.* 1.1.13; Liv. 1.8.2. For the collection of other references, see: Drogula 2007: 432 n. 93.

⁴⁶¹ Drogula 2007: 431–433; *contra* Vervaeet 2014: 12 n. 7.

multitude of references to the *fasces* instead establish their symbolic value, of *potestas* and *dignitas*, terms which could equally apply to priesthood. Drogula takes this notion one step further and aptly remarks that *imperium*, in itself, did not automatically demarcate an individual as a magistrate – it was independent from magistracy by definition.⁴⁶² Thus, the connection of the *fasces* with *imperium* remains unjustified. In some respects, this is self-evident: there is no case for suggesting the *Vestales* were bearers of *imperium*. However, this does not address the full reasoning behind the connection of *lictors curiatii* to the *pontifex maximus*.⁴⁶³ This stance, in part, arises from the subordination of the *Vestales* and the *flamen Dialis* to the *pontifex maximus*; likewise, his assumed role in presiding over the *comitia calata*.⁴⁶⁴

Botsford, in his catalogue of Roman assemblies, describes the *comitia calata* as any assembly convened under pontifical presidency for religious purposes.⁴⁶⁵ With direct reference to the *adrogatio* procedure, which took place in the *comitia curiata*, Botsford lays out the evidence for pontifical management: *comitia arbitris pontificibus praebentur*;⁴⁶⁶ *lege curiata apud pontifices*.⁴⁶⁷ However, the primary reference cited for the authority of the *pontifex maximus* over the *comitia calata* is found in Gellius, describing the inauguration of the *rex* or *flamines*:

In libro Laelii Felicis Ad Q. Mucium primo scriptum est Labeonem scribere “calata” comitia esse quae pro conlegio pontificum habentur, aut regis aut flaminum inaugurandorum causa. Eorum autem alia esse “curiata”, alia “centuriata”;

⁴⁶² Drogula 2007: 434.

⁴⁶³ On the idea that their sacral use derived from the political sphere, see: Mommsen *Röm. Staatsr.* I³:357, 365, 373; Magdelain 1978: 84 n. 137.

⁴⁶⁴ Magdelain 1978: 84 n. 137.

⁴⁶⁵ Botsford 1909: 153. Botsford (1909: 153 n. 4) excludes *comitia* convened for religious purposes that were presided over by a magistrate (e.g. the *comitia centuriata* for the *lustrum* ceremony) and the *comitia tributa* (which are never *calata*, this only applied to the *curiata* or *centuriata*) convened for pontifical business on the appeal of a fine or for the election of priests. Bleicken (1957a) lays out the evidence for the *comitia* for the appeal of fines, as discussed in the scenario involving L. Cornelius Dolabella above.

⁴⁶⁶ Gell. *NA* 5.19.5 (cf. 5.19.6 for the oath formulated by Q. Mucius as *pontifex maximus*).

⁴⁶⁷ Tac. *Hist.* 1.15. Botsford 1909: 161.

“*curiata*” per *lictorem curiatum* “*calari*”, id est “*convocari*”, “*centuriata*” per *cornicinem*.⁴⁶⁸

On the basis of these three passages and the connection of the *lictore*s *curiatii* to the *comitia calata*, the *pontifex maximus* is assumed to have the primary role in the convocation of the *comitia*.⁴⁶⁹ However, Van Haeperen has recently revisited this issue and called the predominance of the *pontifex maximus* into question. She poses the question of what exact functions the *collegium pontificum*, not simply the *pontifex maximus*, fulfilled during these assemblies?⁴⁷⁰ Van Haeperen focuses on one key phrase, also central to the theme of collective action explored here: *pro conlegio pontificum*.⁴⁷¹ Importantly, not one of these references mentions the *pontifex maximus* directly. Nor do they definitively ascribe the active management of the *comitia* to the *pontifices*. The *lictore*s *curiatii* are said to have called together the *comitia*, which was convened on behalf of the entire *collegium pontificum*; the *pontifices* are present among the comitial body (*apud pontifices*); the *comitia* is assembled for the judgement of the *pontifices* (*arbitris pontificibus*). Van Haeperen rejects the suggestion that the *pontifex maximus* was endowed with *lictore*s *curiatii* for his presidency over the assembly and persuasively argues against the idea that the *pontifex maximus* was charged with the task of convocation.⁴⁷² Instead, following Bleicken, she posits that the *comitia* was convoked by a magistrate.⁴⁷³ This scenario raises two key themes that deserve thorough investigation: the role of the *collegium pontificum* (and other religious *collegia*) in the convocation of assemblies with a religious purpose and the role of the *comitia* in priestly business. For the former, it is worth noting the requirement that three *augures* were present at the passing of a *lex curiata de imperio*

⁴⁶⁸ Gell. *NA* 15.27.1–2.

⁴⁶⁹ Wissowa *RK*: 490; Catalano 1960: 238.

⁴⁷⁰ Van Haeperen 2002: 276–280.

⁴⁷¹ Van Haeperen (2002: 279–280, 308) notes the difficulty of this phrase, which is discussed again in the context of the *decemviri sacris faciundis* below.

⁴⁷² As suggested by Magdelain 1978: 84 n. 137; Van Haeperen 2002: 280–282, 308.

⁴⁷³ Bleicken 1957: 353–358; Van Haeperen 2002: 282–288; cf. Linderski 1986: 2217. This is based on the evidence for *adrogatio*, which is not discussed here but worthy of further investigation.

in the *comitia curiata*: comitial business that had no pure priestly function.⁴⁷⁴ For the latter, the case of the election of priests is particularly relevant, both prior to and following the *lex Domitia*.⁴⁷⁵ Although this material has been briefly explored here, it outlines a central point: a priestly *collegium* was referred to as a united authority. Furthermore, a smaller group of priests were potentially considered adequate to represent the whole. These themes will be raised again throughout this discussion of priests.

Inauguratio: the pontifex maximus and the collegium augurum

Two of the examples discussed thus far relate to the *inauguratio*: the ceremony in which divine approval was given for, in these cases, an individual selected to become a priest (*sacerdos*). This process also applied to places (e.g. *templum*) and ceremonies (e.g. the *augurium canarium*).⁴⁷⁶ The *inauguratio*, via *auspicia*, was the formal confirmation of priestly status, which bestowed the inauguratee with the religious authority of a priest.⁴⁷⁷ It has been conclusively demonstrated that the *inauguratio* was conducted by an augur.⁴⁷⁸ However, in the examples outlined above the *pontifices* play a vital role: the *comitia calata* was convened for the *inauguratio* of the *rex* or *flamines pro conlegio pontificum* and the case of L. Cornelius Dolabella suggests that the *pontifex maximus* sought to inaugurate him. So, what were the functions of the *collegium pontificum* for the *inauguratio*? Taking a step back, it is worth briefly sketching out the accepted procedure for filling a vacant priestly role.⁴⁷⁹ The *nominatio* occurred within the *collegium*, where the choice of the future priest was made. An augur was

⁴⁷⁴ Cic. *Att.* 4.17.2; 8.3.3. See the discussion in Vervaeke 2014: 332–333. Although, Linderski (1986: 2154 n. 25) remarks that the *responsa* of three *augures* did not equate to a *responsa* of the whole *collegium*.

⁴⁷⁵ E.g. Liv. 25.5.2. (Although this passage is not the best example and suggests that a *pontifex* presided over the election for the *pontifex maximus*).

⁴⁷⁶ Linderski 1986: 2151, 2222, 2248.

⁴⁷⁷ What this entails requires significant discussion. Note also the report of Numa's inauguration in Livy (1.18.6–9), which includes a description of the ritual process of inauguration.

⁴⁷⁸ E.g. Cic. *Brut.* 1.1; *Phil.* 2.110. Catalano 1960: 220–224; Linderski 1986: 2217, 2223.

⁴⁷⁹ Neatly summarised at, e.g.: Van Haepere 2002: 307.

summoned to perform the *inauguratio*, which, in the case of the *flamines* at least, was held in the *comitia calata*. Finally, a collegial banquet was held to celebrate the new priest.⁴⁸⁰ Aside from the *inauguratio* itself, these processes were all internal to the *collegium pontificum*. Thus, how were the services of the *collegium augurum* formally requested? Gladigow, on the basis of an extract of Servius, proposed that the *pontifex maximus* could summon an augur through the mechanism of *condictio*:⁴⁸¹

*hoc quidam iuxta speciem auguralem positum tradunt, quae appellatur condictio, id est denuntiatio, cum denuntiat, ut ante diem tertium quis ad inaugurandum adsit, quod Anchises, post impetrationem augurii et Apollinis responsum suadens in Cretam eundem, ostendit conductionem in tertium diem; addit enim 'modo Iuppiter adsit' et reliqua.*⁴⁸²

Gladigow interpreted this passage to mean that, following an announcement (*denuntiatio*), an augur was required to be present for an *inauguratio* within three days. He contrasts this with the notice in Gellius, *sacerdotes quoque populi Romani, cum condicunt in diem tertium, "die perendini" dicunt*,⁴⁸³ to infer that the *condictio* was not pronounced by a magistrate, but by a priest.⁴⁸⁴ Whatever the situation outlined here, it is clear that *collegium augurum* received an official notice to perform the *inauguratio*.⁴⁸⁵ Similarly, the inauguration of a *flamen* required

⁴⁸⁰ Macrob. *Sat.* 13.10.11.

⁴⁸¹ Gladigow 1970: 375–377.

⁴⁸² Serv. *Aen.* 3.117.

⁴⁸³ Gell. *NA* 10.24.9.

⁴⁸⁴ This is accepted here, but may need to be reconsidered. This argument surfaces from the reconstruction of a fragmentary passage of Festus (462–464L, with additions at *Glossaria Latina IV* 432–433), which is restored to show that the *pontifex maximus* could fine an augur who did not present to perform an *inauguratio* at his summons. Palmer (1996: 76–81) proposes a convincing alternative restoration of the text that takes into account the historical context and suggests that the *pontifex maximus* was in fact issuing a fine against an individual for their failure to accept the position of *flamen Dialis*, which is supported by literary parallels. Under the initial reading, there is a necessity to find a process by which an augur can fail to act under the command of the *pontifex maximus*, which is usually seen as *condictio*. Whether this is necessary or supported under the framework in which the *pontifex maximus* does not convene the *comitia calata* for *inauguratio* or have the ability to fine an augur requires further consideration. Palmer does not discuss the implications of his restoration for this passage of Servius. The discussion of Linderski (1986: 2215–2225) supports the initial reading of Festus.

⁴⁸⁵ Although contrast this with Cic. *Phil.* 2.110: [*M. Antonius*] *cur non inauguraris? Sume diem, vide qui te inauguret: conlegae sumus; nemo negabit*. It is worth comparing the cases for magisterial summons of an augur for *inauguratio* or to assist at the *comitia*. Note especially the example at Cic. *Att.* 13.42.3, where Cicero writes

collaboration between the *collegium pontificum* and the *collegium augurum*, represented by a single augur, within the confines of the *comitia calata*. The case of *inauguratio* requires further investigation, but, as a preliminary observation, it highlights the expertise and authority of individual priests within the broader framework of public religion.

Conclusions

The examples discussed above demonstrate that collective action is a central theme in Roman republican priesthood. However, one exceptional issue arising from this brief discussion is how to define the broad concept of religious authority. Does this authority fall within the remit of political institutions or magistracies, or does the priest hold critical responsibility? Does this align to the model presented by Scheid, in which the magistrate retains the supreme religious authority? Can the Senate be seen to have an active role in all of these cases, following the model presented by Beard? Some notable objections emerge from even this small collation of primary evidence. This material does highlight the significant role of the magistrate in priestly operations: the convocation of the *comitia calata* for the *inauguratio* of a *flamen*. However, this not only points towards a case of necessary magisterial involvement; it also highlights the links between priestly and magisterial institutions. In contrast, while the status of the *pontifex maximus* requires further investigation, there are clear examples of his broader functions, including the ability to intervene in the wider political sphere: the fine issued against L. Cornelius Dolabella in 180 shows the validity of practical sacred authority, even when up against what Scheid might term superior magisterial powers. Furthermore, this case provides additional evidence for the importance of the political institutions in the general operation of priestly *collegia*: the hearing of the appeal of the fine in the *comitia tributa* attests to this

that he has been summoned to Rome to assist with the inauguration of a *templum*. Cf. Cic. *Div.* 1.150. Linderski 1986: 2193–2194, 2223.

strongly. Nevertheless, the *ordo sacerdotum* of Festus points towards a distinct idea of priestly power that operated, in this example, both within the *collegium pontificum* and external to it, in the public sphere. What does this mean for the practical and theoretical notion of priestly religious authority? These links between priests, the religious *collegia* that they were part of, magistrates, and the *comitia* paint a picture of entwined political and religious systems. One final point: the authority of the priestly institutions themselves, the religious *collegia*, remains of primary importance in the overall function of public religion. These examples all point towards the relevance of collective action in Roman priesthood.

Priestly Pairs

There were, broadly speaking, two ways of organising Roman priests: colleges of priests with (usually) equal status or priestly couples. These priestly pairs stand out from the ‘typical’ collegial arrangement of priests not only in their joint male-female priesthoods, but also in their ritual duties. Unlike, for example, the augurs, each one of the two had a distinct religious program. In her discussion of Roman priestesses, DiLuzio highlights that although the collegial framework is considered the norm by modern scholarship, there may in fact have been more priestly couples than collegial priests – she argues that pairs were the defining feature of Roman religion.⁴⁸⁶ She bases this claim, however, on the likelihood that the thirteen *flamines* were supported by *flaminicae*, on the priestly couples that served the thirty *curiae*, and on sacral duties within the Roman household, where husbands and wives also performed complementary roles. While this is an important point when considering religious duties overall, it does not accurately reflect the organisational framework of most public priests. The majority of our evidence for priestly pairs relates to two specific couples, the *flamen* and *flaminica Dialis*, and the *rex* and *regina sacrorum*. In contrast to the colleges of priests which had more general obligations for public religion, the *flamen* and *flaminica Dialis* were supposedly the exclusive priest and priestess of Jupiter.⁴⁸⁷ They were bound by a series of religious regulations, wore striking attire, and had extensive ritual activities that spanned entire months: every day was a feast-day for the *Dialis* (*Dialis cotidie feriatu est*).⁴⁸⁸ In the historical tradition, the *flamen Dialis* was created by Numa as a perpetual priest of Jupiter for the express purpose of taking on the sacrificial rites of the king, to ensure their completion without disruption or delay.⁴⁸⁹ In

⁴⁸⁶ DiLuzio 2016: 52, 78.

⁴⁸⁷ Cf. Cic. *Leg.* 2.8.20; Varr. *Ling.* 5.84.

⁴⁸⁸ Gell. *NA.* 10.15.16.

⁴⁸⁹ Liv. 1.20.1–3: *Tum sacerdotibus creandis animum adiecit, quamquam ipse plurima sacra obibat, ea maxime, quae nunc ad Dialem flaminem pertinent. sed quia in civitate bellicosa plures Romuli quam Numae similes reges putabat fore iturosque ipsos ad bella, ne sacra regiae vicis desererentur, flaminem Iovi adsiduum sacerdotem*

recognition of this role, he sat in a curule chair, wore the *toga praetexta*, was flanked by a lictor, and had the privilege of a seat in the Senate: he appeared equal to a magistrate.⁴⁹⁰ The restrictions on his priesthood, however, made it difficult for him to simultaneously hold political (or military) office.⁴⁹¹ Conversely, the *rex sacrorum*, who supposedly preserved the name of the kings but observed only religious rites, was explicitly forbidden from election to any magistracy.⁴⁹² The *rex* and *regina sacrorum* offered monthly rites and had a central role in marking time in the Roman calendar. Unlike the *flamines*, the *rex* and *regina sacrorum* were not considered priests of a single god, despite their seemingly analogous sacrifices to Juno.⁴⁹³ Both of these priestly pairs are notable for their complementary ritual activities: our evidence suggests that the couples did not sacrifice together, but usually performed concurrent rites, at different locations.

Ritual separation

The purification rites held throughout February are a prime example of their ritual separation. Ovid refers to otherwise-unknown rituals that linked the *pontifices*, *rex sacrorum*, and *flamen* (usually read as the *flamen Dialis*), in contrast to another involving the *flaminica* (assumed to be the *flamen Dialis*' wife). Ovid explains the term *februa* – cleansing instruments – which were used during the month in widely-observed purification rituals. He writes that the *pontifices* asked both the *rex sacrorum* and the *flamen* for wool, referred to in ancient times as *februa*, for cleansing. The *flaminica*, separately, asked for *februa* and was given a twig of pine:

Februa Romani dixere piamina patres:

creavit insignique eum veste et curuli regia sella adornavit. huic duos flamines adiecit, Marti unum, alterum Quirino.

⁴⁹⁰ Liv. 27.8.5–10; Plut. *Quaest. Rom.* 113; Fest. 82L. Vanggaard 1988: 63; Marco Simón 1996: 219.

⁴⁹¹ Gell. *NA* 10.15.4.

⁴⁹² Dion. Hal. *Ant. Rom.* 5.1.4; Plut. *Quaest. Rom.* 63.

⁴⁹³ Macrob. *Sat.* 1.15.10; 19. Rüpke 2011a: 24–26.

Nunc quoque dant verbo plurima signa fidem.
Pontifices ab rege petunt et flamine lanas,
Quis ueterum lingua februa nomen erat;
Quaequae capit lictor domibus purgamina tersis,
Torrida cum mica farra, uocantur idem;
Nomen idem ramo, qui caesus ab arbore pura
Casta sacerdotum tempora fronde tegit.
Ipsa ego flaminicam poscentem februa uidi;
*Februa poscenti pinea uirga data est.*⁴⁹⁴

Intriguingly, in this example, the *flamen Dialis* and *rex sacrorum* seem to execute identical roles: both provide *februa* to the *pontifices*, although it is not clear whether this occurred collaboratively, in one and the same ritual, or if individual *pontifices* sought out either the *flamen* or the *rex* as and when appropriate.⁴⁹⁵ The *flaminica* is not linked with the *flamen* and the *rex* in supplying wool to the *pontifices*; instead, she is also asking for her own purifying materials – and whom she is asking remains unknown. Her ritual activity appears entirely discrete from her husband’s: even if the *flaminica* also sought *februa* from the *flamen* or *rex*, as Fantham proposes,⁴⁹⁶ the couple would perform opposite duties. There is not, however, a concrete sense of time for the rites Ovid describes, and the poem lends itself to the interpretation that these are distinct, unconnected examples of *februa* – wool for the *pontifices*, grain (salt) and *far* for the lictor,⁴⁹⁷ leaves for priestly wreaths, and pine-twigs for the *flaminica*.⁴⁹⁸ The *februa* are different, depending on who asks for them and what ritual function

⁴⁹⁴ Ov. *Fast.* 2.19–28.

⁴⁹⁵ Cf. Robinson 2011. Rüpke (2011a: 81 n. 55) connects the rites of the *pontifices*, *flamen*, and *rex*, and suggests they occurred on the 15th of February. Another ritual involved the Vestals asking the *rex sacrorum* if he is alert: Serv. *Aen.* 10.228.

⁴⁹⁶ Fantham 2002: 215.

⁴⁹⁷ On the lictor, see Robinson 2011.

⁴⁹⁸ Heyworth forthcoming.

they serve. Here, they are provided by the *flamen* and the *rex*; elsewhere, the Vestals.⁴⁹⁹ Notably, collaboration is not seen where we might expect it most, within the priestly couple(s), but between the *pontifices* and the *flamen*, and the *pontifices* and the *rex*, if not between all three (or more) as a group. The *flaminica*, however, appears to act alone, following the initial cooperation between priests, presumably, for sourcing sacred materials.⁵⁰⁰ The priestly pairs of the *flamen* and *flaminica Dialis* and the *rex* and *regina sacrorum* seem to have entirely separate roles for these purification rites described by Ovid, with ritual links seen instead across the extended pontifical college.

These examples display one of the curiosities of the *flamen* and *flaminica Dialis* (likewise, the *rex* and *regina sacrorum*) as a priestly couple: each individual had their own, specific, ritual program. DiLuzio has persuasively shown that these pairs often performed complementary ritual activities, alongside the most important shared characteristic of their priesthood – their marriage *confarreatio*.⁵⁰¹ Their unity, in itself, had a religious function, as they were an indissoluble pair: if the *flamen* or *flaminica* died, this bond was broken and their priesthood relinquished; similarly, the couple could not divorce.⁵⁰² Plutarch, in his *Quaestiones Romanae*, questions this arrangement and reasons that it was because the *flaminica Dialis* took part in the rituals offered by her husband, many of which supposedly required her presence. Most intriguingly, however, he compares the necessary resignation of a sole *flamen* after the death of his wife to a sole censor, who was also obliged to abdicate his office following the death of his colleague: Ἦπτον δ' ἄν τις τοῦτο θαυμάσειε προσιστορήσας ὅτι καὶ τῶν τιμητῶν θατέρου τελευτήσαντος ἔδει καὶ τὸν ἕτερον πεπαῦσθαι τῆς ἀρχῆς.⁵⁰³ For Plutarch, the bond between

⁴⁹⁹ Cf. Fantham 1998: 229 on Ov. *Fast.* 4.726.

⁵⁰⁰ Similar to the preparation of *mola salsa* for public sacrifice by the Vestals.

⁵⁰¹ DiLuzio 2016: 19, 42–43, 49.

⁵⁰² Gell. *NA* 10.15.23. Marco Simón 1996: 141, 144; Linderski 2005: 223.

⁵⁰³ Plut. *Quaest. Rom.* 50: Ἡ συνιεῖται μὲν ἡ γυνὴ τῷ ἀνδρί, ὡς καὶ πολλὰ τῶν ἱερῶν οὐκ ἔστι δρᾶσαι μὴ γαμετῆς συμπαρούσης. DiLuzio 2016: 23–24; cf. Russell 1973: 45.

this priestly couple was akin to the collegiality of the censors, who shared their election under the same auspices: their priesthoods and their magistracies were indivisible. The *flamen* and *flaminica Dialis* were married by *confarreatio*, a sacred ceremony performed in the presence of the serving *flamen Dialis* and *pontifex maximus*.⁵⁰⁴ In contrast, as discussed elsewhere, the censors had to be elected together, *iisdem auspiciis*. In Plutarch's mind, there is a clear comparison between the idea of an inseparable, paired priesthood and the joint magistracy of the censors, because both were void on the death of one member of the pair. Like the censors, the *flamen* and *flaminica Dialis* often acted as individuals – although this does not feature in Plutarch's explanation; he focuses on the collective ritual activity of this priestly pair, much as the censors mutually completed the census. This dependency on the other 'half' seems to be the underlying factor in their similarity. Other priesthoods, which co-opted a new member when faced with the loss of one serving, and other magistracies, which elected replacements such as a *consul suffectus*, did not fall into this category. The collegial framework of the censors and the *flamines*, however, was inherently different. By definition, the censors could and did share their tasks, whereas the *flamen* could not perform the *flaminica's* rituals, and vice versa.⁵⁰⁵ Where a censor acted on behalf of his colleague, reflecting their shared magistracy, the *flamen* and *flaminica* often conducted complementary, but separate, rituals.

Gellius explains that the *flaminica Dialis* observed roughly the same ceremonies as her husband, with, allegedly, some of her own: *caerimoniae impositae flamini Diali multae ... eadem ferme caerimoniae sunt flaminicae Dialis; alias seorsum aiunt observitare*.⁵⁰⁶ While we have few details on what this entailed in practice, some elements mirror the ritual activity of the other major priestly couple, also joined in *confarreate* marriage, the *rex* and *regina*

⁵⁰⁴ Linderski 2005: 225–226, esp n. 20.

⁵⁰⁵ Cf. Vanggaard 1988: 108; Marco Simón 1996: 143; DiLuzio 2016: 43.

⁵⁰⁶ Gell. NA 10.15.1, 26–27.

sacrorum. Macrobius records the pair's corresponding ritual activity dedicated to Juno on the Kalends, in contrast to the Ides, which were marked by a sacrifice to Jupiter by his *flamen* (i.e. the *flamen Dialis*).⁵⁰⁷ Macrobius explains that a *pontifex minor* (probably with the *rex sacrorum*) sacrificed to Juno in the *curia Calabra* on the Kalends, as the *regina sacrorum* offered a sacrifice to Juno in the Regia:

... *pontifici minori haec provincia delegabatur, ut novae lunae primum observaret aspectum visamque regi sacrificulo nuntiaret.*

*itaque sacrificio a rege et minore pontifice celebrato idem pontifex calata, id est vocata, in Capitolium plebe iuxta curiam Calabram, quae casae Romuli proxima est, quot numero dies a Kalendis ad Nonas superessent pronuntiabat, et quintanas quidem dicto quinquies verbo calo, septimanas repetito septies praedicabat.*⁵⁰⁸

*Romae quoque Kalendis omnibus, praeter quod pontifex minor in curia Calabra rem divinam Iunoni facit, etiam regina sacrorum, id est regis uxor, porcam vel agnam in regia Iunoni immolat.*⁵⁰⁹

As with the *flamen* and *flaminica Dialis*, it is clear that the *rex* and *regina sacrorum* carried out separate rites – in this case, connected in time and purpose, but held in different locations. There is an obvious parallel between the rites on the Kalends and those on the Ides, for Juno and Jupiter respectively, performed by each priestly couple. This, in itself, is notable: Macrobius suggests that the *flamen* and *flaminica Dialis* were in charge of the rites on the Ides because they were sacred to Jupiter, whom they served.⁵¹⁰ Unlike the *flamines*, however, the priesthoods of the *rex* and *regina sacrorum* were, supposedly, not dedicated to a particular god, despite this analogous connection with Juno. The pair are also differentiated in their ritual

⁵⁰⁷ Macrob. *Sat.* 1.15.15–20 (18: *ut autem Idus omnes Iovi, ita omnes Kalendas Iunoni tributas et Varronis et pontificalis adfirmat auctoritas*); Ov. *Fast.* 1.587. cf. Takács 2007: 114.

⁵⁰⁸ Macrob. *Sat.* 1.15.9–10; cf. Varro *Ling.* 6.27.

⁵⁰⁹ Macrob. *Sat.* 1.15.19. It is likely that both the *rex sacrorum* and *pontifex minor* performed the sacrifice in this instance also, cf. Glinister 2017: 61 n. 13.

⁵¹⁰ Macrob. *Sat.* 1.15.14–15.

activity: the *regina sacrorum* does not appear to assist her husband – who is supported by a *pontifex minor* – but conducts her own rite. The sources, then, present a varied picture of these coupled priests, who seem to share notable aspects of their ritual programs. There is the notion, from Plutarch, that the pairs jointly conducted their religious activities, while Gellius suggests that some of their rituals were the same, others different, and Macrobius reports predominantly separate rituals for the same purpose. This complementary nature of their religious roles appears to be a defining feature, and has often been interpreted as evidence for their archaism. Indeed, numerous scholars have concluded that the *flamen* and *flaminica Dialis* are examples of early or pre-republican priesthoods precisely because of their distinct ritual obligations as a married couple, not a collegial priesthood.⁵¹¹ As noted above, DiLuzio highlights that these priestly couples mirrored religious practices within elite households.⁵¹²

The rites of the Bona Dea

The rites of the Bona Dea are an interesting example of religious authority extending across a married couple: they were hosted by the wife (or female relative) of a magistrate with *imperium*, explicitly without his attendance. In 63, during Cicero's consulship, the rites were held by his wife, Terentia. Plutarch reports that a sacrifice was offered to the goddess annually, in the house of the consul (or higher magistrate), by his wife or mother, with the Vestals present: θύεται δ' αὐτῇ κατ' ἐνιαυτὸν ἐν τῇ οἰκίᾳ τοῦ ὑπάτου διὰ γυναικὸς ἢ μητρὸς αὐτοῦ, τῶν Ἑστιάδων παρθένων παρουσῶν.⁵¹³ On this occasion, Cicero was in the midst of deciding how to deal with the Catilinarian conspirators, but was forced to spend the evening at the house of a neighbouring friend, while the women occupied his own for the ritual.⁵¹⁴ In 62, while he

⁵¹¹ Marco Simón 1996: 143; Linderski 2005: 224; cf. DiLuzio 2016: 51.

⁵¹² DiLuzio 2016: 44, 78.

⁵¹³ Plut. *Cic.* 19.4.

⁵¹⁴ Plut. *Cic.* 19.4–5, cf. 20.1–3. DiLuzio 2016: 232–234.

was praetor (and *pontifex maximus*), C. Julius Caesar's wife, Pompeia, hosted the proceedings that were violated by P. Clodius Pulcher. In one of his attacks on Clodius, Cicero explains that the Vestals sacrificed on behalf of the Roman people: *quod fit per virgines Vestales, fit pro populo Romano, fit in ea domo, quae est in imperio, fit incredibili caerimonia, fit ei deae, cuius ne nomen quidem viros scire fas est ...*⁵¹⁵ The sources emphasise that the magisterial status of the husband – in these cases, Cicero as consul and Caesar as praetor – was the crucial factor for the location of the rites, despite the fact that no man, including the magistrate, could be present.⁵¹⁶ In a letter to Atticus, Cicero confirms that the Vestals repeated the celebration in 62, as Clodius' presence desecrated proceedings, and the matter was referred to the Vestals and *pontifices* by a *senatus consultum*.⁵¹⁷ From these events, it is clear that the rites of the Bona Dea were a public ritual, connecting the Vestals and the higher magistrate via his wife, who held no official position, and his house – Cicero specifically comments that it was the house of a magistrate with *imperium*. It appears that religious authority was conferred not only upon this domestic setting, but also on the wives of the magistrates, further supplemented by the involvement of the Vestals, a statue of the goddess, and ritual decorations.⁵¹⁸ Importantly, however, the magistrate himself was not part of the ceremony: his wife took on this ritual duty, as well as possession of the household. In some ways, this reflects the religious activity of the priestly pairs, with both the husband and the wife upholding distinct religious obligations. What seems to make this situation different is that the wife did not – like the *flaminica Dialis* or *regina sacrorum* – have a recognised position for state religious activity: she was given the role solely on account of her husband's magistracy. Furthermore, it seems not to have mattered whether or not they were married by *confarreatio*.

⁵¹⁵ Cic. *Har. Resp.* 37.

⁵¹⁶ On magisterial status: Cass. Dio 37.45.1; Plut. *Caes.* 9.6–7; *Cic.* 28; *Schol. Bob.* 85; cf. on male prohibition: Cic. *Har. Resp.* 44; *Att.* 1.12.3; *Schol. Bob.* 89; Plut. *Quaest. Rom.* 20; *App. Sic.* 7; *B Civ.* 14; *Liv. Per.* 103.2.

⁵¹⁷ Cic. *Att.* 1.13.3; Plut. *Caes.* 10; Suet. *Iul.* 6.2.

⁵¹⁸ Plut. *Quaest. Rom.* 20. DiLuzio 2016: 212–213.

It appears, however, that this link between husband and wife was also central to the *flaminica Dialis*' religious authority. Tacitus, in a passage on the Tiberian reforms of the priesthood of the *flamen Dialis* in 23 CE, explains that the sacred functions of the *flaminica Dialis* remained under her husband's *potestas*: *Igitur tractatis religionibus placitum instituto flaminum nihil demutari: sed lata lex, qua flaminica Dialis sacrorum causa in potestate viri, cetera promisco feminarum iure ageret.*⁵¹⁹ This is somewhat surprising, given the separation of the pair's ritual program. Not only was their marriage a critical feature of their priesthood, it also seems to have conferred religious authority on the *flaminica* – similar to the rites of the Bona Dea. In both instances, the husband was also usually not present (in one case, strictly) for his wife's ritual obligations. It is highly intriguing that the *flaminica Dialis* performed her sacrifices in the *potestas* of her husband. Macrobius reports that she performed significant ritual activity on behalf of the Roman people, sacrificing a ram to Jupiter in the Regia on every market day: *ait [Granius Licinianus] enim nundinas Iovis ferias esse, si quidem flaminica omnibus nundinis in regia Iovi arietem soleat immolare.*⁵²⁰ As with her other religious duties, these were conducted *pro populo* – they were rites that were not only for the benefit of the Roman state, but also state financed.⁵²¹ Ostensibly, however, these were performed under her husband's *potestas*. Dionysius of Halicarnassus presents an explanation of this shared sacred authority, ascribing a law to Romulus that applied to a husband and wife married by *confarreatio*: ἦν δὲ τοίοςδε ὁ νόμος: γυναῖκα γαμετὴν τὴν κατὰ γάμους ἱεροῦς συνελθοῦσαν ἀνδρὶ κοινῶν ἀπάντων εἶναι χρημάτων τε καὶ ἱερῶν.⁵²² Although he seems to describe private household

⁵¹⁹ Tac. *Ann.* 4.16.3. Cf. Treggiari 1991: 23.

⁵²⁰ Macrobi. *Sat.* 1.16.30. cf. DiLuzio 2016: 28.

⁵²¹ Fest. 284L: *publica sacra, quae publico sumptu pro populo fiunt, quaeque pro montibus, pagis, curis, sacellis: at privata, quae pro singulis hominibus, familiis, gentibus fiunt.*

⁵²² Dion. Hal. *Ant. Rom.* 2.25.2.

rites, this same idea, that the husband and wife shared their possessions and their sacred rites, could apply more broadly to this priestly couple: the husband and wife mutually.

The absence of the *flamen* and *flaminica Dialis*

From this discussion, it is apparent that there was no collegial element to the religious activity of the *flamen* and *flaminica Dialis*: they did not share tasks between themselves; nor could one take over in the absence of another. It is also clear that their marriage was a crucial aspect of their priesthoods. Thus, it seems essential that both were present and capable of completing their complementary duties on behalf of the Roman state. Consequently, it is difficult to explain the absence of this pair of *flamines* for a large period during the Late Republic, between 87–11.

In 87, the serving *flamen Dialis*, L. Cornelius Merula, committed suicide in a dramatic fashion. Merula had been elected *consul suffectus* in place of the expelled L. Cornelius Cinna and was forced to abdicate at his return. Through no fault of his own – the sources are unanimous – he was placed on trial, with his consular colleague, Cn. Octavius killed in office. Faced with his own inevitable murder, Merula chose instead to remove his *apex* and let his blood spill over the altar of Jupiter (in the temple of Jupiter) in defiance of C. Marius and Cinna.⁵²³ Unintentionally, Merula became the last *flamen Dialis* until a successor was successfully appointed in 11. There was an initial attempt to replace him: after Merula's death, Caesar was nominated *flamen Dialis*, supposedly at the instigation of Marius and Cinna, and married Cinna's daughter, Cornelia.⁵²⁴ Scholarship has debated whether Caesar was in fact fully

⁵²³ App. *B Civ.* 1.65, 70, 74; Diod. Sic. 38.3; Val. Max. 9.12.5; Vell. Pat. 2.20.3, 22.2. On the consulship at this time, see Smith 2021: 32.

⁵²⁴ Vell. Pat. 2.43.1; Suet. *Iul.* 1.1–2.

installed in this priesthood and later stripped of the post or whether he was not correctly *captus* or *inauguratus*, the final two steps in the process to appoint a *flamen Dialis*.⁵²⁵ The ancient sources are inconclusive: Velleius Paterculus writes that Caesar was *flamen Dialis creatus*, while Suetonius reports *flamen Dialis destinatus*. Both authors, together with Plutarch, indicate that L. Cornelius Sulla deprived Caesar of his priesthood.⁵²⁶ On the basis of this evidence, Rüpke, following Leone, recently concluded that Caesar was probably inaugurated, but forced out of the office at Sulla's instigation. He suggests that Caesar could not technically meet the requirements of the post – marriage by *confarreatio* – given Cornelia's plebeian status,⁵²⁷ thus his *captio* was sufficient grounds to raise a legal dispute. Caesar had the right of appeal, but ultimately refused to divorce his wife.⁵²⁸ This raises the question of why he was chosen in the first instance – prior to his marriage to Cornelia, he was engaged to Cossutia, who was also plebeian; furthermore, his mother, Aurelia, was of plebeian status. Other scholars, following De Sanctis, conclude that Cornelia was a patrician,⁵²⁹ which partly explains why Caesar broke his ties with Cossutia and also enabled him to become *flamen Dialis*.⁵³⁰ There is no mention of the other candidates for the role, who would usually be turned to if the selected candidate was not suitable. Tacitus confirms that it was custom to nominate three patricians, whose parents were married by *confarreatio*, and formally select one of these three.⁵³¹ In comparative cases, such as the refusal of L. Cornelius Dolabella to take up the office of *rex sacrorum* in 180, the

⁵²⁵ Cf. Val. Max. 1.1.4–5 on others forced to resign for ritual flaws. Taylor 1941; Leone 1976. On the process: Gell. *NA* 1.12.15–17; 15.27.1; Liv. 27.8.5; 40.42.8. DiLuzio (2016: 17–18, 234–235) assumes Caesar was likely inaugurated due to the involvement of the Vestals in pleading for his pardon, which only makes sense if he was a priestly colleague. Notably, Caesar did not divorce his wife, which would dissolve his priesthood, but does flee Rome – which would have the same outcome.

⁵²⁶ Vell. Pat. 2.43.1: *amisisset id sacerdotium*; Suet. *Iul.* 1.2: *Quare et sacerdotio et uxoris dote et gentilicis hereditatibus multatus diversarum partium habebatur*; Plut. *Caes.* 1.4: ὡς δὲ ὑπὸ πλῆθους φόνων ἐν ἀρχῇ καὶ δι' ἀσχολίας ὑπὸ Σύλλα παρορώμενος οὐκ ἠγάπησεν, ἀλλὰ μετιῶν ἱερωσύνην εἰς τὸν δῆμον προῆλθεν οὕτω πάνυ μεράκιον ὄν, ταύτης μὲν ἐκπεσεῖν αὐτὸν ὑπεναντιωθεὶς Σύλλας παρεσκεύασε ...

⁵²⁷ The Corneliae Cinnae are usually considered patrician: see Brunt (1982: 8 n. 32), who suggests that legal niceties were disregarded at this time, which allowed both a patrician consul and suffect consul in 86 (Cinna's son, L. Cornelius Cinna, and L. Valerius Flaccus, cf. *MRR* 2.53).

⁵²⁸ Rüpke 2008: 734; Leone 1976.

⁵²⁹ See Linderski 2005: 228–229; Rüpke 2008: 861 on Publicia, *flaminica Martialis*, plebeian.

⁵³⁰ De Sanctis 1934: 550–551; Taylor 1941: 114–115; Ridley 2000: 215–216.

⁵³¹ Tac. *Ann.* 4.16.

second-choice candidate was inaugurated instead.⁵³² Regardless of the exact turn of events, the outcome of these circumstances was that the priesthood lay vacant, with no apparent attempts to inaugurate a replacement.

This fact features heavily in the attempts of Ser. Cornelius Lentulus Maluginensis, the *flamen Dialis* from 11 BCE to 23 CE, to serve as proconsul in Asia in 22 CE, following his suffect consulship in 10 CE. Tacitus records a speech in which Maluginensis argues that since the priesthood had been vacant for seventy-five years after the suicide of L. Cornelius Merula in 87,⁵³³ and the rites were not interrupted, his absence for twelve months on proconsular command would not cause significant disruption:

Inter quae provincia Africa Iunio Blaeso prorogata, Servius Maluginensis flamen Dialis ut Asiam sorte haberet postulavit, frustra vulgatum dictitans non licere Dialibus egredi Italia neque aliud ius suum quam Martialium Quirinaliumque flaminum: porro, si hi duxissent provincias, cur Dialibus id vetitum? Nulla de eo populi scita, non in libris caerimoniarum reperiri. Saepe pontifices Dialia sacra fecisse, si flamen valetudine aut munere publico impediretur. Quinque et septuaginta annis post Cornelii Merulae caedem, neminem suffectum neque tamen cessavisse religiones. Quod si per tot annos possit non creari nullo sacrorum damno, quanto facilius afuturum ad unius anni proconsulare imperium? Privatis olim simultatibus effectum ut a pontificibus maximis ire in provincias prohiberentur: nunc deum munere summum pontificum etiam summum hominum esse, non aemulationi, non odio aut privatis adfectionibus obnoxium.

⁵³² Liv. 40.42.8–11: P. Cloelius Siculus; this event is discussed above. cf. Linderski 1986: 2218 n. 274.

⁵³³ Cass. Dio 54.36.1. Bowersock (1990: 392–393), followed by Rüpke (2008: 638, 735 n. 1), dates Maluginensis' flamate to 14, rather than 11, on the basis of the *Codex Mediceus*, which has a seventy-two-year vacancy from Merula. M. Aemilius Lepidus was *pontifex maximus* in 14; Augustus in 11. The less years of vacancy in the *Codex* may also indicate that Caesar was inaugurated and was removed from the post at a later point. Similarly, it might be more likely that Augustus selected a new *flamen Dialis*.

*Adversus quae cum augur Lentulus aliique varie dissererent, eo decursum est ut pontificis maximi sententiam opperirentur.*⁵³⁴

Maluginensis claims that his legal duties, as *flamen Dialis*, were the same as those of the *flamen Martialis* and *Quirinalis*, who were both allowed to hold provincial commands. He also observes that the *pontifices* frequently conducted the sacred rites of Jupiter when the *flamen Dialis* himself could not, on account of illness or public business. Maluginensis seems to suggest, via this Tacitean speech, that there should be no barrier to his absence – from the perspective of ritual observance – because the *flamen Dialis* and *pontifices* could (on occasion) operate collegially. Tiberius, however, as *pontifex maximus*, disallowed this request on account of a pontifical decree:

*Et quoniam de religionibus tractabatur, dilatatum nuper responsum adversus Servium Maluginensem, flaminem Dialem, prompsit Caesar recitavitque decretum pontificum, quotiens valetudo adversa flaminem Dialem incessisset, ut pontificis maximi arbitrio plus quam binotium abesset, dum ne diebus publici sacrificii neu saepius quam bis eundem in annum; quae principe Augusto constituta satis ostendebant annuam absentiam et provinciarum administrationem Dialibus non concedi. Memorabaturque L. Metelli pontificis maximi exemplum qui Aulum Postumium flaminem attinisset. Ita sors Asiae in eum qui consularium Maluginensi proximus erat conlata.*⁵³⁵

This decree stipulated that the *flamen Dialis*, with the approval of the *pontifex maximus*, could spend time away only if it did not interfere with days marked for public sacrifice and did not occur more than twice per year. This arrangement hints that the *flamen Dialis* was still required to perform his usual rituals, and any leave must take this into account – there is no mention of the *pontifices* stepping in for him during his absence. Furthermore, the circumstances assumed

⁵³⁴ Tac. Ann. 3.58–59.

⁵³⁵ Tac. Ann. 3.71.

by the decree are significantly different to those evoked by Maluginensis, where the *pontifices* took over the *flamen Dialis*' ritual obligations in irregular and unpredictable cases of illness or other business; not in planned circumstances for the longer-term, as a general rule. Likewise, since the pontifical decree was Augustan, it could not be expected to address an abnormality within the republican system. In comparison, Tiberius draws on the example of A. Postumius Albinus, the *flamen Martialis* and consul in 242, who was prevented from taking up command in Sicily by the *pontifex maximus*, L. Caecilius Metellus, on account of his religious duties.⁵³⁶

Neither of these statements by Maluginensis and Tiberius explain exactly how the religious functions of the *flamen Dialis* were not abandoned while the priesthood lay vacant for over seventy years or, importantly, how the ritual obligations of the *flaminica Dialis* were upheld. Tiberius' response to Maluginensis' request indicates that there were still a series of religious regulations governing the priesthood in this period and that it continued to have an important role in state religion – even though the post had remained unoccupied for so long. Tacitus, via Maluginensis' speech, implies simply that the *pontifices* conducted their rites, despite this not being feasible when there was a *flamen Dialis* in office. I suggest that collegiality was employed as the solution to the problem of the absence of a *flamen Dialis*. It was not a perfect solution – it did not easily allow for the complementary ritual activity of a priestly pair, or necessarily abide by the various regulations governing the priesthood. It was, however, the most pragmatic option. The *flamen Dialis* was already linked with the pontifical college, which, as we learn from Maluginensis, took over the rites of Jupiter when necessary on various occasions. Whatever the circumstances were that prevented Caesar from continuing in this priesthood, whether it was the inability of the *pontifex maximus* to complete the *captio*, the

⁵³⁶ Liv. 37.51.1–5; *Per.* 19; Val. Max. 1.1.2. Livy references this example in comparison to the dispute in 189 between Q. Fabius Pictor, *flamen Quirinalis*, and the *pontifex maximus*, P. Licinius Crassus Dives, over Fabius' praetorship in Sardinia.

failure of the *augures* to conduct the *inauguratio*, or a removal from office on religious grounds, this likely caused a period of recalibration. In order to uphold the rites of Jupiter, it would have been natural for the *pontifices* to step in, as they already did when the *flamen Dialis* was indisposed, continuing in this fashion until a new couple was appointed.⁵³⁷ A changeover period was not uncommon: in 211, the *flamen Dialis*, C. Claudius was forced to resign after incorrectly laying the entrails during a sacrifice, but was not replaced until the *pontifex maximus*, P. Licinius Crassus Dives, selected C. Valerius Flaccus in 209 against his will.⁵³⁸ Presumably, during the intervening year, the *pontifices* also took control of their duties. Caesar was co-opted into the pontifical college in 73 and by the time that he was elected *pontifex maximus* in 63,⁵³⁹ in succession to Q. Caecilius Metellus Pius,⁵⁴⁰ the priesthood had already been vacant for over twenty years – this temporary fix may have simply become the norm. Indeed, there is no suggestion that Caesar sought to remedy this himself.⁵⁴¹ In many respects, this solution gave the non-collegial priestly pairs the benefits of collegiality, such as a pool of priests to draw from to prevent ritual disruptions.

Conclusions

⁵³⁷ There were often delays in appointing new priests, cf. after the death of the *pontifex* and *augur* T. Otacilius Crassus in 210, due to it being so close to the end of the year (Liv. 26.23.8).

⁵³⁸ Liv. 26.23.8, 27.8.4; Val. Max. 1.1.4, 6.9.3. Rüpke (2008: 937 n. 6) comments that a vacancy of 1–2 years after Flaccus' death and the inauguration of a new *flamen Dialis* in 174 was 'hardly an uncommonly lengthy period'.

⁵³⁹ Sall. *Cat.* 49.2; Cass. Dio 37.37; Vell. Pat. 2.43.1; Suet. *Iul.* 13; Plut. *Caes.* 7.1–4. M. Cornelius Cethegus also served as a *flamen* (Rüpke (2008: 633) suggests *Martialis* or *Quirinalis*; Broughton (*MRR* 1.232) suggests *Dialis*, but Plutarch also reports the abdication of Q. Sulpicius after his *apex* fell off at roughly the same time, indicating that he may have been *flamen Dialis*, cf. Plut. *Marc.* 5.4, *Num.* 7.5; Val. Max. 1.1.5; Gell. *NA* 10.15.17) and was compelled to resign after making a ritual error in roughly 223, but was later co-opted as *pontifex* in 213, see: Val. Max. 1.1.4; Plut. *Marc.* 5.3; Liv. 25.2.2, 5.2.

⁵⁴⁰ Q. Caecilius Metellus Pius may have been *pontifex maximus* for Caesar's unsuccessful flaminiate (although he may have been out of Rome when Caesar was chosen), if not his predecessor Q. Mucius Scaevola, who served until 82, cf. Rüpke 2008: 117, 734.

⁵⁴¹ Taylor (1942: 397–398) remarks that this is notable, given Caesar selected both a *flamen Quirinalis* and a *rex sacrorum* as *pontifex maximus*, but did not fill the vacant *flamen Dialis* role that he had been selected for. By 49, according to Cassius Dio, Caesar neglected to observe the customary ceremonies for appointing new priests (41.36.3). On absent priests, see also: Ridley 2005.

This chapter has explored the actions of priestly pairs, or couples, in contrast to collegial priesthoods. Notably, priestly pairs seem to perform some of their ritual duties at the same time, but in different locations. Despite their distinctive religious roles, it also appears that the *pontifices* could step in and take over their duties in their absence. I have argued that this is a pragmatic use of one of the key features of collegiality: the ability to share tasks across a group of qualified officials. It is also highly enlightening that Plutarch compares these priestly pairs to censorial colleagues: in his mind, there was a strong resemblance between the need to resign from either of these magisterial and priestly offices in the event that one of the pair died. Even though this was due to different technicalities – election *iisdem auspiciis* or marriage by *confarreatio* – and the priestly couples were not colleagues, Plutarch connected these behavioural approaches on the basis of their collaborative actions.

Priestly banquets and the *decemviri sacris faciundis*

Despite the wealth of examples for Roman priests performing their various religious duties, advising on sacral law, and co-opting new members into their *collegia*, there is little direct evidence for how decisions were reached on matters from contravening religious practice through to how a particular individual was chosen to fill a vacant priestly role. Our sources, likewise, provide only small snippets of evidence for priestly meetings. One of the main strategies for bringing most or all members of a priesthood together was at priestly banquets or *convivia*: lavish dinner parties that might celebrate an inauguration and offer the chance to cement social bonds between priests, whilst also confirming their internal hierarchy. Such banquets have received significant attention in scholarship from the perspective of their extravagant menus and high cost or to reconstruct the composition of a priestly college at a given date on the basis of the attendees. Much less has been said about the purpose of these gatherings and whether they were purely sumptuous social affairs or necessary meetings of the priesthood at which collegial business took place. Linderski suggested that priestly banquets were not official meetings, convened to pass decrees or issue responses to the Senate or magistrates (*decreta* and *responsa*); rather, they were informal gatherings in private houses to discuss, for example, theories of the augural discipline.⁵⁴² Rüpke, instead, argued that there were few or no official meeting places of priests – they met in private settings – so priesthoods did not meet exclusively to eat, advise, vote, or even sacrifice, but combined all or some of these activities. In fact, his main argument, which will be returned to later, is that the size of certain priesthoods, such as the pontifical and augural colleges, was purposeful: it made them ‘banquetable’.⁵⁴³ In the magisterial sphere, Rosillo López has recently shown how difficult it is to separate politics from normal social interactions. Her premise is that casual political

⁵⁴² Linderski 1985: 212–213; 1986: 2243. As can be seen at Cic. *Amic.* 7, *Div.* 1.90.

⁵⁴³ Rüpke 1998: 207; 2002: 51; 2012: 45, 83.

conversations that took place outside of the obvious institutional debates were highly important to the function of Roman politics, allowing men, women, and freedmen (among others) to engage with political life. In particular, she highlights dinners as “the place par excellence where conversations happened”.⁵⁴⁴ It is difficult to imagine that there would not be similar ‘business’ casually discussed at these priestly banquets as well. This section will explore how the collegiality of Roman priesthoods was expressed in these settings. It will review the social and practical aspects of priestly arrangements and investigate our evidence for priestly meetings and their subject matter, the friendship and social ties created through these meetings, and how dinners, in particular, displayed internal hierarchies.

Cenae sacerdotales

Perhaps the most well-known example of a priestly banquet is the celebration of the inauguration of L. Cornelius Lentulus Niger as *flamen Martialis*, with his wife, Publicia, the *flaminica Martialis*, in 70.⁵⁴⁵ Scholars have entered into lengthy debates over the exact date of the event and the consequences for the composition of the pontifical college, the total number of guests present and their configuration, as well as the luxurious dinner menu,⁵⁴⁶ with its implications for priestly conspicuous consumption.⁵⁴⁷ These are all valuable lines of enquiry, but to begin with, I want to focus on the status of those present and what this can illuminate about priestly interactions. Macrobius tells us that he quotes from the fourth index of the

⁵⁴⁴ Rosillo López 2021: 108.

⁵⁴⁵ On the dating of this event, see: Tansey 2000.

⁵⁴⁶ Macrobius *Sat.* 13.12.

⁵⁴⁷ E.g. Taylor 1942; Marinone 1970; Tansey 2000.

pontifex maximus, Q. Caecilius Metellus Pius,⁵⁴⁸ to illustrate the abundance of luxury, even ‘*inter gravissimas personas*’:⁵⁴⁹

Refero enim pontificis vetustissimam cenam quae scripta est in indice quarto Metelli illius pontificis maximi in haec verba:

Ante diem nonum Kalendas Septembres, quo die Lentulus flamen Martialis inauguratus est, domus ornata fuit, triclinia lectis eburneis strata fuerunt, duobus tricliniis pontifices cubuerunt, Q. Catulus, M<am>. Aemilius Lepidus, D. Silanus, C. Caesar, ... rex sacrorum, P. Scaevola sextus, Q. Cornelius, P. Volumnius, P. Albinovanus et L. Iulius Caesar augur qui eum inauguravit, in tertio triclinio Popillia Perpennia Licinia Arruntia virgines Vestales et ipsius uxor Publicia flaminica et Sempronia socrus eius.

...

*Ubi iam luxuria tunc accusaretur quando tot rebus farta fuit cena pontificum?*⁵⁵⁰

From the way in which Macrobius sets the scene, it is clear that he believes that a *cena pontificum* should be a meeting of dignified individuals who set an exemplary tone for others to take note of. Since Macrobius concentrates exclusively on *luxuria*, or excess, relating to consumption, we can assume that this dinner followed the norms of a *cena pontificum*, at least, for an inauguration – although *luxuria* may well have been one of these norms.⁵⁵¹ The dinner was probably hosted by Lentulus,⁵⁵² who used this opportunity to provide a sumptuous meal for his new colleagues to demonstrate his worth and formally integrate himself into their social network. According to Metellus Pius’ record, the attendees were spread across three dining rooms or groups of couches: two for the *pontifices*, including the *rex sacrorum*, and a third for

⁵⁴⁸ Marinone (1970) argued that this equates to Metellus Pius’ fourth year active as *pontifex maximus* in Rome, given that he was absent between 79–71 and succeeded Q. Mucius Scaevola in 81. However, Tansey (2000: 239–241) discredited this theory. The details of this occasion may have been sourced from the *commentarii pontificum*, an annual catalogue of events and collegial decisions (Rüpke 2008: 33, 36, 938 n. 2).

⁵⁴⁹ Macrobius *Sat.* 13.10.

⁵⁵⁰ Macrobius *Sat.* 13.10–11, 13.

⁵⁵¹ Berry 1994: 73; cf. Rüpke 1998: 209.

⁵⁵² Other inauguration dinners are hosted by the new priest (discussed below): Cic. *Fam.* 7.26; Varro *Rust.* 3.6.6. Tansey 2000: 253–254.

the women, including four *virgines Vestales*, the *flaminica Martialis*, Publicia, wife of Lentulus, and her mother, Sempronia. As a gesture of thanks, the augur who performed his *inauguratio*, L. Iulius Caesar,⁵⁵³ was also present among the *pontifices*. Importantly, the guest list indicates that Lentulus and Publicia entered into an extended network of priests, and their families, that was not limited to those who might act as immediate partners in their religious duties. Despite their paired priesthood, the newly inaugurated couple of the *flamen* and *flaminica Martialis* were separated at the dinner, with Publicia grouped with fellow female priestesses and her mother, who presumably held no position in public religion, but may have attended as close family or on account of her role in their marriage.⁵⁵⁴ Indeed, the invitation of L. Caesar, the augur, demonstrates that this *cena pontificum* was not restricted to members of the pontifical college and hints at this wider purpose – to define both Lentulus’ and Publicia’s place in priestly networks. Linderski emphasised the unique bond created between the augur performing the *inauguratio* and the *inauguratus*, which, according to Cicero, could come about by the new priest selecting a date and asking an augur to complete the ceremony.⁵⁵⁵ This was an honour shared by both priests, transforming the newly co-opted or captured individual into a *sacerdos*.⁵⁵⁶ In the context of this discussion, it is particularly relevant that this inauguration dinner included individuals from outside the extended pontifical college.

We have evidence of another inauguration dinner from this period in the late Republic: the inauguration of Q. Hortensius Hortalus. Varro includes a snippet of detail in his wider excursus on aviaries (*ornithones*), set as a dialogue between himself, the senator Q. Axius, and the augur Ap. Claudius Pulcher that took place in the *villa publica* during the aedilician elections for

⁵⁵³ Rüpke (2008: 121, 736) indicates that he may have been the most senior augur at this time.

⁵⁵⁴ Tansey 2000: 254; Rüpke (2008: 861 n. 6) comments that this cannot be in the capacity of housewife, as Wissowa (*RK*: 506 n. 5) suggests.

⁵⁵⁵ Cic. *Phil.* 2.110. Linderski 1986: 2219.

⁵⁵⁶ Cic. *Brut.* 1. Linderski 1986: 2225.

50.⁵⁵⁷ Varro writes that Hortensius is said to have been the first to serve peacocks, at the dinner for the new augur: *primus hos Q. Hortensius augurali adituali cena posuisse dicitur, quod potius factum tum luxuriosi quam severi boni viri laudabant*.⁵⁵⁸ Varro's account is closely followed by both Pliny and Macrobius. Pliny states that this was a priestly inauguration dinner: *pavonem cibi gratia Romae primus occidit orator Hortensius adituali cena sacerdotii*. Macrobius follows suit and refers to a *cena auguralis*, but quotes directly from Varro: *accipite et M. Varronis verba de agri cultura libro tertio, qui cum de pavonibus in villa nutriendis loqueretur, sic ait: "primus hos Q. Hortensius augurali cena posuisse dicitur, quod potius factum tum luxuriose quam severe boni viri laudabant"*.⁵⁵⁹ Although there has been some contention over the purpose of this *cena aditalis*, it seems likely that Hortensius was celebrating his inauguration as augur.⁵⁶⁰ The date of his co-optation is not confirmed; however, he was a senior member of the college by the time that he nominated Cicero as augur in 53 and he was considered one of the most experienced augurs in the college at his death in 50.⁵⁶¹ Rüpke places his co-optation at roughly same time as he was elected aedile in 75.⁵⁶² Like the banquet for Lentulus, Hortensius' dinner shows a commitment to extravagance that emphasises the importance of the event for the college as a whole: not only did this *cena* mark his entrance to the college; it was also a prime opportunity to offer new delicacies and influence Roman banquet cuisine.⁵⁶³

One of the more striking points to arise from this evidence is that the emphasis is given to the items served at the dinner rather than the *inauguratio* itself.⁵⁶⁴ In the case of Hortensius, we

⁵⁵⁷ Varro *Rust.* 3.2.1. On 50 as the dramatic date for the dialogue, see: Linderski 1985a.

⁵⁵⁸ Varro *Rust.* 3.6.6.

⁵⁵⁹ Macrobius *Sat.* 3.13.1.

⁵⁶⁰ The alternative is that the dinner was for Hortensius' inauguration as aedile.

⁵⁶¹ Cicero *Brut.* 1.

⁵⁶² Rüpke 2005: 1038.

⁵⁶³ Cf. Cicero *Fam.* 9.18: *pluris iam pavones confeci quam tu pullos columbinos* (in a letter to L. Papius Paetus, 46).

⁵⁶⁴ Rüpke 2004: 29–30.

know of his inauguration dinner purely because it stood out as a remarkable event: the first tasting of peacock. For Lentulus, it is even more notable that the record of Metellus Pius included the list of attendees, firstly, and then the complete menu of their courses, and that attending and observing this occasion seems to have been perceived as a reasonable matter for the official concern of the *pontifex maximus*. This documentation suggests that the banquet setting, with all its elaborate displays of luxury, was highly significant to collegial activity. Indeed, Rüpke claims that the first act of a newly inaugurated priest (after the *inauguratio*) was not a public ritual, but a lavish meal for a comparatively small group of colleagues.⁵⁶⁵ While this activity was clearly significant, we cannot be sure, however, that the new priest did not perform a low-profile sacrifice, for example, or dismiss the importance of the inauguration ritual itself. The layout and position of guests at these *cenae* conveyed their status and relationships with each other, whilst also encouraging them to form a close-knit group.⁵⁶⁶ For the priestly *collegia*, the inauguration banquet was the first chance for the new priest to cement him or herself within the pre-existing social hierarchy and claim a position of leadership from his colleagues, nearly all of whom would be considered superiors.⁵⁶⁷ Perhaps unsurprisingly given his culinary extravagance, Hortensius went on to hold a senior role within the augural college. For the augurs in particular, this need not be necessarily attached to his age, career progression, or years served as a priest – although these did play an important part. It is well known that, unlike the *pontifices*, the augurs were co-opted at an early stage of their careers, thus the composition of the college overall could be skewed towards relatively inexperienced men for whom the usual distinguishing characteristics of political or military honours may not be so obvious. For example, in 203, following the death of Q. Fabius Maximus Verrucosus, none of the known augurs had reached the consulship, following a string of deaths over the

⁵⁶⁵ Rüpke 2002: 47.

⁵⁶⁶ Dunbabin 2003: 36, 40.

⁵⁶⁷ Rüpke 2002: 47.

period 216–208: the longest-serving augur, Cn. Cornelius Lentulus, was of aedilician rank, and the most politically advanced was P. Aelius Paetus, who was elected praetor that same year.⁵⁶⁸ While this appears to be an extreme exceptional circumstance, it does suggest that there was a need to find alternative ways to differentiate between members of the college. These banquets perhaps not only offered that alternative, but also expressed the state of play at every meal.

These *cenae* also fostered opportunities for members of the same college to create longer-standing social ties. Plutarch provides a small detail of how swiftly this could occur in this setting. He describes an augural dinner at which Ap. Claudius Pulcher (*cos.* 143) asked Ti. Sempronius Gracchus to marry his daughter:

Ἐκεῖνος τοίνυν εὐθὺς ἐκ παίδων γενόμενος οὕτως ἦν περιβόητος ὥστε τῆς τῶν Αὐγούρων λεγομένης ἱερωσύνης ἀξιοθῆναι δι' ἀρετὴν μᾶλλον ἢ διὰ τὴν εὐγένειαν. ἐδήλωσε δὲ Ἄππιος Κλαύδιος, ἀνὴρ ὑπατικὸς καὶ τιμητικὸς καὶ προγεγραμμένος κατ' ἀξίωμα τῆς Ῥωμαίων βουλῆς καὶ πολὺ φρονήματι τοὺς καθ' αὐτὸν ὑπεραίρων. ἐστιωμένων γὰρ ἐν ταῦτῳ τῶν ἱερέων, προσαγορεύσας τὸν Τιβέριον καὶ φιλοφρονηθεὶς, αὐτὸς ἐμῶτο τῇ θυγατρὶ νυμφίον.⁵⁶⁹

This *cena* is usually interpreted as the *cena inauguralis* for Gracchus, taking place in roughly 143.⁵⁷⁰ Plutarch highlights that friendship (φιλοφρονηθεὶς) was an important element of collegial interactions: in what was probably Gracchus' first introduction to the college, Pulcher welcomed him and sought to create familial ties between the two. From Plutarch's account, it seems that Gracchus was a popular choice of husband and Pulcher used their mutual priesthood

⁵⁶⁸ Webb 2015: 29, 53. There are two unknown augurs to complete the full complement of the college: one patrician to fill the vacancy created by the death of M. Aemilius Lepidus in 216 and one plebeian to replace C. Atilius Serranus, who probably died at roughly the same time.

⁵⁶⁹ Plut. *Ti. Gracch.* 4.1.

⁵⁷⁰ Münzer 1920: 268; Rüpke 2005: 1271.

to his advantage: these *cenae* paved the way for closer bonds across the entire college.⁵⁷¹ His kindly approach, however, was probably not solely on account of his desire for a successful marriage proposal. In a letter to Ap. Claudius Pulcher (*cos.* 54) dated to 50, Cicero writes that it was essential for the augurs to remain on good terms and that, as a general rule, the college could not co-opt an augur who was an *inimicus* of any current member.⁵⁷² This leaves open the question of whether this was in part due to Roman dining culture, in which it was most common to invite friends – and not those who were an *inimicus* – for communal eating. At the least, it hints at a close structural connection between the organisation of priestly *collegia* and *cenae*, especially during the Late Republic.

It is highly likely that these affairs were not restricted to celebrating *inauguratio* – and we have evidence that they did not always go to plan, even without an innovative menu. Cicero writes to M. Fadius Gallus that he was struck down by illness after a *cena auguralis* hosted by P. Cornelius Lentulus Spinther: *in eas cum incidissem in cena augurali apud Lentulum, tanta me διάφορα adripuit ut hodie primum videatur coepisse consistere. ita ego, qui me ostreis et murenis facile abstinebam, a beta et a malva deceptus sum.*⁵⁷³ This letter is often dated to 57, when Lentulus Spinther was co-opted into the augural college.⁵⁷⁴ Cicero, however, was not co-opted until 53. To explain Cicero's presence, it seems more plausible that this was not Lentulus Spinther's *cena inauguralis*, but a regular augural dinner, *cena auguralis*, exactly as written.⁵⁷⁵ This evidence suggests that – for the augural college at least – *cenae* played a significant role in priestly interactions. Indeed, in Varro's aforementioned dialogue with Axius, he remarks on

⁵⁷¹ It is possible to plot the entire augural college on the same (extended) family tree during this period, creating a clear network of families linked via religious office (Webb 2015: 75).

⁵⁷² Cic. *Fam.* 3.10.9.

⁵⁷³ Cic. *Fam.* 7.26.

⁵⁷⁴ Cass. Dio 39.17. Shuckburgh 1908–1909; Williams 1928; cf. Rüpke 2005: 918.

⁵⁷⁵ Rüpke (2005: 918 n. 4). Shackleton Bailey (1977: 55, 373–374) dates this letter between October 46 and February 55. Wardle (2006: 323) suggests that augural banqueting was still a live custom in 46–45, citing this letter (cf. Cic. *Amic.* 7, *Div.* 1.90).

the income that could be made on selling thrush (*turdus*), given that luxurious banquets were increasingly common: *sed ad hunc bolum ut pervenias, opus erit tibi aut epulum aut triumphus alicuius, ut tunc fuit Scipionis Metelli, aut collegiorum cenae, quae nunc innumerabiles excandefaciunt annonam macelli*. Axius replies: *sed propter luxuriam, inquit, quodam modo epulum cotidianum est intra ianuas Romae*.⁵⁷⁶ The frequency of these dinners supports the notion that they were one of, if not the, principal settings for colleges to meet.

“Banquetable” *collegia*

Rüpke developed the idea of “banquetable” priesthoods to the extreme, positing that there was an inherent connection between the priestly *collegia* and *cenae*. He argued that the size of the major colleges – that is, the number of *sacerdotes* – matched perfectly with the ideal number of participants for a *cena*: they were “banquetable”.⁵⁷⁷ He included one caveat: the *decemviri* (*quindecimviri*) *sacris faciundis* did not follow this rule. Before turning to this in more detail, it is worth acknowledging the elements of a ‘perfect banquet’ further. Gellius quotes from a section of Varro’s *Menippean Satires* (*Nescis Quid Vesper Serus Vehat*)⁵⁷⁸ that describes the best number of guests and their characteristics:

Dicit autem, convivarum numerum incipere oportere a Gratiarum numero et progredi ad Musarum, id est proficisci a tribus et consistere in novem, ut, cum paucissimi convivae sunt, non pauciores sint quam tres, cum plurimi, non plures quam novem.⁵⁷⁹

⁵⁷⁶ Varro *Rust.* 3.2.16.

⁵⁷⁷ Rüpke 1998; 2002; 2012: 45; 2021: 1118–1119.

⁵⁷⁸ Gell. *NA* 13.11.1.

⁵⁷⁹ Gell. *NA* 13.11.2.

*Sermones igitur id temporis habendos censet non super rebus anxiis aut tortuosis, sed iucundos atque invitabiles et cum quadam inlecebra et voluptate utiles, ex quibus ingenium nostrum venustius fiat et amoenius.*⁵⁸⁰

For this discussion, it is important that, according to Varro, the group size should be at least three and no more than nine, with diners who conversed the right amount (not too silent or too talkative), on the right sort of topics – those that were both pleasant and profitable. Cicero confirms the latter: he writes of his own enjoyment of dining with companions, not solely for the feast itself, but for the pleasure of conversation with friends.⁵⁸¹ As noted above, Cicero similarly implies that friendship (*amicitia*) was important for members of the augural college. If we take Varro, via Gellius, at his word for the number of guests and contrast this with the size of the priestly *collegia* and the processes of enlargement in the early period of the Republic, there are significant similarities. This is the crux of Rüpke's argument.

While there is minimal consensus across the ancient authors who discuss the size of the major priestly colleges from their (mythological) inception through to the third century, the historical tradition is clear that the passing of the Ogulnian plebiscite in 300 was a distinct turning point.⁵⁸² There were originally three *sacerdotes* within both the pontifical and augural colleges, which grew to five or six in the period prior to 300, all chosen from the patricians.⁵⁸³ The Ogulnian plebiscite dramatically changed the composition of the colleges, not only granting access to the plebeians, but also enlarging their number to eight and/or nine. According to Livy, who provides our only detailed account of the event, this was achieved by adding four *pontifices* and five augurs to those currently in office so that the priesthoods totalled eight and

⁵⁸⁰ Gell. *NA*. 13.11.4.

⁵⁸¹ Cic. *Sen.* 45. Cf. Rüpke 1998: 194; Stein-Hölkeskamp 2015: 85–86.

⁵⁸² Liv. 10.6.3–9.2; Lyd. *Mag.* 1.45.

⁵⁸³ Cf. Hölkeskamp 1988: 52; Oakley 2005: 88–89; Rüpke 2011: 26.

nine members respectively.⁵⁸⁴ It is highly likely that there were in fact nine *pontifices*: these two priesthoods typically had complementary numbers and prosopographical data indicates that this was certainly the case in the late third century.⁵⁸⁵ Regardless of the finer details, which are outside the scope of this analysis,⁵⁸⁶ the size of these two priestly colleges, at this point in time, match Varro's ideal banquet size. In light of these parallels, Rüpke concluded that the Ogulnian plebiscite transformed these two *collegia* into "banquetable" institutions.⁵⁸⁷ As we have seen, *cenae sacerdotales* were highly significant to the operations of the pontifical and augural *collegia* in the late Republic, when their numbers were increased to fifteen under the reforms of Sulla, in 81.⁵⁸⁸ It is particularly striking that for these two expansions, the numbers of priests were not simply doubled, but remained an odd number, divisible by three (useful for reclining on *triclinia*), and within or close to this ideal banquet size.⁵⁸⁹ Under Rüpke's model, the arrangement of Roman dinners influenced the internal structure of these two priestly colleges.

In contrast, the *quindecimviri sacris faciundis* do not adhere to this model. Initially, there were two (*duumviri sacris faciundis*) and, in the context of the so-called *leges Liciniae Sextiae* of 367, they were increased to ten (*decemviri sacris faciundis*): half patrician, half plebeian.⁵⁹⁰ It was not until the late Republic that they mirrored the *pontifices* and augurs to form a board of fifteen (*quindecimviri sacris faciundis*), which probably also occurred under the reforms of Sulla in 81.⁵⁹¹ Rüpke emphasises the differences between the *decemviri sacris faciundis* and the pontifical and augural colleges for his conception of "banquetable" institutions. He suggests

⁵⁸⁴ Liv. 10.6.3–8.

⁵⁸⁵ Rüpke 2005: 71.

⁵⁸⁶ I have discussed this elsewhere: Webb 2015: 9–15; 2017.

⁵⁸⁷ Rüpke 1998; 2002; 2012: 45; 2021: 1118–1119.

⁵⁸⁸ Liv. *Per.* 89.

⁵⁸⁹ Dunbabin 2003: 38–39; Rüpke 1998: 207.

⁵⁹⁰ Liv. 6.37.12, 42.2.

⁵⁹¹ First attested in 51: Cic. *Fam.* 8.4.1; cf. Liv. *Per.* 89. Gillmeister 2019: 66–69.

that the discrepancy in priestly numbers between the *decemviri sacris faciundis* and the pontifical and augural colleges was ultimately the result of the priests' unique functions. The main duty for the *decemviri sacris faciundis* was the consultation of the *Sibyllini libri*. Our sources imply that the books could only be reviewed at the request of the Senate – an order had to be issued to access them – and the priesthood may have met just in these circumstances.⁵⁹² This is, at least, what Rüpke proposes: that because of the nature of their religious duties, the *decemviri sacris faciundis* did not have a rhythm of regular meetings or hold *cenae sacerdotales*.⁵⁹³ This is an important distinction that I will return to – is this an inherent difference that matters for any definition of priestly collegiality? It is worth reiterating that the *decemviri sacris faciundis* were (supposedly) expanded at a significantly earlier point in time than the other two major priestly *collegia*, and, under Rüpke's model, it was the Ogulnian plebiscite that established “banquetable” priestly institutions. While his theory neatly explains the size difference between the three institutions, and reflects the importance of *cenae* for the colleges, it also leaves some elements unconsidered. Firstly, as we have seen in Macrobius' description of the *cena pontificum* from 70, gatherings in the late Republic were not necessarily limited to a specific priesthood. For the inauguration dinner of the *flamen Martialis*, the *pontifices* were mixed with the extended pontifical college and an augur, while the women dined separately. Due to the number of guests, presumably, they were also spread across three rooms, creating physical divisions across the group. From the *ordo sacerdotum* preserved in Festus, which probably outlines the archaic hierarchy of the pontifical college at ceremonial banquets (discussed above), it is evident that this was also the norm in earlier periods, bringing their total to over nine.⁵⁹⁴ Rüpke's model does not adequately factor this into the equation, even for the period immediately following the Ogulnian plebiscite. Secondly, from this same

⁵⁹² E.g. Dion. Hal. *Ant. Rom.* 4.62.5; Liv. 5.13.5; 7.27.1; 22.9.8; 25.12.11; 34.55.3; 36.37.4; 40.19.4; 41.21.10; 42.20.2; cf. Cic. *Div.* 1.97.

⁵⁹³ Rüpke 1998: 207; 2002: 48.

⁵⁹⁴ Fest. 198–200L. Cf. Rüpke 1998: 200; 2002: 60.

evidence it is clear that not all members of the (extended) college were present at the *cena pontificum*, although we might expect them to be invited. Not least, there were the vacant positions of *flamen* and *flaminica Dialis* and at least three *pontifices* who were also absent.⁵⁹⁵ In other words, the number of individuals at these *cenae* was variable. In the late Republic, the full complement of the pontifical college could not easily dine together; likewise, in the earlier period, only the augural college would truly fit within Varro's ideal banquet size.

The *decemviri sacris faciundis*

As highlighted in Rüpke's model of "banquetable" *collegia*, the *decemviri sacris faciundis* stand out from the pontifical and augural colleges. Most striking are the differences in function, their relationship to the Senate, and organisational structure. These distinctions are equally notable in the context of the development of the college, with reforms dictating its size and composition specifically isolated from equivalent changes to the pontifical and augural colleges – it is clear that the *decemviri sacris faciundis* were considered different.⁵⁹⁶ Modern scholarship has interpreted the early form of the *duumviri sacris faciundis* in a similar fashion to, for example, the quaestors: not as a college, but as a sacred committee of advisors that was later transformed into the college at their enlargement to *decemviri sacris faciundis* under the *leges Liciniae Sextiae*. The idea that this collegial arrangement was imposed on the priests at a later stage in their existence – it was not a college from the beginning – is pervasive throughout scholarship and seems to stem from the notion that a college required more than two members, rather than any reflection on differences in their functional arrangement.⁵⁹⁷ Livy gives away

⁵⁹⁵ Tansey 2000: 247 n. 40, 248.

⁵⁹⁶ Cf. Satterfield (2014: 218) on the *leges Liciniae-Sextiae*: "The priesthood was instantly transformed from the smallest major college in Rome to the largest by far, with more than double the membership of the *pontifices* and *augures*."

⁵⁹⁷ Boyce 1938: 164 n. 19; Gillmeister 2019: 25: "a special college was founded to guard them".

very few hints at this in his description of this change; not least, he also provides no detail on how the additional eight members were selected for the role: *huius generis orationes ubi accipi videre, novam rogationem promulgant, ut pro duumviris sacris faciundis decemviri creentur ita, ut pars ex plebe, pars ex patribus fiat.*⁵⁹⁸ In fact, if we consider the late republican and early imperial source tradition on the founding of the priesthood and how the *duumviri* and *decemviri sacris faciundis* operated, there are surprisingly few changes. Dionysius of Halicarnassus writes a comparatively detailed account of the origins of the *Sibyllini libri*, which, he states, is taken from M. Terentius Varro's work on religion. In it, he explains that the king, Tarquinius Superbus, purchased the books at the recommendation of the augurs and chose two of the leading men, with the support of two public slaves, to protect them. After the expulsion of the kings, the state continued to leave them in the care of prominent men, who held the post for life and were exempt from military and civil service, with public slaves assigned to assist them when consulting the oracles.⁵⁹⁹ Dionysius' description emphasises that the creation of the priesthood was inherently connected with the procurement of the books themselves.⁶⁰⁰ Zonaras, epitomising Cassius Dio, tells a slightly different story: the books were purchased by the king and given to two senators (δύο βουλευταῖς) for safe-keeping, who, in turn, hired two men from Greece to interpret their contents as they could not understand it themselves.⁶⁰¹ Notably, both authors connect the acquisition of the books to the building of the Capitoline Temple.⁶⁰² These accounts also suggest that the functions of these first priests were remarkably

⁵⁹⁸ Liv. 6.37.12.

⁵⁹⁹ Dion. Hal. *Ant. Rom.* 4.62: Ταρκύνιος δὲ τῶν ἀστῶν ἄνδρας ἐπιφανεῖς δύο προχειρισάμενος καὶ δημοσίους αὐτοῖς θεράποντας δύο παραζεύξας ἐκείνοις ἀπέδωκε τὴν τῶν βιβλίων φυλακὴν, ὧν τὸν ἕτερον ... μετὰ δὲ τὴν ἐκβολὴν τῶν βασιλέων ἡ πόλις ἀναλαβοῦσα τὴν τῶν χρησμῶν προστασίαν ἄνδρας τε τοὺς ἐπιφανεστάτους ἀποδείκνυσιν αὐτῶν φύλακας, οἱ διὰ βίου ταύτην ἔχουσι τὴν ἐπιμέλειαν στρατειῶν ἀφειμένοι καὶ τῶν ἄλλων τῶν κατὰ πόλιν πραγματειῶν, καὶ δημοσίους αὐτοῖς παρακαθίστησιν, ὧν χωρὶς οὐκ ἐπιτρέπει τὰς ἐπισκέψεις τῶν χρησμῶν τοῖς ἀνδράσι ποιεῖσθαι. συνελόντι δ' εἰπεῖν οὐδὲν οὕτω Ῥωμαῖοι φυλάττουσιν οὐθ' ὅσιον κτῆμα οὐθ' ἱερὸν ὡς τὰ Σιβύλλεια θέσφατα. χρῶνται δ' αὐτοῖς, ὅταν ἡ βουλή ψηφίσηται, στάσεως καταλαβούσης τὴν πόλιν ἢ δυστυχίας τινὸς μεγάλης συμπεσοῦσης κατὰ πόλεμον ἢ τεράτων τινῶν καὶ φαντασμάτων μεγάλων καὶ δυσσευρέτων αὐτοῖς φανέντων, οἷα πολλάκις συνέβη. Also: Gell. *NA* 1.19; Zon. 7.11.

⁶⁰⁰ Gillmeister 2019: 25.

⁶⁰¹ Zon. 7.11.

⁶⁰² Dion. Hal. *Ant. Rom.* 4.61; Zon. 7.11.

similar to the established duties of the *duumviri* and *decemviri sacris faciundis*: guarding and consulting the *libri*.⁶⁰³ Fowler, alternatively, argues for significant differences between the *duumviri* and *decemviri sacris faciundis*. In his view, the *duumviri sacris faciundis* were temporary religious officials – similar to special commissions of the Senate – who travelled to Cumae to seek the oracle; while the *decemviri sacris faciundis* were a “permanent college of keepers”, who took charge of the (now) permanent collection of books held at the temple of Jupiter Capitolinus.⁶⁰⁴ In both Dionysius’ and Zonaras’ explanations, however, the priests had a clear religious specialisation prior to their expansion to *decemviri sacris faciundis*, and had public assistants allocated to their service from their inception. In Dionysius’ take on the development of the institution, it was apparently after the expulsion of the kings that the priests were obviously differentiated from other public officials (and allegedly prevented from conducting other public duties) – not when they became *decemviri sacris faciundis*. While Dionysius recalls a mythological past and may not present an accurate version of events,⁶⁰⁵ it is striking that some of the major characteristics we might attach to a priestly college – service for life, religious specialisation, allocation of public assistants – are present in his description of the *duumviri sacris faciundis*. For him, their collegiality seems tied to the beginning of the Republic.

One of the most conspicuous differences for *the decemviri sacris faciundis* in comparison to the pontifical and augural colleges is their inability to carry out (some of) their religious duties without senatorial authorisation: the oracular texts could not be viewed on the priests’ own initiative. It was ultimately the Senate’s decision to ask for an inspection of the *Sibyllini libri*, vote on any resolutions, and arrange the financial costs of any ceremonies, based on the

⁶⁰³ Cf. Szemler 1972: 27; Orlin 1997: 81 n. 16.

⁶⁰⁴ Fowler 1922: 259.

⁶⁰⁵ Orlin (1997: 78) comments that while the legend may not be literally true, the date is plausible, with the first recorded consultation occurring in 496 (Dion. Hal. *Ant. Rom.* 6.17.3).

reported findings.⁶⁰⁶ In light of this, modern scholarship has characterised the priesthood as an expert commission to the Senate.⁶⁰⁷ Given that the primary function of the *decemviri sacris faciundis* was to interpret the texts, Rüpke – as we have seen in his model of “banquetable” *collegia* – proposed that the priests met as a college only on these occasions.⁶⁰⁸ This is also accepted on the grounds that the *decemviri sacris faciundis* did not maintain and develop a “sacral law” similar to that of the *pontifices* and *augures*.⁶⁰⁹ On the basis that the sources (i.e. Livy, exclusively) almost always refer to the *collegium* and avoid naming specific priests, O’Brien and Vervaet concluded that the *decemviri sacris faciundis* held only collective power, not individual authority. Consequently, they suggest that the entire college must be present to consult the books, in stark contrast to the pontifical and augural colleges, which, as we have seen, often had absent members on public or personal business and were each endowed with the authority to perform individual functions.⁶¹⁰ The sources, however, do not support this claim. As Orlin rightly points out, the college consisted mainly of magistrates and senators who might likewise have public duties outside of the city – and we know very little about the processes of interpretation. It is entirely speculation as to whether all ten men deliberated over the books or whether a sub-group were appointed by the Senate or the *decemviri sacris faciundis* themselves, and how they chose to read through the text – via an index, with sections allocated to each priest, at random, or so on.⁶¹¹ In any case, it is entirely consistent with the

⁶⁰⁶ E.g. in 212, Liv. 25.12.11: *postero die senatus consultum factum est, ut decemviri de ludis Apollini reque divina facienda inspicerent. ea cum inspecta relataque ad senatum essent, censuerunt patres Apollini ludos vovendos faciendosque et, quando ludi facti essent, duodecim milia aeris praetori ad rem divinam et duas hostias maiores dandas* (cf. Santangelo 2013: 164–165). In 193, there was a significant delay in turning to the *decemviri sacris faciundis* after a series of earthquakes (Liv. 34.55.1–4; cf. Rasmussen 2003: 51; Davies 2004: 73 n. 141). On this procedure, see: Scheid 1998: 11–13.

⁶⁰⁷ Boyce 1938: 165; Gillmeister 2019: 131, 148–149; cf. Orlin 1997: 79 n. 8. The texts were burned in a fire on the Capitoline Hill in 83 and, some years later, in 78, a special commission was proposed to reconstruct their contents: FRHist. F19 Fenestella (2: 953).

⁶⁰⁸ Rüpke 1998: 207; 2002: 48; Gillmeister 2019: 130.

⁶⁰⁹ Gillmeister 2019: 65. Scheid (1998: 22) accepts that the *decemviri sacris faciundis* may have had a common ritual culture, like the other priestly *collegia*, that did not need to be written down to be implemented.

⁶¹⁰ O’Brien and Vervaet 2020: 91.

⁶¹¹ Orlin 1997: 81–82. Scheid (1998: 17) focuses on how the relevant verses were selected, rather than how the books were read: by meaning, via drawing lots, or another technique?

other major priestly *collegia* that the outcomes of their deliberations are presented as a shared decision: a reflection of the priesthood's collective religious authority.

There is an open question as to what, exactly, the *decemviri sacris faciundis* submitted in their reports to the Senate: did they simply provide instructions for expiations or was there a quotation of the oracular text that they used to reach their conclusions? Scheid develops a model for the archives of the college and, crucially, distinguishes between the verses of the Sibylline books themselves and this official report to the Senate. He argues that this *responsum* was a new document – not an extract from the *libri* – that offered the priests' interpretations and ritual prescriptions.⁶¹² As we will see, the sources do not allow for a conclusive statement on whether the Senate was given the relevant extract from the original verses as a general rule. However, the manner in which these *responsa* were transmitted and presented offers clues to the inner workings of the college.

Pro Collegio

There are hints, in certain situations, that the priesthood had some form of internal organisation. Livy often tells us that the *decemviri sacris faciundis* presented their advice to the Senate and in one case from 173, when the college was called upon after a series of prodigies, he specifies that they issued written instructions:

*ob haec prodigia libri fatales inspecti, editumque ab decemviris est, et quibus diis quibusque hostiis sacrificaretur, et ut supplicatio prodigiis expiandis fieret, alteraque, quae priore anno valetudinis populi causa vota esset, ea uti fieret feriaeque essent. itaque sacrificatum est, ut decemviri scriptum ediderant.*⁶¹³

⁶¹² Scheid 1998: 13, 16–17.

⁶¹³ Liv. 42.2.5–7.

These appear to be explicit directions for expiation that were then approved by the Senate and conducted exactly as the *decemviri sacris faciundis* advised.⁶¹⁴ The Senate could, however, choose to overlook their instructions, as they did in 144–140 during the attempts to bring the *Aqua Marcia* to the Capitol. In this case, the college offered their position via speeches in the Senate. Frontinus elaborates:

*Post annos centum viginti septem, id est anno ab urbe condita sexcentesimo octavo, Ser. Sulpicio Galba Lucio Aurelio Cotta consulibus cum Appiae Anionisque ductus vetustate quassati privatorum etiam fraudibus interciperentur, datum est a senatu negotium Marcio, qui tum praetor inter cives ius dicebat, eorum ductuum reficiendorum ac vindicandorum. Et quoniam incrementum urbis exigere videbatur ampliorem modum aquae, eidem mandatum a senatu est, ut curaret, quatenus alias aquas posset in urbem perducere ... Eo tempore decemviri, dum aliis ex causis libros Sibyllinos inspiciunt, invenisse dicuntur, non esse fas aquam Marciam seu potius Anionem – de hoc enim constantius traditur – in Capitolium perducere, deque ea re in senatu M. Lepido pro collegio verba faciente actum Appio Claudio Q. Caecilio consulibus, eandemque post annum tertium a Lucio Lentulo retractatam C. Laelio Q. Servilio consulibus, sed utroque tempore vicisse gratiam Marci Regis: atque ita in Capitolium esse aquam perductam.*⁶¹⁵

Aside from the Senate's refusal to adopt the recommendations of the *decemviri sacris faciundis*, this extract raises a number of intriguing points. In 144, the Senate employed Q. Marcius Rex, as *praetor urbanus*, to repair and construct aqueducts to guarantee the water supply for the city. The *decemviri sacris faciundis* were not explicitly asked to investigate any matters relating to these aqueducts, but rather discovered a problem while inspecting the texts on another matter. This led to a debate in the Senate in 143, which possibly remained

⁶¹⁴ Orlin 1997: 84–85.

⁶¹⁵ Frontin. *Aq.* 1.7.

unresolved as the issue was revisited three years later.⁶¹⁶ For this discussion, I will focus on this debate; specifically, the statement that M. Lepidus addressed the Senate *pro collegio*. Frontinus' text throws up two entwined issues: firstly, the identification of Lepidus; secondly, that the MSS read *pro collega*, not *pro collegio*. Recent scholarship accepts the emendation to *pro collegio* on palaeographical, grammatical, and practical grounds. This allows the identification of M. Lepidus, probably, as M. Aemilius Lepidus (*cos.* 158), who is assumed to be a *decemvir* from this passage, along with L. Cornelius Lentulus Lupus (*cos.* 156). This solution comprehensively satisfies the difficulties that arise from the reading of *pro collega*, whereby Lepidus (who is, in this case, identified as the praetor M. Aemilius Lepidus Porcina) and Lentulus are praetors and “colleagues” of the propraetor, Marcius – an unfeasible suggestion that does not reflect magisterial electoral colleges.⁶¹⁷ If we accept the reading *pro collegio*, a clear process emerges: one *decemvir* speaks in the Senate on behalf of the college, acting as an individual spokesperson. This role was not always allocated to the same *decemvir* – in 143, it was Lepidus; in 140, Lentulus, although both addressed the same issue.⁶¹⁸ In itself, this highlights that they presented a collegial position.

Unfortunately, the question of how the college decided who would speak and whether it was an official, time-restricted role remains unanswered. We might guess that the duty was shared across the college in light of the fact that two different *decemviri* spoke in the senate in different years, but this may simply reflect the availability of personnel. In comparison, according to Cicero, the *pontifex maximus* often spoke *pro collegio* (*pontificum*):

habetis in commentariis vestris C. Cassium censorem de signo Concordiae dedicando ad pontificum conlegium rettulisse, eique M. Aemilium pontificem maximum pro conlegio

⁶¹⁶ Mazurek 2004: 159–160.

⁶¹⁷ Bardt 1871: 30; North 1967: 516–533; Sumner 1973: 47–48; Morgan 1978: 41; Rodgers 1982: 174 n. 4; 2004: 165; Rüpke 2008: 515; cf. *MRR* 1.473; 3.7

⁶¹⁸ North 1967: 525–528, 533.

*respondisse, nisi eum populus Romanus nominatim praefecisset atque eius iussu faceret, non videri eam posse recte dedicari. quid? cum Licinia, virgo Vestalis summo loco nata, sanctissimo sacerdotio praedita, T. Flaminio Q. Metello consulibus aram et aediculam et pulvinar sub saxo dedicasset, nonne eam rem ex auctoritate senatus ad hoc conlegium Sex. Iulius praetor rettulit? cum P. Scaevola pontifex maximus pro conlegio respondit, “Quod in loco publico Licinia, Gai filia,” “iniussu populi dedicasset, sacrum non viderier.”*⁶¹⁹

In each of these cases, the pontifical college was asked to rule on a sacral matter by a magistrate, via a decree of the Senate – unlike the situation with the *Aqua Marcia* – and the *pontifex maximus* then conveyed the official response of the college. The established hierarchy of the pontifical college made the *pontifex maximus* the obvious candidate to communicate their findings. Whether such a role existed for the *decemviri sacris faciundis* is less discernible. This is likewise the case for magistrates. Livy reports an incident from 431, surrounding the appointment of a dictator, and explains the process followed by the tribunes of the plebs to present a unified opinion. He writes that the tribunes first conferred as a group and then announced their decision, *proque collegio pronuntiant*, supported by the consensus of the Senate, *consensum amplissimi ordinis*.⁶²⁰ Livy heavily emphasises the cohesiveness of their position as a college, but offers little detail on whether one tribune acted as a spokesperson or all were present to highlight their collective judgement.

Cicero elsewhere pushes the boundaries on speaking *pro collegio*. In *De Haruspicum Responsis*, Cicero pressures the consul, Cn. Cornelius Lentulus Marcellinus, to speak not just for himself, but also for his fellow *septemviri epulones*, and the entire *collegium pontificum*:

⁶¹⁹ Cic. *Dom.* 136.

⁶²⁰ Liv. 4.26.9: *qua voce audita occasionem oblatam rati tribuni augendae potestatis secedunt proque collegio pronuntiant placere consules senatui dicto audientes esse; si adversus consensum amplissimi ordinis ultra tendant, in vincla se duci eos iussuros.*

*Ludos minus diligenter factos pollutosque. Quos ludos? Te appello, Lentule, tui sacerdotii sunt tensae, curricula, praecentio, ludi, libationes epulaeque ludorum, vosque, pontifices, ad quos epulones Iovis optimi maximi, si quid est praetermissum aut commissum, adferunt, quorum de sententia illa eadem renovata atque instaurata celebrantur: qui sunt ludi minus diligenter facti? quando aut quo scelere polluti? Respondebis et pro te et pro collegis tuis, etiam pro pontificum collegio, nihil cuiusquam aut negligentia contemptum aut scelere esse pollutum: omnia sollemnia ac iusta ludorum, omnibus rebus observatis, summa cum caerimonia esse servata.*⁶²¹

Although this extract is highly rhetorical, it demonstrates two important points. Firstly, that Cicero considered Lentulus to have the requisite religious authority to speak on the matter – or, at least, enough to imply that he did. Secondly, that there was a connection between the *septemviri epulones* and the *pontifices* for these *ludi* – and Cicero hints that it was collegial. In asking Lentulus to speak for himself, his colleagues, and the pontifical college, Cicero links the two priesthoods in a collegial framework, even if it was not an institutional rule. We might question whether it would be similarly appropriate to ask the *flamen Dialis* to speak *pro pontificum collegio*. Indeed, the *septemviri epulones* and the *flamines* share one important feature with regard to their relationship to the pontifical college. The priesthood was introduced as *tresviri epulones* in 196 to take over the duty of performing sacrificial banquets from the *pontifices* on account of their growing religious program.⁶²² They were later increased to *septemviri epulones*, and, again, to ten by Caesar in 44.⁶²³ But as they did for the *flamines*, the *pontifices* appear to have executed the functions of the *septemviri epulones* when none of the priests were available. Cassius Dio reports that this occurred in 40, when no members of the priesthood were present, and also on many occasions afterwards.⁶²⁴ From this passage alone,

⁶²¹ Cic. *Har. Resp.* 21.

⁶²² Cic. *De or.* 3.73; Liv. 33.42.1.

⁶²³ Cass. Dio 43.51.9.

⁶²⁴ Cass. Dio 48.32.4.

however, scholarship has concluded that the *septemviri epulones* were dependent on the *collegium pontificum*, who oversaw their religious actions.⁶²⁵ There are two difficulties with this assessment: firstly, that the priesthood was created specifically to relieve the *pontifices* of these tasks; secondly, that if this were the case, we might expect the *pontifex maximus* to speak *pro collegio*, as he did for the *pontifices*, and not for a *septemvir epulonum* to speak *pro pontificum collegio*. While there was some connection between the priesthoods, the extent to which Lentulus had the capacity to speak for the *septemviri epulones* and the *collegium pontificum* in this scenario is not obvious. Cicero agitates for his audience to consider Lentulus' words as an official response of both colleges – and for this to have any weight, it must not have been entirely out of the realms of possibility that he could offer an opinion. Theoretically, Lentulus could confirm that the *collegium pontificum* had not investigated any instances of negligence from the *ludi*, as the *septemviri epulones* would have been consulted (and this was apparently not the case: a point in Cicero's favour). Under these circumstances, Lentulus' answer would apply not only to the *septemviri epulones*, but also to the *collegium pontificum*, and lend Cicero additional institutional support. While this rhetoric likely overplays the links between the two colleges, it does not take away from the fact there was an inherent loose collegiality between them: the *septemviri epulones* were a separate college – whose function originated within the *collegium pontificum* – and the *pontifices* completed their tasks when necessary, as they did with the *flamines*. On the one hand, however, this does not mean that Lentulus, as a *septemvir epulonum*, could legitimately speak *pro pontificum collegio*. On the other hand, it does emphasise that there was a collective religious authority across the priesthoods, both to ensure that their ritual duties were fulfilled and to confirm that this had been done accurately.

⁶²⁵ Wissowa *RK*: 518; Bendlin 2006; cf. Lenaghan 1969: 113–114.

Another use of the term *pro collegio* directly involves the *decemviri sacris faciundis*. A fragment of the second century CE historian, Granius Licinianus, records a decision of the Senate to read out an oracle in public:

*<Senatui, qui censebat nihil> ipsum facere nisi quod illa <s>uasisse<n>t, placuit, <id> quod numquam alias pro collegio, quid in libris fatalibus s<c>ri<ptum e>sset, palam recitare. constabat notari <c>a<r>mine Cinna se<xque> tribunis patria pulsus tranquillum otium et securitatem futuram.*⁶²⁶

Allegedly, in 87, the Senate broke with custom to publish one of the Sibylline oracles that had a significant political impact: it called for the removal of the consul, L. Cornelius Cinna and six of the tribunes in order to restore stability at Rome amid conflict between the supporters of C. Marius and L. Cornelius Sulla. Early in the year, Cinna was expelled from Rome by his colleague, Cn. Octavius, and L. Cornelius Merula was elected *consul suffectus* in his place.⁶²⁷ The surviving text of Licinianus must refer to this initial conflict between the consular colleagues – and, more generally, the disorder at Rome – although we do not know whether the publication of the oracle preceded or post-dated Cinna’s expulsion.⁶²⁸ Intriguingly, as Satterfield noted, this incident underscores a significant breakdown of religious precedent in this year, which we might also compare with the situation surrounding Merula’s later suicide as *flamen Dialis*, discussed above.⁶²⁹ The contents of the *Sibyllini libri* were closely guarded: only the priests themselves had the authority to consult the texts and the rare decision to make a public announcement highlights the extreme circumstances faced by the Senate. Satterfield, however, argues that Licinianus is incorrect in stating that this was the first time a passage from the books had been published. She maintains that the oracular text recorded by Phlegon of

⁶²⁶ Gran. Lic. 35.1. Text from the Critini edition (1981).

⁶²⁷ App. *B Civ.* 1.64.5; Liv. *Per.* 79; Vell. Pat. 2.20.3.

⁶²⁸ Satterfield 2008: 185. Parke (1988: 206) suggests that Octavius justified his actions by reading from the books on his own initiative; Mazurek (2004: 161) follows, and states that Octavius, as consul, quoted directly from the oracular texts. Cf. Breglia Pulci Doria 1983: 295–296.

⁶²⁹ Satterfield 2008: 185.

Tralles, from 125, was in fact the first example of an original verse published by the Senate.⁶³⁰

The text reads:

Ἐγεννήθη καὶ ἐπὶ Ῥώμης ἀνδρόγυνος ἄρχοντος Ἀθήνησιν Ἰάσονος, ὑπατευόντων ἐν Ῥώμῃ Μάρκου Πλα<υ>τίου Ὑψαίου καὶ Μάρκου Φουλβίου Φλάκκου. δι' ἣν αἰτίαν ἡ σύγκλητος ἐκέλευσεν τοὺς ἱερομνήμονας ἀναγῶναι τοὺς Σιβύλλης χρησμούς. καὶ ἐξηγήσαντο τοὺς χρησμούς. εἰσὶν δὲ οἱ χρησμοὶ οἷδε.⁶³¹

This extract does not state that the Senate that published the texts: instead, it reveals that the *decemviri sacris faciundis* interpreted, or prescribed religious ceremonies, ἐξηγήσαντο, on the basis of the oracles quoted by Phlegon, after the Senate requested the consultation. Keskiaho has recently stressed caution at back-dating these “oracles” of Phlegon to 125, not least because the *libri* was reconstructed following the fire on the Capitol in 83.⁶³²

Furthermore, there are other notable details within Licinianus’ account: he emphasises that the extraordinary element of the situation was not only that the verses were published, but also that the Senate spoke on behalf of the priests: *quod numquam alias pro collegio*. This is an important discrepancy. For him, it was remarkable that the Senate chose to act for the college. This is an inherently different context for the idea *pro collegio*: it does not involve a priest from the college in question acting as spokesperson, or a priest from an adjacent college, with linked ritual duties. It suggests, instead, that the decision to read out the verses was taken by an entirely different body – the Senate – who accepted the ritual interpretation of the texts. Although the Senate authorised access to the books and had the capacity to reject any sacral advice, the

⁶³⁰ Satterfield 2011: 119–122.

⁶³¹ Phlegon *Mir.* 10 = FGrHist 257 f36 iv. “During the archonship of Jason at Athens and the consulships in Rome of Marcus Plautius Hypsaesus and Marcus Fulvius Flaccus there was a hermaphrodite in Rome. Accordingly the Senate ordered the priests to consult the Sibylline books. And they expounded the oracles, which are as follows:” (translation: Brill’s New Jacoby). Cf. MacBain 1982: 129; Parke 1988: 200–201; Hansen 1996: 40, 126–129; North 2000: 102–104; Mazurek 2004: 156–157.

⁶³² FRHist. F19 Fenestella (2: 953). Keskiaho 2013: 158; Gillmeister 2019: 31.

college had direct religious authority over the words, the selection of the relevant excerpt, and their interpretation. This process is similarly made clear by Phlegon. In 87, however, there were significant political implications that arose from the consultation of the books that included the eviction of one of the serving consuls: the public recitation served to justify these actions. We might question, however, whether the original verses or the interpretation of the college was announced. It seems unlikely that the Sibylline books exactly recorded that the consul and six tribunes should be expelled in this event – and Licinianus’ account makes this clear: it was decided that the verses signified or alluded to this, *constabat notari carmine*. Ultimately, this was the message that the Senate wanted to convey. It is also unclear whether the Senate had access to the original oracular text used on this occasion. Mazurek argues that the *decemviri sacris faciundis* cited the relevant verses in their *responsum* to the Senate to explain their expiatory advice.⁶³³ Under Scheid’s model, however, the text of the oracle was secondary: it was the interpretations of the priests and the edict of the consulting magistrates that conferred divine meaning.⁶³⁴

An incident recorded in Cassius Dio, from 56, sheds further light on this matter. We have further evidence that the Senate (should have) acted on behalf of the college to publish verses or the interpretation of the *Sibyllini libri*. Allegedly, the tribune, C. Porcius Cato, compelled the *quindecimviri sacris faciundis* to translate one of the Sibylline verses into Latin to recite to the public.⁶³⁵ Dio confirms that this required a decree of the Senate:

τοῖς γὰρ Σιβυλλεῖοις ἔπεσιν ἐντυχόντες εὗρον ἐν αὐτοῖς ἐγγεγραμμένον αὐτὸ τοῦτο “ἂν ὁ τῆς Αἰγύπτου βασιλεὺς βοθηθεὶς τινὸς δεόμενος ἔλθῃ, τὴν μὲν φιλίαν οἱ μὴ ἀπαρνήσασθαι,

⁶³³ Mazurek (2004: 164) also comments that as the priests were also senators, this knowledge could be easily shared in joint discussions over the prodigy and its expiation. Note the analysis of Rasmussen (2003:173) that 7 of 31 known *decemviri* (or *quindecimviri*) between 210–44 held no magisterial office and, of those that did, 7–9 held their priesthood before serving as magistrates.

⁶³⁴ Scheid 1998: 17–18.

⁶³⁵ I assume they are *quindecimviri* at this point, although they are first attested as such in 51: Cic. *Fam.* 8.4.1.

μη μέντοι καὶ πλήθει τινὶ ἐπικουρήσητε· εἰ δὲ μή, καὶ πόνους καὶ κινδύνους ἔξετε.” καὶ
τούτου τὴν συντυχίαν τῶν ἐπῶν πρὸς τὰ τότε γινόμενα θαυμάσαντες ἀπεψηφίσαντο πάντα
τὰ περὶ αὐτοῦ ἐγνωσμένα, Γαῖω Κάτωνι πεισθέντες δημάρχῳ. ταῦτα δὲ ἐχρήσθη μὲν οὕτως,
ἐδημοσιεύθη δέ (οὐ γὰρ ἐξῆν οὐδὲν τῶν Σιβυλλείων, εἰ μὴ ἡ βουλή ψηφίσαιτο, ἐς τὸ πλῆθος
ἐξαγγέλλεσθαι) διὰ τοῦ Κάτωνος. ἐπειδὴ γὰρ τάχιστα ὁ νοῦς τῶν ἐπῶν διεθρυλήθη, ὥσπερ
εἶωθε γίνεσθαι, ἔδεισε μὴ συγκρυφθεῖη, καὶ ἔς τε τὸν ὄμιλον τοὺς ἱερέας ἐσήγαγε,
κάνταῦθα, πρὶν ὅτιοῦν τὴν γερούσιαν ἐπ’ αὐτοῖς χρηματίσαι, ἐξεβιάσατό σφας ἐκλαλῆσαι
τὸ λόγιον· ὅσῳ γὰρ τοι μᾶλλον οὐκ ἐδόκει σφίσιν ἐξεῖναι τοῦτο, . . . τὸ πλῆθος ἔσχε. καὶ
ἐκεῖνο μὲν ἔσχεν οὕτως, καὶ ἐς τὴν τῶν Λατίνων γλῶσσαν μεταγραφὴν ἀνεκηρύχθη.⁶³⁶

The oracle itself concerned Ptolemy, king of Egypt, and stated that Rome should maintain friendly relations with him, but not offer up her own troops in his bid for reinstatement.⁶³⁷ Dio specifically remarks that there was surprise at the similarity between what was written in the books and current events. It appears that the Senate requested a consultation of the books after lightning struck a statue of Jupiter, and the *quindecimviri* performed this task and reported their findings to the Senate. Before the Senate came to any resolution – but after the college had issued their interpretation – the tribune, Cato, sought to make the contents of the oracle public. This decision was outside the religious authority of the college and, according to Dio, should have followed a vote of the Senate; not the demands of a tribune. Nonetheless, the *quindecimviri*, who opposed this move, proceeded to translate the verses and recite them in public. Dio tells us that the meaning of the verses (νοῦς) often led to rumours and discussion and it was the fear that this sacral advice might be suppressed that encouraged Cato to force an announcement in public. Importantly, however, this account implies that it was not the oracular text itself that garnered attention, but the sense: the *responsum*. We might question what the

⁶³⁶ Cass. Dio 39.15.2–16.1.

⁶³⁷ Cf. Cic. *Rab. Post.* 4, *Fam.* 1.1, 4.2, 7.4.

translation of the original verses – or even their submission to the Senate – would have achieved, other than to call into question the potential interpretations and further inflame the debate. The *quindecimviri* (and their assistants, who may have performed the reading: ἀνεκηρύχθη) had significant agency over the oracular texts: they, alone, had the authority to read and decipher them – this was the priesthood’s primary purpose.⁶³⁸ If the Senate – or, in this case, a tribune – decided to make this public, it ultimately required the cooperation of the college. The alleged similarity between the chosen oracular text and the situation on the ground, again, hints that the report to the Senate was a document that primarily conveyed the meaning and the required ritual actions. It seems unlikely that Cato knew what the original verses said – he knew only their interpretation – when he requested their proclamation.

In the aftermath of this Sibylline consultation, the Senate voted not to aid Ptolemy. However, in 55, A. Gabinius, as proconsul and governor of Syria, restored Ptolemy to the throne in direct violation of this reading of the books and without a *senatus consultum*. He was backed by the consul Cn. Pompeius Magnus, who, together with his consular colleague, M. Licinius Crassus Dives, spoke in favour of this action.⁶³⁹ Dio writes that Cicero, who attacked Gabinius for his conduct, pressed for the Sibylline verses to be read again, expecting that they would reveal a suitable punishment.⁶⁴⁰ Although this narrative comes to us from Dio, not Cicero himself, the notion that the *quindecimviri* should re-consult the texts when their advice (and the subsequent decree of the Senate) was not heeded and that they would prescribe specific remedies to counter this – expiations or penalties – is intriguing. The sense of the verses was made absolutely clear with this public announcement; and, despite Cato’s concerns, the Senate also decided in favour of the college’s sacral advice. It was this process, however, that gave the oracular texts their

⁶³⁸ Keskiaho 2013: 159. Cf. North (1998: 58ff.) on the books of the *pontifices*.

⁶³⁹ App. *B Civ.* 2.24; Cass. Dio 59.55.1–3.

⁶⁴⁰ Cass. Dio 39.59.3: καὶ γὰρ ὁ Κικέρων τὰ τε ἄλλα ἰσχυρῶς ἐνήγγε, καὶ συνεβούλευέ σφισι τὰ Σιβύλλεια ἔπη αὐθις ἀναγῶναι, προσδοκῶν ἐγγεγράφθαι τινὰ ἐν αὐτοῖς τιμωρίαν ἢ τι παραβαθῆναι.

religious meaning and it was this interpretation – not the texts themselves – that Gabinius contravened.

Throughout this discussion, we have seen that the ancient sources are careful to refer to the explanations of the *decemviri sacris faciundis* when discussing the senatorial and public debates regarding the Sibylline texts. This is particularly conspicuous in Dio's description of the events in 56: although, allegedly, the *quindecimviri sacris faciundis* announced the relevant verses in public, Dio writes only of the interpretation offered by the priests and the gossip that this produced; not the composition of the verses themselves. This strongly suggests that the Senate did not receive the chosen part of the Sibylline books as part of the *responsum*. Moreover, North concluded that *pro collegio* was a well-attested technical phrase, indicating that the speaker was acting in an official capacity on behalf of the college.⁶⁴¹ This certainly seems to be the case with the two debates in the Senate over the *Aqua Marcia*. However, the term could be used more loosely. Cicero alludes to this meaning when he implies that Cn. Cornelius Lentulus Marcellinus, as *septemvir epulonum*, could speak on behalf of the *collegium pontificum*, although no official collegial position was reached. This also indicates that the opinion of an individual might be taken with his various public roles in mind: Lentulus was serving as both a consul and a priest. A single priest (or magistrate) had the religious authority to speak not only for his colleagues, but for their collective decisions. Finally, as in Granius Licinianus' text, the phrase could describe a secondary body acting – literally – on behalf of a college. The interpretation of the Sibylline books in 87 had significant political implications:

⁶⁴¹ North 1967: 526. Other uses of the term include a three-day supplication on behalf of the *decemviri sacris faciundis*, in 188, which may have been conducted by individuals other than the priests, Liv. 38.36.4 (cf. Obs. 2): *priusquam in provincias novi magistratus proficiscerentur, supplicatio triduum pro collegio decemvirorum imperata fuit in omnibus compitis, quod luce inter horam tertiam ferme et quartam tenebrae obortae fuerant*, and a record in Julius Obsequens (68) for 44, with C. Octavius arranging games to Venus Genetrix: *Ludis Veneris Genetricis, quos pro collegio fecit, stella hora undecima crinita sub septentrionis sidere exorta convertit omnium oculos*. Cf. Fest. 50L: ... *et ponebatur in sacrificio pro collegio pontificum quinto quoque anno*.

Licinianus shows that the decision to announce the words of the oracle in public was a decision made not solely on the deliberation of the *decemviri sacris faciundis*, but also that the Senate was involved.

Magistri

The organisation and oversight of the *ludi saeculares*, which were held at the instruction of the Sibylline books, were a significant, if rare, responsibility of the *decemviri sacris faciundis*. The sources are conclusive that *magistri* existed for the *quindecimviri sacris faciundis* from Augustus onwards to arrange the games, which nominally occurred every one-hundred (or one-hundred-and-ten) years.⁶⁴² Our surviving epigraphic evidence in the *Fasti Capitolini* gives two names (M'. Aemilius Numida, M. Livius Salinator) as *magistri* for the games in 236, supposedly the third iteration, and lists five of the *quindecimviri* for the fifth *ludi saeculares*, celebrated in 17.⁶⁴³ Scholarship has vigorously debated whether these *ludi* were held during the republican period or if this evidence for their existence is an Augustan fabrication. Recent scholarship has convincingly established that games were held in the republican period that were adapted and repurposed by Augustus in 17 as *ludi saeculares*.⁶⁴⁴ The question I am interested in here is if the internal structure of the college included *magistri* during the Republic. As we have seen, numerous scholars assume that the *decemviri sacris faciundis* had a flat hierarchy, which explains the (supposed) inherent differences to the pontifical and augural college; i.e. size, lack of collegial meetings, and dependence on senatorial referrals. However, there are two pieces of imperial literary evidence that also suggest that there were

⁶⁴² Dunning (2016: 47–49) argues that Augustus created a one-hundred-and-ten-year interval between the *ludi* to allow him to celebrate the games in 17, which roughly equated for the previous dates (with 348, 249, 146 reviewed as 346, 236, 126).

⁶⁴³ Imp. Caes. Divi Augustus, C. Sentius Saturninus, M. Claudius Marcellus, M. Fufius Strigo, D. Laelius Balbus.

⁶⁴⁴ Cf. Santangelo 2013: 118–120; MacRae 2016: 107–108; Satterfield 2016: 329.

republican *magistri decemvirorum*. The first is found in Tacitus, who describes the process for adding new material to the Sibylline corpus:

*Relatum inde ad patres a Quintiliano tribuno plebei de libro Sibyllae, quem Caninius Gallus quindecimvirum recipi inter ceteros eiusdem vatis et ea de re senatus consultum postulaverat. quo per discessionem facto misit litteras Caesar, modice tribunum increpans ignarum antiqui moris ob iuventam. Gallo exprobrabat quod scientiae caerimoniarumque vetus incerto auctore ante sententiam collegii, non, ut adsolet, lecto per magistros aestimatoque carmine, apud infrequentem senatum egisset. simul commonefecit, quia multa vana sub nomine celebri vulgabantur, sanxisse Augustum quem intra diem ad praetorem urbanum deferrentur neque habere privatim liceret. quod a maioribus quoque decretum erat post exustum sociali bello Capitolium, quaesitis Samo, Ilio, Erythris, per Africam etiam ac Siciliam et Italicas colonias carminibus Sibyllae, una seu plures fuere, datoque sacerdotibus negotio quantum humana ope potuissent vera discernere. igitur tunc quoque notioni quindecimvirum is liber subicitur.*⁶⁴⁵

Tacitus was himself a *quindecimvir* and celebrated the *ludi saeculares* under Domitian, in 88 CE, whilst also praetor.⁶⁴⁶ At another point in the *Annales*, he remarks on his own awareness of the workings of the college and the tradition and antiquity of his religious duties, particularly in relation to the *ludi saeculares*.⁶⁴⁷ Tacitus similarly demonstrates his awareness of long-standing procedures in this case from 32 CE, with his narrative of Tiberius heavily criticising the *quindecimvir* Caninius Gallus for his lack of understanding of institutional customs. Via Tiberius' speech, Tacitus informs us that Augustus decreed that any new texts should be

⁶⁴⁵ Tac. *Ann.* 6.12. For discussion of this passage in the context of the *Annales*, see Shannon-Henderson 2019: 220–224.

⁶⁴⁶ Cf. Liv. 25.12.8–10 on the praetor's involvement with the games.

⁶⁴⁷ Tac. *Ann.* 11.11: *Isdem consulibus ludi saeculares octingentesimo post Romam conditam, quarto et sexagesimo quam Augustus ediderat, spectati sunt. utriusque principis rationes praetermitto, satis narratas libris quibus res imperatoris Domitiani composui. nam is quoque edidit ludos saecularis iisque intentius adfui sacerdotio quindecimvirali praeditus ac tunc praetor; quod non iactantia refero sed quia collegio quindecimvirum antiquitus ea cura et magistratus potissimum exequabantur officia caerimoniarum.* Cf. Shannon-Henderson 2019: 13–15.

submitted to the urban praetor by a certain day – it was illegal to keep them privately – for the priests to assess.⁶⁴⁸ This same process was employed after the fire on the Capitol in 83, which destroyed the collection, and the *quindecimviri sacris faciundis* were enlisted with the decision as to which *carmina* were genuine.⁶⁴⁹ Here, Gallus is rebuked for not submitting his proposed prophecy to the college for the *magistri* to read and value. From Tacitus’ account, it seems that the *magistri* were specifically tasked with analysing the poems, and that the college as a whole offered an opinion in the Senate – perhaps with one of these *magistri* speaking *pro collegio*. Instead, Gallus asked the tribune, Quintilianus, to raise this matter directly in the Senate, presumably on the basis of his own, individual impression. Whether Gallus was unaware of this system, had attempted to follow it and failed, or deliberately tried to circumvent it remains unsaid: we are simply told that, in this instance too, the book was examined by the *quindecimviri*. Throughout this extract, Tacitus implies that the college continued to follow ancient traditions that had originated in the republican era: the process for adding to the Sibylline collection now was as it had been in the late Republic. Both this passage and the epigraphic evidence refer to plural *magistri* and indicate that there were at least two priests in this role during the Republic, possibly increasing to five under Augustus.

The second is in Pliny’s *Naturalis Historia*, where he records one of the other tasks carried out by the *magistri decemvirorum*. He refers to an ancient prayer formula dictated by the “*xv virum collegii magister*” at human sacrifices in the Forum Boarium that had allegedly been used since the beginning of the Republic:

⁶⁴⁸ Cf. Liv. 25.1.11–12: *ubi potentius iam esse id malum apparuit, quam ut minores per magistratus sedaretur, M. Aemilio praetori urbano negotium ab senatu datum et, ut eis religionibus populum liberaret. is et in contione senatus consultum recitavit et edixit, ut, quicumque libros vaticinios precesve aut artem sacrificandi conscriptam haberet, eos libros omnis litterasque ad se ante kal. Apriles deferret, neu quis in publico sacrove loco novo aut externo ritu sacrificaret.* (213). MacBain 1982: 39–40; North 2000: 100–102; Mazurek 2004: 157.

⁶⁴⁹ This sentence is not part of Tiberius’ speech: cf. Shannon-Henderson (2019: 223 n. 39).

*boario vero in foro Graecum Graecamque defossos aut aliarum gentium, cum quibus tum res esset, etiam nostra aetas vidit. cuius sacri precationem, qua solet praeire XVvirum collegii magister, si quis legat, profecto vim carminum fateatur, omnia ea adprobantibus DCCCXXX annorum eventibus.*⁶⁵⁰

Livy and Plutarch attest live burials in the Forum Boarium occurring in the years 228, 216, and 114/3, all connected to an instruction from the Sibylline books.⁶⁵¹ Scholarship has focused on explaining these rituals, which are considered unusual by the ancient sources, in light of military and religious disorder at Rome.⁶⁵² There is considerable detail, however, on the religious procedure surrounding these sacrifices. Eckstein remarks that in all three of these cases, the Senate authorised the consultation of the books by the *decemviri sacris faciundis* and could not have expected that human sacrifice would be recommended – but followed through on the proposal of the college, adhering to custom.⁶⁵³ It is clear that despite the curious nature of the sacrifice itself, regular expiatory procedure was followed. This supports Pliny’s remark that there was a long-standing prayer formula for the proceedings that he himself was familiar with as similar sacrifices had occurred in his own time. Indeed, he gives us this example in his digression on the power of words, telling us that sacrifices without prayers were of no effect; that consuls used fixed formulae for their prayers, with a reader dictating the words from a script to ensure consistency; and that attendants prevented disturbances that would invalidate the ritual.⁶⁵⁴ Importantly, Pliny gives attention to the age of the ritual and makes an explicit connection to the *quindecimviri sacris faciundis*. Elsewhere, however, he comments that human sacrifice was banned in 97, which confirmed for him that such rites were practised up to this date – in disagreement with his earlier statement that live burials had been seen in his

⁶⁵⁰ Plin. *HN* 28.12.

⁶⁵¹ 228: Plut. *Marc.* 3.4; 216: Liv. 22.57.26; 114: Plut. *Quaest. Rom.* 83.

⁶⁵² Cf. Fraschetti 1981: 51–115; Parke 1988: 195–196; Rasmussen 2003: 253; Prescendi 2007: 238–241; Várhelyi 2007; Champion 2017: 166–172.

⁶⁵³ Eckstein 1982: 74, 79, 81–82.

⁶⁵⁴ Plin. *HN* 28.10–11.

day.⁶⁵⁵ Despite these inconsistencies, all of the sources consider these sacrifices, which were taken on the advice of the *Sibyllini libri*, as republican events.⁶⁵⁶ Given the well-established link between the rites and the college,⁶⁵⁷ it is reasonable to take Pliny's assertion that one of the *magistri decemvirorum* recited the prayer at face value, even if he refers to the *quindecimviri sacris faciundis*, rather than *decemviri* in his text. Taken together, Tacitus and Pliny provide consistent evidence for republican *magistri*, strongly supporting the notion that this internal organisation was not an Augustan invention.⁶⁵⁸

Unfortunately, we lack further detail on how tasks were divided, as well as how *magistri* were chosen, how long they served, and what this status meant for internal college hierarchy. Our sources hint that their specific duties included organisation of the *ludi (saeculares)*, the initial assessment of new oracular texts, and the recitation of prayers ahead of rituals recommended by the *Sibyllini libri*. We perhaps might add the duty of speaking *pro collegio* in the Senate to this list. There is one further problem with how these *magistri* functioned: the position seems to have been held by two (or more) priests. Gillmeister, following the conceptual model of Rüpke, argues that it is more likely that the role of the *magister* was modelled on the *pontifex maximus* and held for life, chosen internally by the college.⁶⁵⁹ In doing so, he diverges from scholarly opinion that it was a year-long post. Although Frontinus does not explicitly refer to *magistri* in his account of the *Aqua Marcia*, it seems logical that they would be the primary candidates to address the Senate on collegial matters – as the *pontifex maximus* did. If this is the case, however, it is plausible that they did not hold the position for life: Frontinus gives us

⁶⁵⁵ Plin. *HN* 30.12: *DCLVII demum anno urbis Cn. Cornelio Lentulo P. Licinio Crasso cos. senatus consultum factum est ne homo immolaretur, palamque in tempus illud sacra prodigiosa celebrata.*

⁶⁵⁶ Eckstein 1982: 93–94 n. 59.

⁶⁵⁷ Cf. Gillmeister 2019: 94, 96.

⁶⁵⁸ *Contra* Gillmeister (2019: 65), who thinks that Tacitus and Pliny transferred the imperial organisation of the college into the Republic.

⁶⁵⁹ Gillmeister 2019: 64–65.

the names of two different *decemviri* who raised the matter in the Senate in two different years.⁶⁶⁰ However, it is similarly possible that both of these men occupied the assumed two positions for *magistri* at this point. That there were two *magistri*, however, is a further differentiation from the model of the *pontifex maximus*. A line of the *Acta Augustea* also seems to indicate that the *magistri* alternated: ISDEM CO(n)S(ulibus), ISDEM MAG(istris) XVVIR(orum) S(acris) F(aciundis) AD COLLEGIVM.⁶⁶¹ It is worth remembering that there were five *magistri* in place for the *ludi saeculares* of Augustus.⁶⁶² In context, this inscription confirms that the same consuls and the same *magistri* are referred to at this point of the text as must have been mentioned previously, and, in doing so, implies that these individuals could theoretically have been different. From this, some scholars have inferred that the *magistri*, like the consuls, served for a year.⁶⁶³ As Schnegg notes, the text also allows for a relationship between these magistrates and priests for the ritual activity of the games.⁶⁶⁴

Satterfield, writing on the early history of the college, attempts to explain why there were the two *magistri*. On the basis of the two names attached to the *ludi saeculares* of 236 in the *Fasti Capitolini*, she concluded that there were two *magistri decemvirorum* after the priesthood's expansion under the Licinian-Sextian rogations. She points out that the *decemviri sacris faciundis* were the only major priestly college to have two leaders and claims that one represented the patricians; the other, the plebeians. This feeds into her wider argument that the plebeians sought access to the priesthood for its direct links to the consulship: not only did they gain religious authority, but also political power via their expiatory advice.⁶⁶⁵ However, this model relies on two underlying assumptions: that the *magistri* were analogous to the *pontifex*

⁶⁶⁰ Cf. North 1967: 527.

⁶⁶¹ Schnegg 2020: 18 (line 29).

⁶⁶² *Fast. Cap.*

⁶⁶³ Cf. Gillmeister 2019: 64.

⁶⁶⁴ Schnegg 2020: 96.

⁶⁶⁵ Satterfield 2014: 228.

maximus in holding a permanent post; and that they were primarily representatives (one for the patricians; the other, plebeians) rather than having ritual functions. She makes the astute observation that the reforms transformed the college from the smallest (two) to the largest (ten)⁶⁶⁶ – but this probably confirms that the priest’s duties were not limited to the interpretation of the Sibylline books: the corpus had not increased in size to reflect a need for additional priests and the *duumviri sacris faciundis* were supposedly capable of handling this workload, supported by knowledgeable public slaves who must have been ritual agents themselves.⁶⁶⁷ Furthermore, as we have already seen, the *magistri* were vital for college functions and the performance of rituals – to characterise them as representatives does not accurately reflect their religious duties, nor the essential division of labour across these two leaders for completing individual tasks.

There are further hints at the differentiation of tasks within the college. We have evidence that some of the *decemviri sacris faciundis* travelled from Rome on religious business on at least three occasions during the Republic, in 217, 143, and 133.⁶⁶⁸ Livy reports that in 217 there were a series of portents that concerned the consul, who raised them in the Senate, with first-hand witnesses, for further deliberation. The Senate decreed that a number of sacrifices should be offered and asked the *decemviri* to consult the *Sibyllini libri* for additional rites. After their recommendations had been issued, the *decemviri* themselves performed a sacrifice in the forum at Ardea.⁶⁶⁹ Sadly, we do not know whether the excursion involved the whole college or a subset of it; however, the other two instances are revealing. In 143, the consul, Ap. Claudius Pulcher, provoked a war with the Salassi, a Gallic tribe, over access to water in the region.

⁶⁶⁶ Satterfield 2014: 218.

⁶⁶⁷ Like the other priestly colleges, e.g. Scheid (1998: 26) comments on the magnitude of decisions made by the *pontifices* and their *kalatores* daily.

⁶⁶⁸ Wissowa *RK*: 542; MacBain 1982: 36–38; Dillon 2013: 99–100. Julius Obsequens (40) may record a fourth instance: a sacrifice at Cimolos on the advice of the Sibylline books.

⁶⁶⁹ Liv. 22.1.19.

Claudius was sent to reconcile with the Salassi, who managed gold mines in this territory, with their neighbours, with whom, according to Strabo, they were in constant conflict. The Salassi monopolised the water supply for gold processing, restricting irrigation to the lower plains that were used for farming.⁶⁷⁰ Claudius, however, desired a triumph and fuelled this disagreement, drawing the Romans into battle with the tribe. According to Julius Obsequens, the Roman defeat at the hands of the Salassi was grounds for the Senate to refer the matter to the *decemviri sacris faciundis* to consult the Sibylline books: allegedly, expiations were necessary whenever Rome was at war with the Gauls.⁶⁷¹ However, a fragment of Cassius Dio gives extra details, stating that two of the ten priests were sent directly to Claudius: ἔπεμψαν δὲ αὐτῷ οἱ Ῥωμαῖοι ἐκ τῶν δέκα ἱερέων δύο.⁶⁷² Due to the fragmentary nature of the text, it is not clear exactly what purpose these two priests served: they might have informed Claudius of this religious matter and given him ritual instructions for the performance of the sacrifice himself; equally, the two *decemviri* may have travelled to the territory especially for conducting the ritual.⁶⁷³ In either case, it is notable that two of the *decemviri* were selected to make this expedition – two were sufficient to act as messengers of the college (and the Senate), at least; perhaps also to perform the expiation.

In 133, the *decemviri* were sent to Henna to placate the goddess Ceres. Cicero reports that various prodigies were reported in the aftermath of the death of Ti. Gracchus, thus the Senate

⁶⁷⁰ Strabo 4.6.7.

⁶⁷¹ Obs. 21.

⁶⁷² Cass. Dio 22 fr. 74.

⁶⁷³ North (1967: 534–536) assumes that the *decemviri* conducted the sacrifice, as he compares it with the case in 133, discussed next; Astin (1967: 106) claims that the *decemviri* intervened on Claudius' behalf and that the dispute about the *Aqua Marcia* was a deliberate diversion; Brennan (1996: 318) supposes that the *decemviri* went to Claudius to investigate the matter and then declared that he had neglected a religious procedure (how they managed to consult the *Sibyllini libri* under these circumstances is not clear); Driediger-Murphy (2011: 77–78) follows North and concludes that the *decemviri* made the sacrifice. On balance, I am tempted to read the two *decemviri* acting as spokesmen to alert Claudius to the problem, how the Senate had chosen to resolve it, and provide ritual instructions for the sacrifice, as the war was instigated under his auspices and his responsibilities. As discussed, the religious excursion in 133 may have involved the whole college.

invited the *decemviri sacris faciundis* to consult the Sibylline books.⁶⁷⁴ The outcome was that the priests were sent to Sicily to visit the sanctuary of Ceres. He implies that a delegation was chosen from the college for this task: *tum ex amplissimo collegio decemvirali sacerdotes populi Romani, cum esset in urbe nostra Cereris pulcherrimum et magnificentissimum templum, tamen usque Hennam profecti sunt.*⁶⁷⁵ Valerius Maximus, however, who builds on Cicero's account, writes that ten men were sent to Henna to appease the goddess: *cuius cum in urbe pulcherrimum templum haberent, Gracchano tumultu moniti Sibyllinis libris ut vetustissimam Cererem placarent, Hennam, quoniam sacra eius inde orta credebant, X viros ad eam propitiandam miserunt.*⁶⁷⁶ Like the later account of Lactantius, Valerius Maximus probably took this example directly from Cicero, suggesting that he misunderstood the earlier author's intent.⁶⁷⁷ Diodorus Siculus also references this event, but sadly offers no indication on how many men were sent; he also reports that they visited sites throughout Sicily to sacrifice not to Ceres, but to Aetnean Zeus.⁶⁷⁸ Most scholars seem unconcerned with how many of the *decemviri sacris faciundis* took this journey and concentrate on why Rome sent public priests for ritual observations overseas.⁶⁷⁹ For our purposes, however, this is an important detail. On the one hand, there are two discrepancies between this incident and the sacrifices of 143: the consul (or any higher magistrate) was not directly involved with the portents and the relevant parties were all, we assume, at Rome – there was no need for messengers to deliver instructions or information. On the other hand, the basic premise is the same for all three of these cases: prodigies were observed, the senate asked for the books to be consulted, and the *decemviri*

⁶⁷⁴ On the topic of Ti. Gracchus' death and the delegation, see: Dillon (2013), who argues that these were unconnected events. Cf. Wardle 1998.

⁶⁷⁵ Cic. *Verr.* 2.4.108.

⁶⁷⁶ Val. Max. 1.1.1. The major manuscripts read *quindecimviros*, which is usually amended, cf. Wardle 1998.

⁶⁷⁷ Lactant. *Div. Inst.* 2.4.27–29 (explicit reference to Cicero); cf. Maslakov 1984: 458–461; Dillon 2013: 90.

⁶⁷⁸ Diod. Sic. 34/35.10: Ὅτι ἡ σύγκλητος δεισιδαιμονοῦσα ἐξαπέστειλεν εἰς Σικελίαν κατὰ Σιβυλλιακὸν λόγιον. οἱ δὲ ἐπελθόντες καθ' ὅλην τὴν Σικελίαν τοὺς τῷ Αἰτναίῳ Διὶ καθιδρυμένους βωμούς, θυσιάσαντες καὶ περιφράγματα ποιήσαντες ἀβάτους ἀπεδείκνυον τοὺς τόπους πλὴν τοῖς ἔχουσι καθ' ἕκαστον πολίτευμα πατρίους θύειν θυσίας. (The delegation is inferred from *ἐξαπέστειλεν*, which usually indicates the dispatch of messengers – in this case, priests – on a mission).

⁶⁷⁹ See Wardle 1998; North 1967: 534–544; MacBain 1982: 38.

ruled that an expiation was required, which was completed. While Cicero does not tell us who exactly went to Sicily, his wording strongly suggests that some of – not all of – the priesthood attended: *ex amplissimo collegio decemvirali*, ‘from the greatest college of *decemviri*’, i.e. priests selected from this college. While Valerius Maximus states outright that there were ten men – and he could simply have interpreted it as such – this is also his way of identifying which priesthood was responsible for the sacrifices and could be read as ‘they sent *decemviri* (ten men) for this propitiation’ (*X viros ad eam propitiandam miserunt*).⁶⁸⁰ In this reading, Valerius Maximus is non-specific about how many priests were sent; just that they were from this particular college. In this respect, his account closely matches Cicero’s. If we take this interpretation together with the fragment of Cassius Dio explaining the sacrifices in 143, it is reasonable to conclude that two or more of the *decemviri sacris faciundis* went to Sicily to perform expiations, but not the entire group. This is also consistent with what we might expect from a collegial priesthood: if the entire body travelled to Sicily – perhaps for an extended time, if we take Diodorus Siculus into account – there would be no priests left at Rome to fulfil any other religious duties. For example, we know that the priesthood had numerous concerns in 143, when two of the college were sent to the consul, Claudius. In this same year, they were asked to consult the books on another (indeterminate) matter and debated arrangements for the *Aqua Marcia* in the senate.⁶⁸¹ These duties may not have overlapped, but they do highlight the range of possible ritual obligations and conclusively establish that the college must have had mechanisms for deciding who would complete which tasks. The leadership of *magistri* could have played a role here: if the priests in this position acted as spokesmen, the college may not have sent them as a pair to sacrifices outside of Rome. Alternatively, the *magistri* might have been the logical choice, as leaders of the college, to act on these affairs, leaving the remaining

⁶⁸⁰ Wardle (1998) comments that: “V.’s abbreviation of Cicero, however, gives the incorrect impression that the whole Board of Ten was sent”.

⁶⁸¹ On this chronology, see: North 1967: 536–537.

priests to speak at Rome on their behalf. These ritual assignments show that the *decemviri sacris faciundis* operated in the same way as the other priestly colleges, and, in some ways, like magisterial colleges: not only were their tasks divided across the group, but also, they ensured the completion of their religious functions at Rome and beyond.

Conclusions

From this re-evaluation, a new picture of the *decemviri sacris faciundis* emerges. While the priesthood was arranged differently to the pontifical and augural colleges, especially in terms of size, it shared a number of commonalities that do not justify its separation under Rüpke's model of "banquetable" *collegia*. Foremost, the source material does not support the claim that the college met only for the consultation of the *Sibyllini libri* and had no internal structure. From this brief outline of some of their tasks, it is clear that the college had numerous ritual duties connected to these oracular texts, including the delegation of priests outside of Rome.⁶⁸² Although modern scholarship assumes that the college met only at the request of the senate, Frontinus' account demonstrates that this misconstrues their operations. In this instance, a senatorial referral was the initial premise for the college to meet, but, evidently, it was not the only topic of conversation. In fact, the issue of the *Aqua Marcia* must have remained on the college's agenda for some time to become the subject of two senatorial debates, three years apart. In itself, this reveals collegial organisation and prerogatives beyond the will of the senate to interpret the *Sibyllini libri*.⁶⁸³ Furthermore, we have seen that the college was responsible for reciting prayers and offering ritual instructions, assessing the validity of texts for addition

⁶⁸² Cf. Mazurek 2004: 151.

⁶⁸³ *Contra* O'Brien and Vervaeke 2020 (it was also not a given that the priests were senators, cf. Rasmussen 2003: 173). Morgan (1978: 54) suggests that the *decemviri* opposed the aqueduct on practical grounds, as it might encourage further settlement on public land allocated to them. Cf. Gillmeister (2019: 131–132) on the Senate not accepting the findings in 144.

to the corpus, and organising *ludi*. It is unlikely that these ritual duties were completed entirely during meetings arranged at the bidding of the Senate, in conjunction with the consultation of the books. Indeed, although Rüpke singled out the *decemviri sacris faciundis* on this basis, he also created a broad classification to encompass all Roman priesthoods that included internal ordering by seniority in office (and/or annually-changing *magistri*); the co-optation of new members; and regular meetings, often in private spaces for dining and discussion. For him, these are key features of the institutional model of the *collegium*.⁶⁸⁴ The *decemviri sacris faciundis* meet these criteria.

⁶⁸⁴ Rüpke 2011: 34.

The *de domo sua*, priestly presence, and customs

The evidence found in Cicero's speeches *de domo sua* and *de haruspicum responsis* has formed the backdrop to a number of the arguments presented throughout this discussion of Roman priests and collegiality. In this section, I will explore the *de domo sua* in greater detail as evidence for the operations of the pontifical college and to comment on how we might define religious authority and levels of expertise within a priestly *collegium*. I will examine how religious and political authority was granted by the presence of a priest, with particular reference to Cicero's correspondence from the 50s. Finally, I will consider two governing principles of the augural college, according to Cicero: *amicitia* between colleagues and seniority in internal debates.

The *de domo sua*

In 58, the tribune, P. Clodius Pulcher, brought about M. Tullius Cicero's exile and seized his property on behalf of the *res publica*, dedicating part of his house to the goddess Libertas. Upon his return in early September 57, Cicero delivered a series of speeches to the Senate, the people, and the pontifical college aimed at reclaiming and rebuilding his house,⁶⁸⁵ which had been dismantled and burnt, with one area given over to the divinity. In *de domo sua*, addressed to the *pontifices* on the 29th September 57,⁶⁸⁶ Cicero successfully argued against the validity of the dedication of the temple to Libertas and, after the case was argued in the Senate, his home was deconsecrated. Although the speech is highly rhetorical, three major themes that are especially relevant to this investigation are vital to Cicero's argument: the notion of priestly agency, the authority of a priestly college versus an individual priest, and the relevance of

⁶⁸⁵ *Post Reditum in Senatu; Post Reditum ad Quirites; de domo sua; de haruspicum responsis.*

⁶⁸⁶ Cic. Att. 4.2.2.

expertise and seniority within the priesthood. The speech – and the situation more generally – has been examined as evidence of religious and legal practice in the late Republic. In a landmark study that draws on how Cicero presents religious prerogatives in *de domo sua*, Santangelo developed a concept of priestly *auctoritas* – derived entirely from an individual’s status as a priest – as separate from one’s personal prestige. He argues that Cicero builds his defence, in part, on the ability to further differentiate between members of the college based on this specific *auctoritas*; that is, their seniority or the number of years served as a priest.⁶⁸⁷ Throughout the speech, however, Cicero contrasts this individual expertise with the collective authority of the *collegium*. Ultimately, it is this shared decision of the priestly college and the favourable vote of the Senate on the legal matters at stake that results in the return of Cicero’s property to him.

In a letter to Atticus from October 57, Cicero writes that he delivered a speech (*de domo sua*) about his house before the *pontifices* on the 29th September, *diximus apud pontifices prid. Kal. Oct.*, and offers rare evidence for the timeframe of this process.⁶⁸⁸ Not long after his speech, the *pontifices* issued a decree that Cicero believed was in his favour: *cum pontifices decreissent ita, ‘si neque populi iussu neque plebis scitu is qui se dedicasse diceret nominatim ei rei praefectus esset neque populi iussu aut plebis scitu id facere iussus esset.’*⁶⁸⁹ On the 1st October – after Clodius had immediately claimed that the decree supported his dedication of the temple in a *contio* arranged by his brother Ap. Claudius Pulcher, one of the current praetors – there was a meeting of the Senate, with all *pontifices* who were senators summoned to attend: *adhibentur omnes pontifices qui erant senatores.*⁶⁹⁰ M. Terentius Varro Lucullus (*cos.* 73) spoke for all of his colleagues that the pontifical college had judged on the religious matters in

⁶⁸⁷ Santangelo 2013a: 745, 748–749.

⁶⁸⁸ Cic. *Att.* 4.2.2.

⁶⁸⁹ Cic. *Att.* 4.2.3.

⁶⁹⁰ Cic. *Att.* 4.2.4.

question; the legal matters would be decided by the Senate: *tum M. Lucullus de omnium collegarum sententia respondit religionis iudices pontifices fuisse, legis <es>se senatum; se et collegas suos de religione statuisset, in senatu de lege statu<ur>os cum senatu.*⁶⁹¹ After lengthy debates, the senatorial consensus was that Cicero's house should be restored and a contract to repair the property was granted. On the following day, a *senatus consultum* to this effect was passed, work began on demolishing Clodius' portico, and the consuls valued Cicero's buildings for rebuilding.⁶⁹² The practical elements of this debate, as described by Cicero, provide significant insights into the intricacies of priestly decisions and their announcement. It seems that the college deliberated on the matter and issued a *responsum* within a day of Cicero's speech, allowing time for Clodius' to speak *in contionem* before the meeting of the Senate two days later.⁶⁹³ Their broad decision, however, was that there would be no religious obstacles to the restoration of Cicero's house. We can add to these details who, exactly, was involved in this process.

In *de haruspicum responsis*, which was addressed to the Senate in 56, Cicero provides us with a complete list of the priests that ruled on his house months earlier and were presumably the audience for his speech *de domo sua*:

At vero meam domum P. Lentulus consul et pontifex, P. Servilius, M. Lucullus, Q. Metellus, M'. Glabrio, M. Messalla, L. Lentulus flamen Martialis, P. Galba, Q. Metellus Scipio, C. Fannius, M. Lepidus, L. Claudius rex sacrorum, M. Scaurus, M. Crassus, C. Curio, Sex. Caesar flamen Quirinalis, Q. Cornelius, P. Albinovanus, Q. Terentius, pontifices minores,

⁶⁹¹ Cic. *Att.* 4.2.4.

⁶⁹² Cic. *Att.* 4.2.5. Cicero sends an earlier letter to Atticus on approximately 10th September, before the *pontifices* came to a decision, indicating that if the college ruled in his favour the consuls would value the cost of the building – as they do – and if not, they would demolish Clodius' portico and let a contract for a new temple, estimating the cost of the whole site and house: *nos tacemus, et eo magis quod de domo nostra nihil adhuc pontifices responderant. qui si sustulerint religionem, aream praeclaram habemus, superficiem consules ex senatus consulto aestimabunt; sin aliter, demolientur, suo nomine locabunt, rem totam aestimabunt* (Cic. *Att.* 4.1.7).

⁶⁹³ Cf. Tatum 1993: 322; Stroh 2004: 327.

*causa cognita, duobus locis dicta, maxima frequentia amplissimorum ac sapientissimorum civium astante, omni religione una mente omnes liberauerunt.*⁶⁹⁴

Cicero tells us that the meetings about his house had the highest attendance in the history of the college, surpassing even the deliberations over the trials of the Vestal Virgins.⁶⁹⁵ There are two conspicuous absences from this list: the *pontifex maximus*, C. Iulius Caesar, who was in Gaul, and L. Pinarius Natta, the *pontifex* who was responsible for assisting Clodius with the dedication of the temple to Libertas. There were also notable attendees: the *flamines Martialis* and *Quirinalis*, the *rex sacrorum*, and three *pontifices minores* are included in the unanimous decision (*una mente*) to absolve the religious impediments against restoring Cicero's house.⁶⁹⁶ This presents an interesting dilemma: the full complement of the college, except the two *pontifices* who might have the most personal knowledge relevant to the decision-making process, was present: Natta had direct involvement with the issues at hand – and may have been encouraged not to attend for this reason, removing him from listening to Cicero's personal attacks first-hand. Likewise, Caesar, who approved Clodius' adoption into a plebeian family that allowed him to run for election to the tribunate.⁶⁹⁷ Notably, only the *pontifices* who were senators were called to the senatorial debate, not the entire *collegium*. Lucullus – probably the second most senior *pontifex* to P. Servilius Vatia Isauricus (*cos.* 79) – acted as spokesman on behalf of all of his colleagues, likely due to the absence of Caesar. In his speeches, Cicero emphasises the expertise of these two *pontifices*, Isauricus and Lucullus, clearly marking them

⁶⁹⁴ Cic. *Har. Resp.* 12. Rüpke (2008: 125–126) constructs the college, in order of seniority, as: C. Iulius Caesar (*pontifex maximus*), P. Servilius Vatia Isauricus, M. Terentius Varro Lucullus, Q. Caecilius Metellus Creticus, M^o. Acilius Glabrio, M. Valerius Messalla, P. Sulpicius Galba, Q. Caecilius Metellus Pius Scipio Nasica, C. Fannius, M. Aemilius Lepidus, P. Cornelius Lentulus Spinther, M. Aemilius Scaurus, M. Licinius Crassus, C. Scribonius Curio, L. Pinarius Natta. Cf. Taylor 1942: 389–391; Bergemann 1992: 25–35.

⁶⁹⁵ Cic. *Har. Resp.* 13: *Nego umquam post sacra constituta, quorum eadem est antiquitas, quae ipsius urbis, ulla de re, ne de capite quidem virginum Vestalium tam frequens collegium iudicasse* and *tamen sic reperietis frequentiores pontifices de mea domo quam unquam de caerimoniis virginum iudicasse*. In this case, *frequentia* may refer to a significant percentage of the college, to account for the fact that college was enlarged by L. Cornelius Sulla in 81 (*Liv. Per.* 89), after the famous trials of the Vestals in 114 (*Macrob. Sat.* 1.10.5), so it would not be possible for strictly more in number to attend, cf. OLD '*frequentia*' 3.

⁶⁹⁶ Cicero (*Dom.* 127) references the *rex sacrorum*, L. Claudius, as a relinquished family member of Clodius.

⁶⁹⁷ Stroh 2004: 323, 348–349; Rüpke 2019: 300.

out as the voices of authority within the *collegium*.⁶⁹⁸ Although seven of the *pontifices* were *consulares*,⁶⁹⁹ a small number of them would have been excluded from the senatorial debate. Natta, who was the most junior member of the college and only recently co-opted,⁷⁰⁰ was certainly not present as he had not held any political office; M. Licinius Crassus and M. Aemilius Lepidus had probably not entered the Senate at this point. Similarly, the *flamen Quirinalis*, Sex. Iulius Caesar, and the *pontifices minores* were likely not in attendance as non-senators.⁷⁰¹

As Linderski argues, the Senate meeting was primarily aimed at resolving the legal issues at stake: the college had already determined that if the dedication had not been commissioned in name by an order of the people or the plebs, it was invalid in pontifical law.⁷⁰² The pontifical decree itself was conditional and left the final decision in the hands of the Senate – this allowed both Cicero and Clodius to claim afterwards that the pontifical college had ruled in their favour.⁷⁰³ As Rüpke points out, Cicero’s intention was exactly to ensure that the debate in the Senate focused on the “*ius publicum*”, not *religio*.⁷⁰⁴ Furthermore, the *pontifices* who were present in the Senate entered into these deliberations as senators, not (foremost) as priests.⁷⁰⁵ Indeed, Cicero reiterates that the debate centred on the consequences of the judgement of the college – not the judgement itself – and involved those who had held the highest magistracies:

⁶⁹⁸ Cic. *Har. Resp.* 12: *quae tanta religio est, qua non in nostris dubitationibus atque in maximis superstitionibus unius P. Servilii aut M. Luculli responso ac verbo liberemur?*; *Dom.* 132: *an tu auderes quaerere ex P. Servilio aut ex M. Lucullo, quorum ego consilio atque auctoritate rem publicam consul ex vestris manibus ac faucibus eripui, quibusnam verbis aut quo ritu ...*. Cf. Taylor 1942: 394. Note also Cic. *Sen.* 64 on age being the main qualifier for precedence in debate within the augural college, even over those holding *imperium*.

⁶⁹⁹ Nisbet 1939: 65; Taylor 1942: 390, 393.

⁷⁰⁰ Cic. *Dom.* 118: *sin autem scientia est quaesita, quis erat minus peritus quam is, qui paucis illis diebus in collegium venerat?*

⁷⁰¹ Nisbet (1939: 65) suggests that at least twelve of the nineteen men named were senators.

⁷⁰² Linderski 1985: 216–217; cf. Tatum 1993: 321 n. 11.

⁷⁰³ Cic. *Att.* 4.2.3. Tatum 1993: 322; Stroh 2004: 330–331.

⁷⁰⁴ Cic. *Dom.* 127, 136. Rüpke 2019: 298, 303–304, 311; cf. Stroh 2004: 323–327, 341, 348.

⁷⁰⁵ Linderski 1986: 2161–2162; Gildenhard 2011: 306–308; cf. Tatum 1993: 327–328, 342.

*Postero die frequentissimus senatus, te consule designato, Lentule, sententiae principe, P. Lentulo et Q. Metello consulibus referentibus statuit, cum omnes pontifices, qui erant huius ordinis, adessent, cumque alii, qui honoribus populi Romani antecedebant, multa de collegii iudicio verba fecissent omnesque iidem scribendo adessent, domum meam iudicio pontificum religione liberatam videri.*⁷⁰⁶

If it was the standard procedure that only priests who were members of the Senate could represent the college in Senate meetings, this illuminates an intriguing aspect of the collegial relationship to the Senate. The younger and less experienced members of the college did not take part in the complete process, from internal discussion to questions in the Senate, and could not speak on behalf of their colleagues in senatorial meetings: that ability rested entirely on the shoulders of the most senior priests, who likely also had more credibility in the Senate (when the *pontifex maximus* was not present to do so himself). Linderski argues that this was indeed the situation for the augurs, in the sense that only augurs who were senators could assist at Senate meetings; likewise, only augurs who were serving in the military could be present at military operations.⁷⁰⁷ This creates a strong distinction within the *collegium* between those who were senators and those who were not, emphasising the relevance of one *pontifex* speaking *pro collegio* or *de omnium collegarum sententia* – in this case, as must have been the case on many occasions, the whole college could not be present.

Cicero highlights another detail of pontifical authority in *de haruspicum responsis*: that the decision of three *pontifices* was binding. To emphasise the number of priests adjudicating on his house, immediately before his record of the priests, he writes: *quod tres pontifices statuissent, id semper populo Romano, semper senatui, semper ipsis dis immortalibus satis*

⁷⁰⁶ Cic. *Har. Resp.* 13.

⁷⁰⁷ Linderski 1986: 2198.

*sanctum, satis augustum, satis religiosum esse visum est.*⁷⁰⁸ We might compare this with Cicero's assertion, in a letter to Atticus from October 54, that three augurs were necessary to pass a curiate law: *si essent ipsi consules facti, nisi tris augures dedissent qui se adfuisse dicerent cum lex curiata ferretur quae lata non esset.*⁷⁰⁹ Cicero's aim, in the first instance, is to demonstrate that he had the backing of the whole *collegium pontificum* (minus Caesar and Natta), although he technically required only three of the fifteen *pontifices* to be present. In both cases, however, he implies that three priests were sufficient to meet quorum for a vote of each college.⁷¹⁰ This is an important point: even if the vast majority of the college was absent, collegial decisions could still be taken. Linderski stresses that the opinion of three priests was not the only defining factor: the college had to be convened to discuss the matter – the word of three priests alone did not constitute a *responsum* of the college.⁷¹¹ Given the increased size of the colleges in the late Republic, it seems likely that most meetings would easily reach this number, even if some priests were unavailable on political, military, or personal business. We might question, however, whether the level of expertise of each individual priest factored into the overall religious authority of the college, especially given that a collegial meeting seemingly required only three members. For example, did a meeting of the more junior members of the college carry the same weight; and, if none of them were senators or politically advanced, did this pose difficulties for conveying and explaining their findings in the Senate? While this may be an entirely theoretical problem, it is worth considering the composition of the augural college in 203, after the death of Q. Fabius Maximus Verrucosus (*cos.* 223, 228, 215, 214, 209). Although two of the nine members of the college are unknown, none of the probable augurs were yet *consulares*: the most senior augur was Cn. Cornelius Lentulus (*cos.*

⁷⁰⁸ Cic. *Har. Resp.* 12. Bergemann 1992: 43-44.

⁷⁰⁹ Cic. *Att.* 4.17.2. Cf. Linderski 1986: 2193; Vervaeke 2014: 333.

⁷¹⁰ Perhaps in light of the historical tradition that there were originally three augurs: Liv. 10.6.6-8. Cf. Oakley 2005: 88-89.

⁷¹¹ Linderski 1986: 2154 n. 25, 2162 n. 43.

201), curule aedile in 205, and P. Aelius Paetus (*cos.* 201) had held the highest political post, as praetor in 203.⁷¹² Collegial decisions were no doubt made with an (apparently) ‘inexperienced’ group of priests and only a few of them may have had the requisite rank to speak for the college in the Senate and be present for senatorial debates. While the circumstances were markedly different for the decision on Cicero’s house – not least because the *collegia pontificum* and *augurum* had been expanded to fifteen by L. Cornelius Sulla in 81⁷¹³ – Cicero goes to considerable lengths to highlight the differences in political standing and religious authority for individual *pontifices* throughout the speeches.

Cicero acknowledges the fine line he treads throughout *de domo sua* in lecturing the pontifical college about matters of religion:

*Quid est enim aut tam adrogans quam de religione, de rebus divinis, caerimoniis, sacris pontificum collegium docere conari aut tam stultum quam, si quis quid in vestris libris invenerit, id narrare vobis aut tam curiosum quam ea scire velle, de quibus maiores nostri vos solos et consuli et scire voluerunt?*⁷¹⁴

Thus, although the speech is highly rhetorical, because his audience was the pontifical college – and the ruling of the college was crucial to his case – Cicero cannot have presented any highly contentious claims that misrepresented their operations and internal structures.⁷¹⁵ This makes some of the criticisms that he levels at Clodius all the more remarkable. In particular, throughout the speech, Cicero creates a conflict between the most junior member of the college – Natta – and the more senior *pontifices* present, who Cicero presents as being strongly in his favour, and even calls into question the decisions of the absent Caesar as *pontifex maximus*.⁷¹⁶

⁷¹² Webb 2015: 53.

⁷¹³ Liv. *Per.* 89: *pontificum augurumque collegium ampliavit ut essent XV.*

⁷¹⁴ Cic. *Dom.* 33.

⁷¹⁵ Cic. *Dom.* 100: *sed hic meus reditus, pontifices, vestro iudicio continetur.* Cf. North 1998: 47; Rüpke 2019: 305.

⁷¹⁶ On adoption: Cic. *Dom.* 34–38. Stroh 2004: 348–350.

Although we do not know what Natta's personal position was – he was placed in the unenviable position of having to support Clodius' actions, as his brother-in-law,⁷¹⁷ against the remainder of the priestly college that he had just been elected and co-opted into – Cicero directs his grievances towards Natta, emphasising his inexperience as a priest and his young age. In doing so, he challenges the religious authority of one *pontifex*. As Santangelo astutely comments, Cicero must carefully undermine Natta's competence and isolate his religious actions from the broad authority of the college as a whole and any involvement of the same priests that the speech is addressed to. Although a dedication was performed by a single priest, Cicero claims that it mattered a great deal which priest recited the formula.⁷¹⁸ He goes so far as to suggest that Clodius should have enlisted the support of the entire college to perform the dedication, at odds with the notion that an individual *pontifex* could not only act on his own, but also speak for his colleagues:

*Pontifex, inquit, adfuit. Non te pudet, cum apud pontifices res agatur, pontificem dicere et non collegium pontificum adfuisse, praesertim cum tribunus plebis vel denuntiare potueris vel etiam cogere? Esto: collegium non adhibuisti. Quid? de collegio quis tandem adfuit? 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 vetustas facit.*⁷¹⁹

Cicero is forced to admit that knowledge (*scientia*) has been obtained by them all, but argues that more expertise (*peritus*) was held by those who were older. In other words, Cicero draws on the established systems of differentiation within priestly colleges that were partly based on seniority – years served within the college – to demonstrate that Natta had the least skill. Furthermore, it was this lack of experience that allegedly required him to have the support of

⁷¹⁷ Cic. *Dom.* 118.

⁷¹⁸ Santangelo 2013a: 748.

⁷¹⁹ Cic. *Dom.* 117.

his priestly colleagues. Cicero explains that, given the numerous members of the pontifical college, the complete absence of the *rex sacrorum*, any of the *flamines*, and the *pontifices* was notable:

*Qua re quis est qui existimare possit huic novo pontifici, primam hanc post sacerdotium initum religionem instituenti vocemque mittenti, non et linguam obmutuisse et manum obtorpuisse et mentem debilitatam metu concidisse, praesertim cum ex collegio tanto non regem, non flaminem, non pontificem videret fierique particeps invitus alieni sceleris cogeretur et gravissimas poenas adfinitatis impurissimae sustineret?*⁷²⁰

Here, Cicero suggests that the college operated under a mentorship arrangement, whereby new *pontifices* were assisted by their seniors to carry out their priestly duties. In emphasising that Natta conducted this ritual without any other priestly aid, Cicero suggests that he operated outside the boundaries of customary priestly behaviour – but is also at risk of accusing the college of not adequately training or supporting its newest priest.⁷²¹

Although Cicero suggests that Clodius' choice of a novice priest demonstrated the lack of religious support behind the dedication,⁷²² Stroh rightly pointed out that it was entirely natural that Clodius asked the *pontifex* he was closest to personally to perform the rite. Indeed, Cicero himself employs the idea of drawing on personal relationships for such ceremonies, with the rhetorical allegations that since Clodius had many close friends in the college, there was no need for him to rely on a young man who had not earned the honours of the Roman people, who had also not accrued sufficient ritual knowledge in his short time as a *pontifex*:

⁷²⁰ Cic. *Dom.* 135.

⁷²¹ Cf. North (1998: 52) for the notion that Natta should have learnt correct ritual process from the priestly records.

⁷²² Cic. *Dom.* 118. Followed by Tatum 1993: 320.

*Hanc tu igitur dedicationem appellas, ad quam non collegium, non honoribus populi Romani ornatum pontificem, non denique adolescentem quemquam scientem, cum haberes in collegio familiarissimos, adhibere potuisti?*⁷²³

Furthermore, while Cicero does not state outright that Natta made a ritual error in his dedication,⁷²⁴ he plants the seeds of doubt, on the basis that none of his colleagues witnessed the ceremony. Cicero purposefully mystifies the issue by accusing Natta of acting without colleagues, books, or mentorship: *sine collegia, sine libris, sine auctore*.⁷²⁵ In both of these statements, Cicero insinuates that priestly authority rested not only on years in priestly office, but also magisterial experience, and that there were other means that Natta could have relied on to generate authority: the presence of his colleagues and the obvious use of the priestly books. Cicero paints a picture whereby the collective presence of the *collegium* was a significant facet of religious authority.⁷²⁶

Throughout *de domo sua*, Cicero attempts to emphasise the collective authority of the *collegium* and minimise the individual agency of a single *pontifex*. He contends that collegial decisions had more weight than individual actions, even if the ritual would usually be conducted by one priest: the absence of any colleagues exposed a lack of support for the ceremony in itself. However, Cicero himself acknowledges that there was no formal requirement for the whole college to be involved in any ritual activity and that a smaller convention of priests maintained sufficient authority for making collective decisions.⁷²⁷ In this instance, neither Caesar, as *pontifex maximus*, nor Natta, the *pontifex* who carried out the dedication, was present for Cicero's speech or the senatorial debate, without affecting the

⁷²³ Cic. *Dom.* 118.

⁷²⁴ Patzelt 2019: 275–276; Rüpke 2019: 301; cf. Stroh 2004: 366 on Cic. *Dom.* 140.

⁷²⁵ Cic. *Dom.* 139. Stroh 2004: 334, 340; Santangelo 2013a: 747.

⁷²⁶ Cf. North 1998: 47.

⁷²⁷ Cf. Bergemann 1992: 43–44.

legitimacy of the college's ruling. This is despite the fact that Cicero pointedly asked for the *pontifices* to consider these two colleagues' actions. While Stroh highlights the potential for collusion between the Senate and the college – largely on account of the substantial overlap of *pontifices* who were senators – it is worth stressing that there was clear differentiation between the two institutions.⁷²⁸ As Thomas convincingly argues, Lucullus' speech in the Senate illustrates the separation of pontifical and senatorial authority – the religious elements of the matter were expressly not up for discussion.⁷²⁹ Goldenhard also emphasises that while this case is an example of institutional collaboration, there was a high degree of operational autonomy. He comments on the dual identity of the *pontifices*, who were not only religious experts, but also citizens and often senators, and performed highly differentiated roles: they did not enter into senatorial debates as *pontifices*, per se, or as senators when convening as *pontifices*, but acted according to the demands and requirements of the specific institution that was gathered.⁷³⁰ This is made most evident by the fact that only *pontifices* who were senators could take part in the senatorial debate. This distinction between senatorial and non-senatorial priests is also informative for internal hierarchy. Santangelo argues that it provided the possibility of further grading members of the *collegium* by their *auctoritas*, which depended more generally, as Cicero articulates, on their political experience.⁷³¹ MacRae goes so far as to suggest that the college's overall authority depended on the social standing of its members.⁷³² This claim, however, minimises the importance of the collective authority generated by the college, whose decisions gained additional legitimacy by the mutual consensus and skill of the priests themselves, not just their societal status.

⁷²⁸ Stroh 2004: 342.

⁷²⁹ Thomas 2005: 131–132.

⁷³⁰ Goldenhard 2011: 306–308.

⁷³¹ Santangelo 2013a: 749.

⁷³² MacRae 2016: 66.

Priestly presence

Throughout *de domo sua*, Cicero emphasises the presence of a numerous religious officials to add weight to his argument. He specifically comments that he addresses the extended *collegium pontificum*, including the *flamines* and *pontifices minores*, and also points out that there are augurs in the audience. While we cannot be certain who, exactly, was eligible to attend his speech – was it open only to priests, or was there a wider audience? – or where it was held, Cicero includes direct references to these religious officials to evoke a sense of religious legitimacy for his position. In his attack on Clodius’ *transitio ad plebem*, Cicero says: *Dico apud pontifices: augures adsunt: versor in medio iure publico.*⁷³³ He does not tell us why the augurs were there, or in what capacity, but their mere presence apparently added support to his claim that Clodius’ adoption did not adhere to religious law.⁷³⁴ In itself, this could also be viewed as a rhetorical point. Cicero elsewhere writes that there was at least one augur present to authorise Clodius’ adoption – Cn. Pompeius Magnus – and that without his assistance, the act could not have occurred: legitimacy was generated through augural presence. Furthermore, the fact that Cicero speaks directly to the *pontifices* and the augurs in his speech (*dico apud pontifices; venio ad augures*)⁷³⁵ suggests that he expected that they would be in the audience.

Cicero gives considerable attention to the circumstances of Clodius’ adoption in *de domo sua*, as he argues that the situation did not conform to the *ius adoptionis*. He concludes – in the presence of the *pontifices* – that it was not approved by a decree of the college.⁷³⁶ However, in

⁷³³ Cic. Dom. 34: I speak before the *pontifices*, there are augurs present; I am engaged in public law. Preceded by: *Videsne me non radicitus evellere omnes actiones tuas neque illud agere, quod apertum est, te omnino nihil gessisse iure, non fuisse tribunum plebis, hodie esse patricium?*

⁷³⁴ Cic. Dom. 34–38.

⁷³⁵ Cic. Dom. 36, 39.

⁷³⁶ Cic. Dom. 38: *Dixi apud pontifices istam adoptionem nullo decreto huius collegii probatam, contra omne pontificium ius factam pro nihilo esse habendam: qua sublata intelligis totum tribunatum tuum concidisse.*

numerous letters, Cicero also implies that augural assistance was essential to authorise the passage of a *lex curiata*. As Cicero indicates in the speech, Clodius' adoption required a *lex curiata*: *adrogationes* were confirmed in the *comitia curiata* and arbitrated by the *pontifex maximus*.⁷³⁷ The letters – written prior to this speech – shed light on both C. Iulius Caesar's role as *pontifex maximus* and also the relevance of augural assistance. As Gardner explains, there was an obvious religious element to the act as it dissolved the family unit and had further implications for inheritance.⁷³⁸ She describes the procedure as requiring, firstly, an enquiry by the *collegium pontificum* which confirmed that the adoption was appropriate and, secondly, the passing of a *lex curiata* in the *comitia*.⁷³⁹

In a letter dated the 19th April 59, Cicero writes to Atticus about Clodius' *transitio ad plebem* and subsequent campaign for the tribunate, and how this was currently viewed by Caesar. Cicero tells Atticus that his information is derived from a conversation with C. Scribonius Curio, whom he met by chance on the *via Appia* upon departing Antium. In his report of the events, Cicero reveals that augural presence was a key aspect for the proceedings and implies that this confirmed the religious legitimacy of the act. Cicero opens the letter with a sarcastic comment that Clodius should send him some witnesses so he could swear an oath insisting that his friend, Cn. Pompeius Magnus (colleague of Atius Balbus),⁷⁴⁰ had told him that he was there himself *in auspicio* – i.e. acting in assistance:

⁷³⁷ Cic. *Dom.* 39; cf. Gell. *NA* 5.19.5–8.

⁷³⁸ Gardner 1998: 119 n. 9.

⁷³⁹ Gardner 1998: 126–127.

⁷⁴⁰ Following Shackleton Bailey (1965: 374), I take the text as *Balbi Ati*, distinguishing between Atius Balbus and the other Balbi active at this time. Pompeius and Balbus were colleagues in the board of twenty commissioned by Caesar for his agrarian laws (see *MRR* 2.191–192), although Shackleton Bailey speculates that *collegam* is a reference to Balbus being considered for a vacancy in the augural college (cf. Cic. *Att.* 2.7.3); given that he was never co-opted, and this would be an internal issue for the college, this seems unlikely.

Negent illi Publium plebeium factum esse? Hoc vero regnum est et ferri nullo pacto potest.

*Emittat ad me Publius qui obsignent; iurabo Gnaeum nostrum, conlegam Balbi Ati, mihi narrasse <se> in auspicio fuisse.*⁷⁴¹

Linderski argues that the phrase *in auspicio* could mean two things in practice: one, that the augur assisted with the auspication itself or, two, that the augur assisted with other magisterial actions, such as at the convening of the *comitia*. He suggests that, in this case, it is difficult to conclude whether Pompeius assisted Caesar primarily at the *comitia curiata* for the vote on Clodius' adoption or if he was also auxiliary to the taking of the auspices. For our purposes, it is sufficient to acknowledge that Pompeius had an official role at the event and his presence as an augur conferred ritual validity on the act. Despite these visible markers of legality, Cicero goes on to explain that Caesar was threatening to retract Clodius' plebeian status and prevent him from running for the tribunate. At this point in 59, Caesar's relationship with Clodius was essentially severed: Cicero describes Clodius as *inimicissimus Caesaris* for campaigning to overturn all of Caesar's consular acts. Allegedly, Caesar denied that he had brought forth Clodius' adoption: "*quid Caesar?*" *inquam* "*negat se quicquam de illius adoptione tulisse*"⁷⁴² – perhaps a suggestion that he did not correctly propose a *lex curiata*. In an earlier letter from April 59, Cicero refers directly to this *lex curiata*: *quam si ille contemnit et si, ut scribis, bilem id commovet et latoribus et auspiciibus leges curiatae, spectaculum egregium.*⁷⁴³ Notably, he references both the *latores et auspices legis curiatae*: the proposers and augurs for the law.⁷⁴⁴ Cicero hints, then, that the process involved not just Caesar, as consul and *pontifex maximus*,⁷⁴⁵ and Pompeius, as augur, but plural officials, of whom we hear no further.

⁷⁴¹ Cic. Att. 2.12.1.

⁷⁴² Cic. Att. 2.12.2.

⁷⁴³ Cic. Att. 2.7.2.

⁷⁴⁴ OLD 'auspex' 1: this example is used for the literal definition, with *auspex* rarely used instead of *augur*.

⁷⁴⁵ Mommsen *Röm. Staatsr.* II³:38 n. 2; Shackleton Bailey 1965: 365.

In a letter to Atticus from 54, as we have already seen, Cicero asserts that there were three augurs at the passage of a *lex curiata de imperio*. Likewise, as I have discussed, Cicero suggests that the decision of three *pontifices* was binding.⁷⁴⁶ The notion that there were at least three priests in attendance at the *comitia* and that they had the capacity to deliver rulings may be informative for this situation. Drummond argues against the conclusion that three augurs were necessary to pass a *lex curiata*. He reasons, instead, that if there were augurs in attendance, they acted primarily as witnesses to validate proceedings – in other words, he decides that their presence conferred religious authority, but was not compulsory.⁷⁴⁷ Alternatively, Vervaeet argues that the three augurs were absolutely essential to pass a *lex curiata de imperio*. He suggests that the augurs were indispensable assistants: only they could confirm that the *comitia* was convened under flawless auspices and ensure the religious legitimacy of the proceedings. He remarks that it was equally important for *adrogationes* to be carried under faultless auspices, as the conversion from patrician to plebeian status required a change in the nature of the individual's private auspices. Vervaeet stresses that augural assistance at the *comitia* ensured the proper passage of a *lex curiata*.⁷⁴⁸ It is highly plausible that the presence of three augurs offered indisputable security for comitial proceedings (hence why L. Domitius Ahenobarbus and Ap. Claudius Pulcher, the consuls of 54, sought to have three augurs fabricate the passing of a *lex curiata* in their favour).⁷⁴⁹ The augurs' attendance not only provided the requisite religious authority, but also could conceivably allow the swift resolution of any religious obstacles affecting proceedings.

⁷⁴⁶ Cic. *Att.* 4.17.2; *Har. Resp.* 12. Linderski 1986: 2193.

⁷⁴⁷ Drummond 2008: 397.

⁷⁴⁸ Vervaeet 2015: 216.

⁷⁴⁹ Cic. *Att.* 4.17.2; *Fam.* 1.9.25; *QFr.* 3.2.3.

This may well be exactly what is referred to in the third book of Varro's *de re rustica*, which is set during the aedilician elections for 50.⁷⁵⁰ Varro includes passing references to the augur, Ap. Claudius Pulcher (*cos.* 54), waiting to assist the consul – and being called upon during the electoral proceedings:

*Itaque imus, venimus in villam. Ibi Appium Claudium augurem sedentem invenimus in subselliis, ut consuli, siquid usus poposcisset, esset praesto.*⁷⁵¹

*Interea venit apparitor Appi a consule et augures ait citari. Ille foras exit e villa.*⁷⁵²

*Interea redit Appius, et percontati nos ab illo et ille a nobis, quid esset dictum ac factum.*⁷⁵³

Interspersed throughout the discussion on birds are snippets of information about the consultation of priests during elections. Claudius waits at the *villa publica*, on the *campus Martius*, in case the augurs are called upon during the electoral proceedings. It transpires that the consul does indeed send a messenger to Claudius, who summons the augurs, and Claudius leaves immediately to offer his assistance. Shortly afterwards in the narrative, Claudius returns, apparently tells his companions about what was said and done (although Varro provides no details on this for his reader), and continues their discussion on birds. Linderski comments that the plural *augures* implies that it was not just Claudius who assisted the consul with the matters at stake, but that other augurs were also on hand in case their expertise was required.⁷⁵⁴ While we do not know why the consul called upon the augurs – we might guess that it involved the auspices for the elections – the fact that Varro loosely weaves the event into his narrative suggests that this was normal practice.

⁷⁵⁰ On the dramatic date of the dialogue, see Linderski 1985a, 1986: 2193 n. 173. If the alternative date is taken (54), it is worth noting that Ap. Claudius Pulcher was also consul and would have been summoned by his consular colleague as an augur to assist at the elections. For analysis of this section, see Linderski 1989: 118–119; Green 1973: 434–435. For an analysis of electoral procedure and this dialogue, see Nicolet 1970.

⁷⁵¹ Varro *Rust.* 3.2.2.

⁷⁵² Varro *Rust.* 3.7.1.

⁷⁵³ Varro *Rust.* 3.12.1.

⁷⁵⁴ Linderski 1986: 2193–2194.

Customs: *amicitia* and seniority

Notably, Ap. Claudius Pulcher, who was not only an augur, but also consul in 54 and censor in 50, features in two of these examples. Linderski suggests that there are numerous reasons that Varro selected Claudius as an interlocutor for his dialogue, the most important being his fame as augur.⁷⁵⁵ He composed a book, *auguralis disciplinae libri*, which he dedicated to Cicero soon after his election as augur in 53.⁷⁵⁶ In a letter to Claudius, dated 5th June 51, from Brundisium, Cicero writes of his delight at this gift, and what it represents for their relationship as friends and colleagues in the augural college:

*Mihi et Q. Fabius Virgilianus et C. Flaccus L. f. et diligentissime M. Octavius Cn. f. demonstravit me a te plurimi fieri; quod egomet multis argumentis iam antea iudicarum maximeque illo libro augurali, quem ad me amantissime scriptum suavissimum misisti. Mea in te omnia summae necessitudinis officia constabunt; nam cum te ipsum, ex quo tempore tu me diligere coepisti, quotidie pluris feci, tum accesserunt etiam coniunctiones necessariorum tuorum (duo enim duarum aetatum plurimi facio, Cn. Pompeium, filiae tuae socerum, et M. Brutum, generum tuum), collegique coniunctio praesertim tam honorifice a te approbata non mediocre vinculum mihi quidem attulisse videtur ad voluntates nostras copulandas.*⁷⁵⁷

Schuricht argues that the friendly gesture of Claudius dedicating this book to him, and the promise of a second,⁷⁵⁸ was of more importance to Cicero than the arguments they contained themselves, although they were both concerned with scientific studies of this nature. He notes that they no doubt entered into conversations on this topic at banquets, meetings, or in the

⁷⁵⁵ Cic. *Div.* 1.29, 132, 2.75. Linderski 1989: 116–117.

⁷⁵⁶ Funaioli 1907: 426–427; Linderski 1989: 117; Schuricht 1994: 151–154; Prescendi 2007: 16; MacRae 2016: 59–60. On Cicero's augurate, Cic. *Phil.* 2.4, full references at Rüpke 2008: 924. Other writers include, e.g., L. Iulius Caesar (*cos.* 64), the augur, on *augurales (auspicioorum) libri* (Rüpke 2008: 736).

⁷⁵⁷ Cic. *Fam.* 3.4. Shackleton Bailey 1977: 126–127 (67).

⁷⁵⁸ Cic. *Fam.* 3.11.4; Fest. 386L. Shackleton Bailey 1977: 363.

Senate.⁷⁵⁹ Likewise, MacRae suggests that this “letter lays bare the link between the dedication of a learned treatise on Roman religion and the social ties of elite friendship and augural collegiality – *collegique coniunctio*.”⁷⁶⁰ Cicero indeed indicates that their collegial relationship – their shared priesthood – specifically strengthened their ties and caused their deeper relationship, which was explicitly confirmed by the dedication of this book.⁷⁶¹

In a different letter to Claudius, Cicero highlights that friendly relations are expected between members of the augural college. In April 50, he writes:

*Quod si id est maxime astuti, omnia ad suam utilitatem referre, quid mihi tandem erat utilius, quid commodis meis aptius, quam hominis nobilissimi atque honoratissimi coniunctio, cuius opes, ingenium, liberi, adfines, propinqui mihi magno vel ornamento vel praesidio esse possent? quae tamen ego omnia in expetenda amicitia tua non astutia quadam sed aliqua potius sapientia secutus sum. quid? illa vincula, quibus quidem libentissime astringor, quanta sunt, studiorum similitudo, suavitas consuetudinis, delectatio vitae atque victus, sermonis societas, litterae interiores! atque haec domestica; quid illa tandem popularia, reditus illustris in gratiam, in quo ne per imprudentiam quidem errari potest sine suspicione perfidiae, amplissimi sacerdoti collegium, in quo non modo amicitiam violari apud maiores nostros fas non erat sed ne cooptari quidem sacerdotem licebat qui cuiquam ex collegio esset inimicus?*⁷⁶²

The context for this letter is that Claudius was under prosecution (later acquitted) by P. Cornelius Dolabella, who would soon be Cicero’s son-in-law: Shackleton Bailey suggests that it may have been on the grounds the Claudius departed for his province without a *lex curiata*,

⁷⁵⁹ Cf. Cic. *Fam.* 3.9.3, 11.4, 13. Schuricht 1994: 151–154. Cf. Shackleton Bailey 1977: 374. Note that Cicero refers to Claudius “*magistrum morum*” in anticipation of his election as censor at *Fam.* 3.13; cf. Muñiz Coello 2003: 226–227.

⁷⁶⁰ MacRae 2016: 60.

⁷⁶¹ Shackleton Bailey 1977: 363.

⁷⁶² Cic. *Fam.* 3.10.9. Shackleton Bailey 1977: 145 (73).

as we have discussed above, or that he remained in the province beyond his given tenure.⁷⁶³ However, for our purposes, it is most informative that Cicero references the domestic, *domestica*, and public, *popularia*, aspects of their relationship. In the latter, he includes their priesthood, *sacerdoti*, and membership of the same *collegium*. The most significant aspect of this, however, is that it was not permitted to violate friendships within the college, according to tradition, or even co-opt a priest into the college who was an *inimicus* of anyone from the college. Cicero's letter seems to reveal an underlying feature of priestly relationships: that there was an expectation, built on years of custom, that augurs – at least – would maintain positive social bonds. Cicero's exhortation to Claudius, reminding him not only of their public reconciliation, but also of their personal and collegial ties, is framed specifically in terms of *amicitia*. In a lifelong religious office, this principle may have played an important role in governing and maintaining the internal coherence of priesthoods, and we might compare this, in particular, with Q. Caecilius Metellus' speech to the censors of 179 urging their reconciliation and *amicitia*. Although Cicero may be exaggerating the extent to which amicable relationships were upheld within the augural college, it is possible to explain the reluctance to co-opt a priest who was an *inimicus* of any current member in terms of their religious duties. As we have seen above, a single priest had the religious authority to act alone: while he may have benefited from the support and mentoring of his colleagues, he had the capacity and ability to perform rites, offer his presence for legitimacy, or speak on behalf of his colleagues. Likewise, we have seen that priestly banquets were an important setting for priestly interactions, and social etiquette dictated that fellow guests were your friends.⁷⁶⁴ The religious authority of the college, however, depended partly on its collective decisions and actions – a unified membership allowed it to effectively maintain its functions.

⁷⁶³ Shackleton Bailey 1977: 375.

⁷⁶⁴ Note also the regular meetings on the Nones for augural practice (*auguris commentandi causa*), one of which occurred in the gardens of D. Iunius Brutus Callaicus: Cic. *Amic.* 7, *Div.* 1.90.

In *de senectute*, Cicero indicates that there are a number of customs for the augural college – we might consider *amicitia* one of them. Here, however, he refers to precedence in debate, the principle of seniority:

*Multa in nostro collegio praeclara, sed hoc, de quo agimus, in primis, quod, ut quisque aetate antecedit, ita sententiae principatum tenet, neque solum honore antecedentibus, sed eis etiam, qui cum imperio sunt, maiores natu augures anteponuntur.*⁷⁶⁵

This passage illuminates two significant points: firstly, that there are multiple principles for the augural college; and, secondly, that these principles seem to inform behaviour and relationships or create hierarchy and preference within the group. In this instance, Cicero speaks of their practice in debate: the oldest augur was granted priority, regardless of any other honours or magistracies. It is especially remarkable that age took precedence over *imperium*, with political office apparently irrelevant to this ordering. This, in itself, emphasises the difference between religious expertise and authority and holding high magisterial office. Importantly, however, this custom did not dictate that it was the longest-serving augur, who might have the most experience, but the eldest. Since the augurs tended to be co-opted prior to the commencement of their political careers, we might expect significant overlap between these two categories, but, as a general rule this custom aimed at respecting age and not time in office. Furthermore, we might compare this arrangement to the way that privilege was conferred in senatorial debate, with the *princeps senatus* speaking first. The position of *princeps senatus* was an honour bestowed by the censors: the first man on the senatorial list, who held the most prestigious position at Rome.⁷⁶⁶ Prior to the 80s, this recognition of the foremost senator was typically given to the oldest living ex-censor (or currently serving censor),⁷⁶⁷ and granted him

⁷⁶⁵ Cic. *Sen.* 64.

⁷⁶⁶ On the *princeps senatus*, see esp. Rafferty 2011 (with additional bibliography). Also: Suolahti 1972.

⁷⁶⁷ Liv. 27.11.9–10. On this change in practice, see: Tansey 2000a.

the right of offering his opinion first in debates.⁷⁶⁸ After L. Cornelius Sulla, it was common for the *consules designati* to take priority, or a man of the consuls' choosing, as presiding officials.⁷⁶⁹ In this case, according to Gellius, there was a rule that dictated it must be a someone of consular rank.⁷⁷⁰ In contrast to the augural college, magisterial office predictably played a significant role in ordering senators for debate – but it was not the exclusive criterion, as age played a part, and it was not a strict rule: the men elected to the censorship were responsible for this first selection.⁷⁷¹ It is informative, however, that even in a group of fifteen augurs, there was an accepted custom for debate that ran parallel to the much larger group of senators, who were similarly not chosen with *amicitia* in mind, but on the basis of their election in a competitive setting.

There is one final rule worth considering in the context of this discussion: the nomination process to electing an augur in the Late Republic.⁷⁷² Where previously the college decided internally on a candidate and they were co-opted into the college, the *lex Domitia*, passed in 104, changed the procedure to election. Cicero provides the best detail on how this worked in practice in a variety of references to his own election as augur in 53.⁷⁷³ I will focus on one

⁷⁶⁸ Gell. NA 14.7.9: *aut per discessionem, si consentiretur, aut, si res dubia esset, per singulorum sententias exquisitas; singulos autem debere consuli gradatim incipique a consulari gradu. ex quo gradu semper quidem antea primum rogari solitum, qui princeps in senatum lectus esset; tum autem, cum haec scriberet, novum morem institutum refert per ambitionem gratiamque, ut is primus rogaretur quem rogare vellet qui haberet senatum, dum is tamen ex gradu consulari esset.*

⁷⁶⁹ Cf. Cic. Phil. 5.35. See Pina Polo (2013: 420–425) on *consules designati* specifically, and (2016: 70) on the ordering of praetors and tribunes of the plebs designate, who had priority to speak, before praetors in office and senators of praetorian rank, and the same for the tribunes.

⁷⁷⁰ Gell. NA 4.10.4, 14.7.9.

⁷⁷¹ Liv. 27.11.9–12: *senatus lectionem contentio inter censores de principe legendo tenuit. Semproni lectio erat; ceterum Cornelius morem traditum a patribus sequendum aiebat, ut qui primus censor ex iis, qui viverent, fuisset, eum principem legerent: is T. Manlius Torquatus erat; Sempronius, cui di sortem legendi dedissent, ei ius liberum eosdem dedisse deos; se id suo arbitrio facturum lecturumque Q. Fabium Maximum, quem tum principem Romanae civitatis esse vel Hannibale iudice victurus esset. cum diu certatum verbis esset, concedente conlega lectus a Sempronio princeps in senatu Q. Fabius Maximus consul.*

⁷⁷² I have elsewhere discussed the rules governing the number of augurs in the context of the Ogulnian plebiscite (Liv. 10.6.6–8), which is not of primary concern here (Webb 2015). For an overview, see: Hölkeskamp 1988: 52; Oakley 2005: 88–89. Similarly, for the problem of co-opting priests from the same *gens*, see: Drummond 2008; North 2011.

⁷⁷³ Linderski 1972: 190–199; Rüpke 2008: 924. On the link between this rule and the *lex Domitia*, see: Drummond 2008: 379–380.

aspect of this: the rule governing nominations. Cicero tells us that Cn. Pompeius Magnus and Q. Hortensius Hortalus nominated him for the office and, although the whole college desired his candidacy, it was not permitted for more than two serving augurs to nominate him (*nec enim licebat a pluribus nominari*).⁷⁷⁴ However, Cicero suggests that M. Antonius believed that he retired from this electoral contest for Cicero's benefit, and we learn elsewhere that C. Lucilius Hirrus (*tr. pl.* 53) was also nominated for the election.⁷⁷⁵ Drummond argues that this measure was likely put in place to prevent the nomination of only one candidate for vacancies,⁷⁷⁶ suggesting that without this rule, consensus within the college might be achieved too readily – there was, presumably, already an internal process in place that governed how these decisions were made. This example also demonstrates the role of *amicitia* in selecting a new member: both Pompeius and Hortensius had ties with Cicero.⁷⁷⁷ Furthermore, this extended to the inauguration. Cicero says to Antonius, after his election to the augural college: *Cur non inauguraris? Sume diem, vide qui te inauguret: collegae sumus; nemo negabit.*⁷⁷⁸ Even with newly co-opted priests, there was a strong insistence to create social ties. A comparable notion can also be seen for the pontifical college, especially between P. Cornelius Lentulus Spinther (*cos.* 57) and C. Iulius Caesar. Lentulus reminds Caesar of their friendship and favours, which caused him to be admitted into the college of *pontifices*.⁷⁷⁹ Likewise, the *commentariolum petitionis* advises securing the support of friends when cavassing for magistracies, differentiating between those who show good will and those who are friends on more genuine grounds, with explicit ties, such as *sodalitas*: those in societies or religious

⁷⁷⁴ Cic. *Phil.* 2.4. In an Oxford context, this might be compared to the selection process for Vincent's Club, where candidates require the nomination of two current members (and no more), and admission is granted on the decision of the current committee.

⁷⁷⁵ Cic. *Phil.* 2.4, *Fam.* 8.3.1. On Hirrus, see: Linderski 1972: 198.

⁷⁷⁶ Drummond 2008: 379.

⁷⁷⁷ Cic. *Brut.* 1.

⁷⁷⁸ Cic. *Phil.* 2.110.

⁷⁷⁹ Caes. *BCiv.* 1.22.3–4: *cum eo de salute sua orat atque obsecrat ut sibi parcat veteremque amicitiam commemorat Caesarisque in se beneficia exponit, quae erant maxima: quod per eum in collegium pontificum venerate...*

groups.⁷⁸⁰ This evidence demonstrates not only that there were strong social bonds between priests, but also that there were internal rules or expectations that encouraged and developed these relationships. These principles created a known order of preference for the group, that likely minimised internal conflicts, and also assisted in the establishment of public friendships.

Conclusions

Cicero faced a considerable battle to restore ownership of his house, and two of the speeches concerned with this, *de domo sua* and *de haruspicum responsis*, disclose significant evidence for the internal workings of the pontifical college and its relationship to the Senate. These speeches are highly rhetorical, and Cicero creates tensions between the religious authority of an individual priest and of the collective priesthood, further exacerbated by differences in age or skill and youth or inexperience. However, age can also be seen as a defining characteristic for the augural college, with priority in debate given to the eldest priest, not the longest-serving. There is also a dominant idea that group decisions and actions are more authoritative – that is, the collegial framework offered religious legitimacy – despite Cicero’s acknowledgement that, in practice, the decision of three priests was sufficient. The relationship between the priestly *collegia* and the Senate is similarly enlightening: since only priests who were senators could take part in these discussions or speak on behalf of the college in debates, the entire college could not be present and the most senior individuals had the capacity and authority to offer collegial opinions. We might also compare this with the order that men were called upon to speak in the Senate: like the augural college, there was a system to generate hierarchy and, in the Senate, election to magisterial office dictated this. Within the augural college, *imperium* played no role (allegedly), but a priest who had not held magisterial office could not attend, let

⁷⁸⁰ Cicero *Comment. Pet.* 16.

alone speak in the Senate. Furthermore, the principle of *amicitia* that governed the augural college, and, perhaps played a role for the co-optation of *pontifices*, could be considered analogous to the notion that the censors should uphold political friendship. In fact, we might these customs that governed the internal behaviours of priests as similar to the mechanics of collegiality between consuls: both created precedence between colleagues with shared powers and responsibilities, and both encouraged the effective functions of the office without (ideally) constant conflict.

Conclusions

Throughout this thesis, I have investigated collective action and shared authority in magistrates and priests in the Roman Republic, combined under the overarching heading of ‘collegiality’. I have defined collegiality, in broad terms, as the principle under which political and religious officials shared duties and held the same powers. Furthermore, I have argued that this concept underpinned Roman magisterial and priestly institutions (known as *collegia*, and made up of members described as *collegae*), as an operating principle on which they functioned. Collegiality was more than an organisational framework for these institutional structures. Beyond this constitutional setting, collegiality informed the behaviours of political and religious officials and created social expectations for colleagues’ interactions. Moreover, it bestowed authority and legitimacy on colleagues’ collective decisions.

Collegiality is most commonly explored through the lens of Roman magistrates. Roman priests, however, are also grouped in *collegia* and share their responsibilities with a number of colleagues. Consequently, to explore the various ways in which collegiality is expressed in the Roman Republic, I studied both priests and magistrates. This removed the traditional scholarly boundaries between political and religious history and allowed a deeper comparison between these two sets of officials that were in charge of Rome’s administration, in political, military, and religious terms. At the outset, this highlighted the organisational similarities between these sets of institutions and suggested that collective action played an important role in conferring legitimacy in Roman society. The adoption of this institutional framework by the professional associations of the Early Empire similarly highlights that this was an effective working structure. Eckhardt argues that this occurred under a process of institutional isomorphism: these groups conformed to the organisational model of the *collegium* precisely to gain legitimacy in

the eyes of the state.⁷⁸¹ This exposes the relevance of these shared behaviours to Roman society. We might consider why it was that this institutional model – that was implemented in both public and private settings – sought to define and regulate interpersonal relationships.

At the outset, I acknowledged, following Lintott,⁷⁸² the functional argument for collegiality, and suggested that one purpose was to protect Rome's administration in the event that one magistrate was unavailable or ill-disposed. Scholarship, however, remains divided on this point: was collegiality a check and balance tool that curbed the power of magistrates through the right of intercession? Or was it a practical measure that mitigated against the death or absence of the leading magistrates? An episode in Livy's narrative of 393 offers helpful hints:

*C. Iulius censor decessit; in eius locum M. Cornelius suffectus, quae res postea religioni fuit quia eo lustrum Roma est capta; nec deinde umquam in demortui locum censor sufficitur. Consulibusque morbo implicitis placuit per interregnum renovari auspicia. Itaque cum ex senatus consulto consules magistratu se abdicassent, interrex creatur M. Furius Camillus, qui P. Cornelium Scipionem, is deinde L. Valerium Potitum interregem prodidit. Ab eo creati sex tribuni militum consulari potestate ut, etiam si cui eorum incommoda valetudo fuisset, copia magistratum rei publicae esset.*⁷⁸³

This passage illuminates a crucial reality: at this time – at least according to the source tradition – Rome suffered from the loss of chief magistrates. It was Livy's belief that six consular tribunes were elected precisely to lessen the anticipated blow of further deaths and ensure continuous administration and divine favour. The need for divine approval via the auspices is also placed front and centre.

⁷⁸¹ Eckhardt 2021: 78, 100–101.

⁷⁸² Lintott 1999: 100–101.

⁷⁸³ Liv. 5.31.6–7.

Similarly, there is a general consensus in scholarship that collegiality can be defined in terms of equality. I argued, instead, that this is not the case, and I have pointed out the mechanisms to differentiate between “equal” colleagues, magistrates and priests alike. We have seen, especially, in our discussion of the consulship that there were constitutional mechanisms that created hierarchy between the pair, who both held consular powers. These mechanisms, although granting each colleague the right of veto, aimed at facilitating effective government, averting constant disagreements and apportioning priority fairly across the college. Furthermore, the *turnus* of the *fascēs*, along with *sortitio* and *comparatio*, encouraged unity in command, not the restriction of powers.

I also propose, however, that there was another effect of collegiality: it strengthened authority. We have seen how there was a distinct requirement for the censors to conduct the *lectio senatus* and *recognitio equitum* in cooperation: it was a mutual decision (even if this did not always happen in practice). We have also seen Cicero claim that the number of *pontifices* who ruled on his house gave extra legitimacy to their decision. The authority of a single magistrate or priest – while valid – did not stand against the collective, even in cases of hierarchical differentiation. This is perhaps best illustrated by an example from 200: in preparation for war, the consul who held Macedonia as his province, P. Sulpicius Galba Maximus, was asked to offer supplications and hold *ludi Iovi*. The *pontifex maximus*, P. Licinius Crassus Dives, intervened and argued that a fixed sum of money, and not an indefinite figure, should be disbursed to avoid it being mixed with money for the war: without this measure, the vow could not be appropriately paid. Although the consul appreciated this suggestion, the matter was referred to the pontifical college for deliberations. Contrary to Licinius’ assertions, the college found that it was possible to vow an indeterminate sum and, duly, the consul recited prayers under the direction of the *pontifex maximus* and promised a sum of money, with the exact

amount to be decided later by the Senate.⁷⁸⁴ This event lays bare the distinctions between individual and collective authority. Although the *pontifex maximus* offered a valued religious opinion, Sulpicius sought the advice of the whole *collegium pontificum*. Their collegial decision did not correspond with the recommendations of the *pontifex maximus*, and hierarchy within the college did not override mutual consensus.⁷⁸⁵ Collegiality not only offered security against the absence of leading administrators, but also conferred authority on their collective decisions and actions.

Modalities of collegiality

One of the primary aims of this thesis was to explore the different expressions of collegiality in Roman political and religious institutions and to seek commonalities and distinctions between them. It is worth remembering that there was an inherent difference between priests and magistrates in terms of their entry to office: magistrates had a mandate of the people and were elected to their positions, whereas priests were co-opted by their colleagues; even with the transition to elections under the *lex Domitia* of 104 (and again under the *lex Labiena* in 63), the college retained control over the candidates who were nominated. This difference has significant implications for the way that collegiality is expressed in magisterial colleges. I argued that auspicial collegiality – that is, the election of magistrates *iisdem auspiciis* – was

⁷⁸⁴ Liv. 31.9.5–10: *cum dilectum consules haberent pararentque, quae ad bellum opus essent, civitas religiosa, in principiis maxime novorum bellorum, supplicationibus habitis iam et obsecratione circa omnia pulvinaria facta, ne quid praetermitteretur, quod aliquando factum esset, ludos Iovi donumque vovere consulem, cui provincia Macedonia evenisset, iussit. moram voto publico Licinius pontifex maximus attulit, qui negavit ex incerta pecunia vovere licere; ex certa voveri debere, quia ea pecunia non posset in bellum usui esse seponique statim deberet nec cum alia pecunia misceri; quod si factum esset, votum rite solvi non posse. quamquam et res et auctor movebat, tamen ad collegium pontificum referre consul iussus, si posset recte votum incertae pecuniae suscipi. posse rectiusque etiam esse pontifices decreverunt. vovit in eadem verba consul praeunte maximo pontifice, quibus antea quinquennialia vota suscipi solita erant, praeterquam quod tanta pecunia, quantam tum, cum solveretur, senatus censuisset, ludos donaque facturum vovit. octiens ante ludi magni de certa pecunia voti erant; hi primi de incerta.*

⁷⁸⁵ Cf. North 1998: 51–52; Santangelo 2013a: 756.

the underlying characteristic of magisterial collegiality. The writings of the augur, Valerius Messalla, surviving through a quote by Gellius, explain the connection between colleagues, *collegae*, and the auspices.⁷⁸⁶ In my view, this is best expressed in the inability to elect a *ensor suffectus*: there was no electoral mechanism that enabled an auspicial connection between censors elected at different intervals. Following the observations of Pina Polo that the *consules designati* presided over elections for their suffect (or not-yet-elected) colleagues,⁷⁸⁷ it seems that the electoral process offered continuity of divine favour that could not otherwise be achieved, similar to the iterations of *interreges* when no magistrates were in office. Unable to convene the *comitia centuriata* for elections, the censors could not retain this auspicial link and thus their collegiality. In a constitutional setting, election under shared auspices was the principal definition of collegiality. Similarly, the magisterial principles of *par potestas* and the *ius intercessionis* were crucial aspects of collegiality, but not the foundational basis of it. We have seen, for example, Drogula need to clarify his definitions of collegiality in terms of *par potestas* as explicitly applying to the same magisterial college.⁷⁸⁸ It was possible for two magistrates to hold the *consularis potestas* and not be colleagues: the *magister equitum* did not share his selection (rather than election) with the consuls.⁷⁸⁹ Furthermore, I have argued that the notion of shared powers gave rise to a variety of mechanisms of collegiality, including the *turnus* of the *fasces*. This principle caused differentiation between the two, otherwise equal consuls and created a system of priority for consular actions. It did not restrict either consul from tasks that fell under his *imperium auspiciumque*, nor give his colleague the right to act without appeal: it was purely a means of choosing one. The source tradition links this custom to creation of the consulship, also employed to great effect in the first college of *decemviri*

⁷⁸⁶ Gell. NA 13.15.4, 6.

⁷⁸⁷ Pina Polo 2013: 431–434.

⁷⁸⁸ Drogula 2015: 64.

⁷⁸⁹ Cf. Liv. 23.11.10.

legibus scribundis: the rotation of precedence across a college of magistrates with shared powers, whether comprising two individuals or ten, was an effective form of leadership.

This principle paved the way for another expression of collegiality, legislative collegiality. Both the consuls and the tribunes of the plebs could propose joint legislation: collegiality is easier to spot within consular laws. Given that the consuls, prior to Sulla's reforms, often left Rome for the majority of their time in office and the *turnus* of the *fascēs* gave precedence to one of the two, the Senate frequently asked the consuls to promulgate essential laws together, at the start of the consular year. Rather than crediting one consul with this legislation, collaboration was encouraged, with both consuls giving their names to the law.

We might add to this list the expression of fiscal collegiality, which was especially pertinent to the censors' joint building programs. While the censors often completed individual projects, there are examples in the sources for joint endeavours. M. Aemilius Lepidus and M. Fulvius Nobilior, the censors of 179, divided their allocated funds into three parts: a portion to spend each, individually, and a portion to spend collaboratively. The Senate perhaps assigned this money to the censorial college, with the censors choosing how to apportion the funds. In this case, the pair also agreed to share their resources to build aqueducts and arches.⁷⁹⁰ Likewise, fiscal partnership might exist outside the magisterial college. We might consider the example discussed above, in which funds were granted for religious offerings and games, notionally to the consul, but with the involvement of the *pontifices*. The consuls and the quaestors also collaborated over public funds, with management of finances and accounting one of the chief duties of a quaestor in his province. Similarly, we could tentatively suggest that there was some form of fiscal association expressed in the operations of the *scribae* at the *aerarium*, in

⁷⁹⁰ Liv. 40.46.16, 51.2, 7.

conjunction with the work of the urban quaestors. In these cases, however, it was not a sharing of allocated public funds, but cooperation over how they were managed and spent.

Significantly, the idea of collegiality between the consuls was so ingrained in the Roman mind that this magistracy did not undergo any structural transformations after reaching its recognisably republican form of the dual consulship. As Hurlet convincingly argued, the institution did not adapt to the changing political and social setting, but remained a constant, defining feature of the Republic (and beyond).⁷⁹¹ Rather than reform the magistracy itself, one of the features that ensured near-constant collegiality – the ability to elect suffect consuls – was adapted by C. Iulius Caesar and later Augustus to suit their needs and reward the ever-increasing number of suitable, qualified candidates with high office.

Questions of collegiality

This thesis has also revealed a number of curiosities in the organisation of Roman magistrates and priests. For example, it has raised questions over the different expectations placed on relationships between colleagues in contrast to the relationships between different types of elected magistrates. This is seen in stark detail in Cicero's correspondence during his governorship of Cilicia, in which he worries about his relationship with his allocated quaestors, and in his highly rhetorical speech, *Divinatio in Caecilium*, which claims that there should be an almost paternal bond between a governor and his quaestor. Although each magistrate (or promagistrate) had a defined role and they were not colleagues, there was an element of collective culpability if things went wrong, inasmuch as there were jointly earned successes. The notion of assistantship is also a recurring theme: we might question what the difference

⁷⁹¹ Hurlet 2017.

was between elected officials who acted as assistants (i.e. the quaestors) and professionals (i.e. the *scribae*)? It is particularly striking that sortition was employed to allocate duties to both groups of assistants and draw connections between different institutions.

In fact, as we have seen, sortition played a significant role in governing collegial interactions. It is used, in particular, to great effect within the censorial and quaestorial colleges to allocate necessary tasks and duties, and employed by the consuls on occasion when they could not reach agreement. For the censors, we have seen it used to determine who would conduct the *lustrum* ceremony; for the quaestors, it allocated them to provinces; and for the consuls, it might break a deadlock in the event that they were asked to name a dictator. In all of these instances, sortition was based on the underlying principle of collegiality: the fact that the whole magisterial college had the authority and capacity to perform any of their duties. For each event, any colleague could theoretically be chosen.

This leads to the curious arrangement of pairs within colleges. I have discussed magisterial pairs within the quaestorial college – the urban quaestors – and priestly pairs within the pontifical college – the *flamen* and *flaminica Dialis*. For both of these pairs, duties do not seem easily transferred across their respective colleges. Indeed, in the case of priestly pairs, this appears explicitly impossible. Furthermore, at first glance, it seems that the similarities between these magisterial and priestly pairs ends here: I have argued that the urban quaestors operated as colleagues, each with the authority to manage the *aerarium* and with shared tasks, as part of the larger quaestorial college. Where, similarly, the *flamen* and *flaminica Dialis* were considered part of the extended pontifical college, they each had a distinct ritual program and did not sacrifice together, although the pair were inextricably linked by their marriage by *confarreatio*. Instead, they frequently performed rituals at the same time, in different locations,

despite the sources suggesting that the *flaminica* sacrificed under her husband's *potestas*. The couple were both united and detached in their ritual programs and their responsibilities and, by definition, were not collegial. Nevertheless, collegiality seems to have played an important role for this priesthood in the Late Republic. I argued that collegiality was the solution to the problem of the lengthy absence of a *flamen Dialis* from 87: our evidence suggests that the *pontifices* filled this role, giving this non-collegial priesthood some of the benefits of collegiality.

I have also explored the settings for priestly collegiality, in particular, our evidence for priestly banquets. I argued against Rüpke's assertion that the Ogulnian plebiscite transformed the priestly colleges into "banquetable" *collegia* and questioned his exclusion of the *decemviri sacris faciundis*. However, I retained the notion that banquets were an important setting for the priestly colleges and suggested that they played a crucial role in creating and developing relationships between priests serving in lifelong roles.⁷⁹² I argued that banquets not only enabled personal friendships to flourish, but also came with an attendant set of expected social behaviours, including the concept of *amicitia*, and provided a tangible backdrop for creating public connections (we might think of the marriage arrangement between Ti. Sempronius Gracchus and Ap. Claudius Pulcher's daughter).⁷⁹³ Moreover, Cicero explains that it was customary for *amicitia* to exist between members of the augural college: it defined their interactions with each other and played a significant role in choosing new augural candidates.

Finally, it is worth considering the role of hierarchy in a collegial setting. Rüpke argued that there were three key features attached to the institutional model of the priestly *collegium*:

⁷⁹² Note especially the setting: shared couches and seating arrangements allowed collegial cooperation, permitting hierarchical divisions while giving the overall appearance of cohesion.

⁷⁹³ Plut. *Ti. Gracch.* 4.1.

internal ordering (i.e. seniority in office), the co-optation of new members, and regular meetings (often in private dining spaces).⁷⁹⁴ I have also argued that internal hierarchy – or mechanisms to create it – was an essential characteristic of both magisterial and priestly colleges. I point to the idea of speaking *pro collegio* and the custom of seniority in the augural college, sitting alongside the notion of a *consul maior*, to demonstrate this.

Religious authority

This discussion of collegiality has also brought the notion of religious authority into the spotlight. I have already raised the idea that collective decisions might outweigh the instructions of a single, superior priest – the *pontifex maximus* and the *collegium pontificum* – and showed that the major priestly colleges obeyed a quorum. A single priest might speak on behalf of his colleagues, *pro collegio*, but, in doing so, reveal their collective deliberations.⁷⁹⁵ However, the ancient sources also attest that religious authority might be offered simply through priestly presence: an augur waits during election proceedings to offer his assistance; even if he is not called upon, he was there and provided legitimacy.

We have seen, as well, the clear distinction between individual and collective action within a magisterial college, particularly in light of ritual language: for example, the censorial prayer at the *lustrum* ceremony and the consular prayer to end the consular elections. The wording of these prayers clarifies who was involved: one censor vows for both himself and his colleague, while the consul prays for his own magisterial action. The *lustrum* may have been presided

⁷⁹⁴ Rüpke 2011: 34.

⁷⁹⁵ Note also the idea of a consul acting as a spokesperson of the Senate: Pina Polo 2011: 81, 106. This also raises the interesting question of whether collegiality explains the authority of the Senate in Roman public life.

over by one censor, decided swiftly by lot – collegiality dictated that both were capable – but both censors played a vital role.

Finally, Plutarch's informative comparison between the censors and the *flamen* and *flaminica Dialis*. In his eyes, the bond between this priestly pair was parallel to the collegiality of the censors: their priesthoods and their magistracies were indivisible. While the *flamen* and *flaminica* were married by *confarreatio*, and the censors elected together *iisdem auspiciis*, in Plutarch's mind, there is an obvious similarity between this inseparable priesthood and the joint magistracy of the censors because both were void on the death of one half of the whole. One pair was not collegial, but both pairs, in their official roles, held shared authority.

Future investigations

This research has exposed several lines for fruitful further enquiries. First is a reassessment of the interrelations of the dictator and the *magister equitum* and their place within this broader system of collegiality. Of particular interest is the nature of their auspicial collegiality and whether we can reasonably consider these magistracies as exceptions or solutions to the problem of collegial magistracies. Jordan's argument for auspicial collegiality between this pair dramatically calls into question our conception of the dictatorship, in particular, as a single magistrate, operating outside the bounds of the well-known magisterial norms.⁷⁹⁶ Second is an investigation of how the concept of *amicitia* relates to collegiality. We have seen how acute this issue was for M. Tullius Cicero and his augural colleagues, especially with Ap. Claudius Pulcher, and how Livy presents *amicitia* between censorial colleagues as an underlying expectation. Further study of Cicero's *de amicitia* – a dialogue which is set between members

⁷⁹⁶ Jordan (forthcoming); cf. Wilson 2021; Konrad 2022.

of the augural college – would further clarify the potential levels of political, public, and personal friendships and how colleagues – priests or magistrates – create, develop, and uphold these social ties, especially when holding lifelong positions. Finally, there is considerable scope to expand chronologically and geographically. In my view, the concept of collegiality is both a methodological problem and potential solution for our approach to the institutions of Early Rome.⁷⁹⁷ Modern scholarship tentatively agrees on the broad picture for the development of Roman magistracies. This position, however, has been reached with less thought given to one of the central principles of Roman power – the auspices – and the organisation of Roman priests. Throughout this thesis I have demonstrated that by bringing both of these aspects into the equation, we can build a stronger case for the fundamental nature of collegiality to the republican system. In turn, we can look to Italy and across the Mediterranean for collective groupings of magistrates and priests, and investigate how the auspices featured in these settings.⁷⁹⁸ Is Rome unique in creating auspicial collegiality? How might the nature of collective authority elsewhere inform the development and emergence of the Roman state? Furthermore, we might investigate the longevity of collegiality, as touched on in my discussion of the consulship, and consider how and why the notion of colleagues and the institutional framework of the *collegium* persisted through to Late Antiquity (and beyond).⁷⁹⁹ Can we legitimately apply the concept of collegiality, as I have defined it here, and as we have seen it expressed throughout this thesis, to the circumstances present in the later Roman Empire? Does our definition change? Are any elements retained? This vast array of questions highlights the complex and intrinsic nature of the concept of collegiality. It informs not only the constitutional technicalities of magisterial elections and the management of shared powers, but also defines

⁷⁹⁷ See the aims of the Debating Early Rome Research Hub at Westfälische Wilhelms-Universität Münster.

⁷⁹⁸ E.g. the bronze tables of Iguvium.

⁷⁹⁹ See the ‘Aspects of Collegiality and the Imperial Power in Rome’ conference held at the Maison Française, Oxford, 15–16th October 2021. In particular, this raised questions on collegiality among emperors of the Severan period, and collegiality and the creation of the tetrarchic system.

religious authority and legitimacy, creates behavioural expectations between colleagues, and is used by ancient and modern authors alike to justify and explain the administrative framework of the Roman Republic.

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