

Social Complexity and Religion at Rome
in the Second and First Centuries BCE

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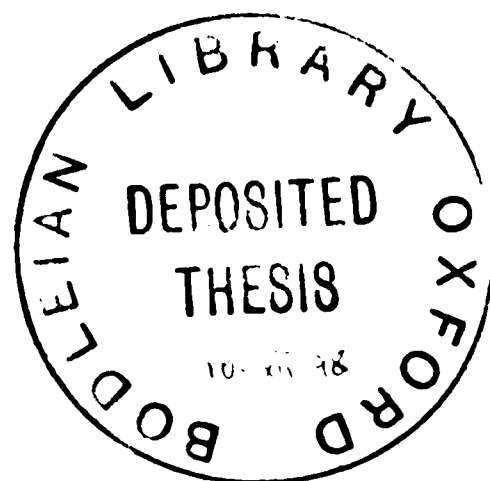
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A thesis submitted for the Degree of D. Phil.
in the University of Oxford

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A B S T R A C T

This thesis contains 96,000 words.

This thesis studies the religious system of the city of Rome and its immediate hinterland from the end of the Second Punic War to the emergence of autocratic rule shortly before the turn of the millennium.

The Romans lacked a separate word for ›religion‹. Scholars therefore hold that modern notions of religion, due to their Christianizing assumptions, cannot be applied to Roman religion, which consisted in public and social religious observance rather than in individual spirituality. The first chapter argues that Roman religion can be conceptualized as a system of social religious behaviour and individual motivational processes. A comparative definition of ›religion‹, which transcends Christianizing assumptions, is proposed to support this argument.

In chapter two, modern interpretations of Roman religion, which view Republican religion as a ›closed system‹ in which religion is undifferentiated from politics and from public life, are criticized. It is argued that these interpretations start from unwarranted preconceptions concerning the interrelation of religion and society. Instead, I suggest that we should apply the model of an ›open system‹: the religious system at Rome was interrelated with its environment, but at the same time it could be conceptualized as being differentiated from other realms of social activity at Rome.

Chapter three refutes the view that the identity of religion at Rome can be described by models of political or cultural identity. Instead, religious communication in Late Republican Rome was characterized by contextual rather than by substantive meanings. The fluidity of religious meaning in Late Republican Rome, a metropolis of nearly 1,000,000 inhabitants, implies that normative definitions of the constituents of Roman religion fail to convince. In relation to *coloniae* and *municipia* it is attempted to show that the religious system of Rome, a local religion geared to the physical city and its immediate hinterland, was not capable of becoming a universal religion.

In the fourth chapter, the parameters organizing Roman religion are discussed. My thesis is that Roman religion in the Late Republic was decentralized in that religious authority was diffused and religious responsibilities were divided. In the city of Rome, there existed a market of religious alternatives, which was characterized by the compatibility of different deities and cults in a polytheistic context.

A C K N O W L E D G E M E N T S

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C O N V E N T I O N S A N D A B B R E V I A T I O N S

As this thesis focuses on the second and first centuries BCE, all dates are BCE, unless otherwise mentioned. If dates are explicitly noted as BCE, this is only to avoid confusion which might otherwise arise.

Abbreviations of periodicals and works of reference follow those recommended in the *Oxford Classical Dictionary*³, xxix-liv, and in the volumes of *L'Année Philologique*. For Latin and Greek authors and their works, the abbreviations of the *Oxford Classical Dictionary*³, supplemented where necessary by those in the *Oxford Latin Dictionary* and the *Greek English Lexicon*⁹ by Liddell, Scott & Jones, are used. I have, however, diverged from these conventions in a few trivial and, I hope, self-explanatory cases.

The following works are cited by a short title throughout the thesis:

<i>ANRW</i>	<i>Aufstieg und Niedergang der römischen Welt</i> (Berlin & New York 1972-)
<i>FLP</i>	E. Courtney (ed.), <i>The fragmentary Latin poets</i> (Oxford 1993)
<i>HrWG</i>	H. Cancik & al. (eds), <i>Handbuch religionswissenschaftlicher Grundbegriffe</i> , vols 1- (Stuttgart 1988-)
<i>LFlav</i>	Cf. <i>LIrn</i>
<i>LIrn</i>	Lex Irnitana, cited from J. González (ed.), »The Lex Irnitana: a new copy of the Flavian municipal law«, <i>JRS</i> 76 (1986), 147-243
<i>LTUR</i>	M. Steinby (ed.), <i>Lexicon topographicum urbis Romae</i> (Rome 1993-)
<i>LUrs</i>	Lex coloniae Genetivae Iuliae Ursonensis, cited from <i>RS</i> , no. 25, pp. 393-454

- MRR* T. R. S. Broughton, *The magistrates of the Roman Republic*, 3 vols (New York 1951-86)
- RAC* *Reallexikon für Antike und Christentum* (Stuttgart 1941-)
- RE* A. Pauly, G. Wissowa & al. (eds), *Real-Encyclopädie der Klassischen Alterthumswissenschaft*, vols 1- (Stuttgart 1893-)
- Roma medioreppublicana* *Roma medioreppublicana. Aspetti culturali di Roma e del Lazio nei secoli iv e iii a.c.* (Rome 1973)
- RS* M. H. Crawford (ed.), *Roman statutes* (*BICS Suppl.* 64), 2 vols (London 1996)

1 INTRODUCTION

»sicut aequum est homines de potestate
deorum, timide et pauca dicamus«
Cicero, De imperio Cn. Pompei 47

1.1 »Religio« and »religion«

In the introductory pages to his *The ancient economy*, Moses Finley wrote that the ancients

»lacked the concept of an »economy«, and, a *fortiori*, that they lacked the conceptual elements which together constitute what we call the »economy«.

Finley went on to describe the ancient economy as a system of low productivity and little market orientation which did not possess the economic rationality characteristic of differentiated world-economies.¹ Finley's argument, whose implications will receive critical discussion later,² has been chosen because it illustrates a more general methodological dilemma. For students of religion in the Roman world find themselves in a position which is similar to Finley's in that there is no ancient concept of their area of research: the Romans, like the Greeks and, incidentally, other pre-modern and/or non-European cultures, lacked a separate word for »religion«. Yet, is it a necessary consequence of that insight that ancient cultures a *fortiori* lacked the ability to conceptualize the constituents, or indeed to address the

¹ Pp. 17-34, at 21.

² See below, 1.3.

distinct category, of what we are used to calling a >religion<? By way of introduction, the lack of an ancient linguistic concept of >religion< becomes all the more revealing when one considers that the Greek language, for instance, has a number of words at its disposal to circumscribe the different qualities of the sacred³ or to denote proper human behaviour towards the gods.⁴ Yet, none of these terms was used exclusively in relation to the divine, and none of them was supposed to summarily represent human attitudes, either individually or communally, towards the gods. In short, none of these terms could seriously be considered to be a Greek rendition of the term »religion«.

The Greek material figures as an appropriate preface to the Roman evidence. For Latin may possess a more restricted vocabulary for the description of the sacred, whose meaning is altogether different from its Greek equivalent.⁵ Nevertheless, the Latin language, too, possesses a variety of terms to express the manner in which due attention is paid to the divine world,⁶ none of which can lay claim to the meaning >religion<. This becomes apparent once we consider the employment of the Latin sacred vocabulary in those texts

³ ἱερός, ἅγιος, ἄγιος, ὅσιος with CONNOR 1988; DIHLE 1988, 2-16.

⁴ Σέβεσθαι, νομίζειν, εὐσέβεια, εὐλάβεια, θεραπεία, ἐπιμέλεια, θρησκεία with PLEKET 1981; BURKERT 1985a, 268-75.

⁵ *Sacer*, >consecrated to the gods<, to be distinguished from *sanctus*, >inviolable<, and *religiosus*: Aelius Gallus ap. Festus 348-50 L; Trebatius Testa ap. Macrobius *Sat.* 3,3,2-5; Gaius 2,4-8. Cf. FUGIER 1963, *sub vocibus*; SCHILLING 1979, 54-70; DIHLE 1988, 16-23; CRAWFORD 1989, 95-7. See further below, 4.1.1.

⁶ E.g. *religio(nes)*, *pietas*, *sanctitas*, *caerimoniae*, *deos colere*, *sacra facere* with SCHILLING 1979, 30-53; DURAND & SCHEID 1994.

which, from the first century BCE onwards, define Roman religious terminology. These texts, philosophical treatises in particular, which deal with the domain that we routinely associate with religion, are entitled *De natura deorum*, *Περὶ θεῶν*, *Περὶ εὐσεβείας* or *De pietate*, *Περὶ δεισιδαιμονίας* or *De superstitione*. As these titles suggest, their authors do not investigate a *terminus technicus* that could designate the religious realm as a whole. For by received philosophical dogma, the discussion of different aspects of religion does not constitute a confined subject of investigation. Instead, these aspects are assigned to the respective areas of physics and ethics. Accordingly, ancient authors start from the exploration of the existence of the gods which none of the ancient philosophical schools denied.⁷

It is the rather more controversial second step, the exploration of their nature,⁸ which provides the parameters for the inquiry into proper and improper human behaviour towards them and, even more important, the ethical dimension of such conduct in human life. In *ND*, Cicero describes the study of the nature of the gods as an undertaking which not only provides the pleasure of intellectual investigation but, following such philosophical enlightenment, prepares individuals to conduct their *religio*.⁹ Since only the virtu-

⁷ Cf. SCHIAN 1973; FASCIANO 1982.

⁸ Cic. *ND* 2,12: *quales sint varium est, esse nemo negat*. E.g. LONG & SEDLEY 1987, 1,139-49 (Epicureanism) and 1,323-33 (Stoicism), for testimonia. Cf. BEAUJEU 1969; GUILLAUMONT 1989.

⁹ *ND* 1,1: *quaestio ... de natura deorum, quae et ad cognitionem animi pulcherrima est et ad moderandam religionem necessaria*. It is in this educational context that *ND* forms part of a broader inquiry which also comprises the treatises *De divinatione* and *De fato*; Cic. *Div.* 2,3.

ous can properly conduct their lives, it should not surprise us that elsewhere Cicero presents *religio* as a virtue (*Invent.* 2,53; cf. *Part. Or.* 78), just as in *ND* pious behaviour towards the gods, *pietas*, is a virtue subordinate to justice (*ND* 1,3-4).

In the same dialogue, Cicero defines the subject of his discourse about the gods as follows (1,14):

... *quid de religione pietate sanctitate caerimoniis fide iure iurando, quid de templis delubris sacrificiisque sollemnibus, quid de ipsis auspiciis ... existimandum sit - haec enim omnia ad hanc de dis immortalibus quaestionem referenda sunt.*

This passage neatly illustrates that any one of these terms connotes just one particular aspect of due human behaviour towards the gods and thus covers only one fraction of the domain that we routinely associate with religion. None of these terms, however, provides a *terminus technicus* for that realm itself. Instead, *pietas* is explained as *iustitia adversum deos*; *sanctitas* stands for *scientia colendorum deorum*; *religio* is defined as *cultus deorum*.¹⁰ Furthermore, the principle on the basis of which Cicero assembles *pietas*, *religio* and *sanctitas*, amongst all the other terms in his list, appears to be merely additive:¹¹ there is no qualitative relation between them which would allow us to take any one of them as being more privileged and thus coming closer to a rendition of the concept of >religion<. Such a restrictive use of Roman religious terminology is not limited to the Ciceronian corpus. In fact, words like *religio* or *pietas*

¹⁰ *ND* 1,116-7, 2,9.

¹¹ For the merely additive assemblage of these terms, see further *ND* 1,3-4, 3,5-6. This is the reason why they can be replaced by *cultus*, *honores*, *preces* in *ND* 1,3.

are employed in a similarly restrictive way by other Roman authors of the Republican and Imperial periods.¹²

Notwithstanding this evidence, historians of Roman religion have invariably tried to distill the essence of Roman religion from words like *religio*, *pietas* or *superstitio*.¹³ *Religio* in particular, with its various contested etymologies, has been used as though it represented an adequate *terminus technicus* for >religion< in a modern sense. Defined in such terms, the philological analysis of the word *religio* has been taken to provide both an insight into the religious mentality of the Romans and a comparative perspective concerning the differences between a Roman and a modern conceptualization of religion. For instance, *religio*, the *cultus deorum* according to the Ciceronian definition, can indeed signify the scrupulous performance of ritual acts, while *superstitio*, according to the definition routinely provided by the same ethical treatises, denotes the excessive worship of the gods that unbalances the human soul. Therefore, Roman religion has been thought to represent a ritualistic system by means of which the allegedly prosaic Romans formed a purely legalistic, or formalistic, relationship with their gods, while being dismissive of any emotional excesses, as though these two words, *religio* and *superstitio*, could summarize the respective positive and negative embodiment of

¹² *Religio*: DÖRRIE 1974; IRMSCHER 1994; SALEM 1994, demonstrating how Lucretius rather exceptionally parallels *religio* and *superstitio* on polemical grounds. *Pietas*: KOCH 1941; MURR 1948; DÖRRIE 1974.

¹³ Cf. below, 2.2 and 2.3. Recent expressions of this view are too numerous to list in detail. See e.g. ROLOFF 1953; KOEP 1962, 45-6; WLOSOK 1970; MUTH 1978; DÖRRIE 1980; WAGENVOORT 1980, 223-56; LIND 1992, 5-15.

religious behaviour. If any religious feeling was ascribed to the Romans at all, it was a feeling attached to orderly ritualistic performance.

Such an interpretation succumbs to the illusion that what is only a fraction of the linguistic evidence can represent the definable essence of Roman attitudes towards religion, or indeed is capable of sufficiently circumscribing the realm of religion itself.¹⁴ In fact, the division of *religio* and *superstitio* in Roman élite writers of the Late Republican and Imperial periods¹⁵ is in itself influenced by the distinction between εὐσεβεία and δεισιδαιμονία in Hellenistic philosophy. Stoic doctrine defined the latter as a sub-species of the emotion of φόβος which would disturb the composition of the human soul. By adopting this definition, Latin literary accounts introduced the normative concepts of moral philosophy into the discussion about proper and improper religious behaviour.¹⁶ Furthermore, Late Republican authors were themselves undecided as to which one of the etymologies of *religio* was correct.¹⁷ Cicero favoured an etymology that linked the word to *relegere*, »to go over again in thought« (ND 2,72), while Lucretius or Livy ex-

¹⁴ For a critique, cf. ULF 1982, 151-63; FEIL 1986, 39-49; PHILLIPS 1986, 2698-9; DURAND & SCHEID 1994.

¹⁵ E.g. Cic. ND 2,71; Varro RD fr. 47 Cardauns; Sen. Clem. 2,4,1, Ep. 123,16.

¹⁶ Cf. SVF 3, 394, 408-11, for the Stoic definition of δεισιδαιμονία. Latin adaptations: Cic. ND 1,117 *timor inanis deorum*; Varro RD fr. 47 Cardauns; Sen. Ep. 123,16; Sen. De superstit. frgs 36-8 Haase (*furor*); LAUSBERG 1989, 1888-98.

¹⁷ For a discussion of the evidence, see PEASE on Cic. ND 2,72; LIEBERG 1974; LIND 1992, 7-10. Unfortunately, these authors too try to reconstruct »the true meaning« of Roman religion from their respective linguistic analyses.

plained it with reference to *religare*, »to bind (sc. oneself to the gods)« (Lucr. 1,931; Livy 5,23,10). What matters more than a necessarily arbitrary decision on this issue is that the etymological meaning of the word *religio*, itself unclear to the native observer, does not give an indication as to how the essence of Roman religion was perceived by those Romans who used the word. The word itself retains an elusive character which is impossible to link to any substantive definition of religion; for Cicero, it sufficed elsewhere to define *religio* as *iustitia ergo deos*, thus again giving a strong ethical connotation to the performative aspect in due human behaviour towards the gods, while at the same time assimilating the term to *pietas* (Part. Or. 78). The interpretation of a native linguistic system does not, in any case, help us to define *das Wesen* of the religious system of the Romans.

The issue is further complicated by the fact that Cicero elsewhere, in the context of political theory, demanded internal involvement in religious ceremonial. His understanding of proper religious behaviour, informed by the ideas of moral philosophy outlined above, penetrates the exclusive dichotomy between ritual observance on the one hand and inner feeling on the other.¹⁸ Those scholars who regard such passages as attempts on the part of a philosophically educated élite to replace a Roman externalized formalism by emotional involvement too readily accept the traditional dichotomy of externalized ritual behaviour in Roman religion

¹⁸ Cic. Leg. 2,19: *ad divos adeunto caste, pietatem adhibento, opes amovento* with Cicero's own commentary, *ibid.* 2,24-5.

and true religious commitment.¹⁹ I shall return to this dichotomy in the course of my argument. However, it is worth noting that this dichotomy, absent as it is from Ciceronian political theory, is already clearly expressed by Seneca, for whom a moral life guided by Stoic doctrine alone suffices to please the gods. The external practice of religious cult in general thus becomes superfluous and can only be warranted by the obligation to comply with the norms and customs of society.²⁰ This attack on the foundations of ritual behaviour in private and in public cult was applauded by Augustine, who thought that Seneca's critique of religious practice was far more radical than Varro's critique of the theology of poets.²¹

1.2 The modern notion of religion

The very word »religion«, used to denote a separate sub-system in modern society, stems from the Latin *religio* and can be found in all European languages at a relatively early date. French *religion* occurs as early as the eleventh century. *Religion* in twelfth-century England is a straightforward adaptation from the French. In Germany, where a native ter-

¹⁹ E.g. DÖRRIE 1978a, esp. 247: »Einsicht in die Innerlichkeit«.

²⁰ Sen. *Ep.* 94,22, 95,50, 110,1; *De superstit.* frgs 38-9 Haase. Cf. ATTRIDGE 1978, 66-9; MAZZOLI 1984, esp. 978-9; LAUSBERG 1989, 1895-7. Even Christian apologists like Tertullian (*Apol.* 28,1) were ready to concede that pagans showed personal commitment in ritual; it is modern scholarship that construed a dualism of pagan cult routine and Christian faith; cf. P. STOCKMEIER, *ANRW* 2,23,2 (1980), 875, 888ff.; STROBEL 1993, 336-8.

²¹ August. *CD* 6,10 (p. 269,11-3 D-K). See 2.4 below, for the thesis that Varro's *theologia civilis* in fact anticipates Seneca's critique.

minology came into existence only after the Reformation, *Religio* is documented since the sixteenth century.

In this period, however, despite the intellectual re-interpretation by Medieval scholastics and Renaissance humanists, *religio* - and its modern cognate *religion* - did not yet signify the same as »religion« in modern society. Instead, it encompassed such diverse concepts as »religious service«, »religious behaviour« or, rarely, »belief«. The word complemented, rather than superseded, terms like *fides* or *lex*. *Religio* thus reflects, via the terminology of the early Christian Church, the indeterminacy which can be encountered in the ancient pagan vocabulary.²²

The development of »religion« into a *terminus technicus* culminated, it seems, in the age of the enlightenment. While the humanists of the sixteenth and seventeenth centuries were only partially able to redefine »religion« as an ethically informed belief system - a meaning which anticipates the word's modern connotations -, it was the enlightenment tradition which finally succeeded in presenting »religion« as a culturally and historically distinct system in its own right. The reasons for this are too numerous to discuss in detail here. Suffice it to say that eighteenth century intellectuals such as David Hume²³ or Immanuel Kant²⁴ draw their lessons from the discoveries made by earlier generations. Despite ecclesiastical opposition, these discoveries

²² For documentation, see SMITH 1962, 15-50; FEIL 1986; RUDOLPH 1994, 131-4.

²³ Cf. *The Natural History of Religion* (1757); *Dialogues concerning Natural Religion* (1779).

²⁴ E.g., *Die Religion innerhalb der Grenzen der bloßen Vernunft* (1793; ²1794).

documented, once and for all, the existence of religious - and allegedly primitive - cultures that were different from the form of religion prevalent in contemporary Western civilization. At the same time, the differentiation of contemporary society, with the decreasing impact of ecclesiastical tradition as a side-effect, necessitated the - often apologetic - redefinition of the boundaries between the sacred and the secular and the formation of some new kind of »natural religion« on the basis of contemporary rationality and ethics, just as society as a whole developed an increasing reflexivity in relation to all matters religious.

The next and, in our context, most influential step, however, was taken by Friedrich Schleiermacher at the beginning of the nineteenth century. In an unhappy marriage of German Protestantism and the Romantic age, he defined religion as a *Gefühl schlechthinniger Abhängigkeit* (»feeling of absolute dependency«). Hume, Kant and their contemporaries had defined religion as but one fragmented part of society. Now, by introducing the subjective and existentialist component of »feeling«, Schleiermacher reduced religion to a predominantly individual spiritual experience of the divine. Religion is, for the first time, exclusively presented as an internalized belief system detached from any religious institutionalization.²⁵

This concept of religion not only informs Protestant theology but also influenced historians of religion in the nineteenth and early twentieth centuries. For Schleier-

²⁵ On Schleiermacher's concept of religion, see NOVAK 1986.

macher's definition of religion as an internal feeling is easily compatible with the Judaeo-Christian notion of faith and salvation on a purely individualistic basis. This is one prominent reason why Schleiermacher's definition, once the eighteenth century distinction between culture and religion had been internalized, was readily adapted to their needs by theologians and historians alike. Schleiermacher's concept of religion, however, has also been adopted by sociologists who define the essence of religion as feeling. Rudolf Otto, for instance, portrays religion as a sense of ›the holy‹ or ›the numinous‹ which he views as central to any religious experience. Transcending its Romanticizing origins, Schleiermacher's definition of religion as an individual belief system thus appears to have achieved wider acceptance. His notion nevertheless remains Eurocentric and at the same time draws on a Judaeo-Christian tradition as presented since the nineteenth century.²⁶

1.3 Religion and culture

Obviously, such a notion of religion, being Eurocentric and informed by Christianizing assumptions, is not capable of providing a truly comparative perspective. Past experience has shown that cultures, both so-called primitive and/or non-European ones, where the evidence does not conform to such a notion are perceived as deficient in that they seem to lack what Western culture would define as »the reli-

²⁶ On the impact of Schleiermacher's concept of religion on religious studies in the nineteenth and twentieth centuries, cf. FLASCHE 1989; RÜPKE 1996a, 241-6.

gious«. The failure of anthropologists and historians to apprehend societies where the religious realm is presented as a ritualistic system rather than an individualized belief system is well documented. For that reason, some historians of religion have proposed to dismiss altogether the notion of ›religion‹ as a tool for comparative research. Drawing attention to the lack of a distinction between the religious and the secular or civic domain in many pre-modern and non-European societies, Dario Sabbatucci advocates the abandonment of ›religion‹ as an independent area of research and its repatriation into the realm of ›culture‹.²⁷ Sabbatucci thus proposes to undo the modern differentiation between culture and religion which took place, as outlined above, in the eighteenth century.

His thesis is relevant to this argument in so far as there appears to be an inadvertent, though close, rapport between Sabbatucci and a new generation of historians of Greek and Roman religions. Jan Bremmer, for instance, seems to me very close to the implications of Sabbatucci's position when he talks about the Greek πόλις in the Classical period:

»Whereas most Western countries have gradually separated church and state, the example of other societies, such as Iran and Saudi-Arabia, shows that this is not so everywhere. In ancient Greece, too, religion was totally embedded in society - no sphere of life lacked a religious aspect ... Indeed, religion was such an integrated part of Greek life that the Greeks lacked a separate word for ›religion‹ ... Embeddedness went together with the virtual absence of private religion ... cult was

²⁷ SABBATUCCI 1988, 57: »Die Geschichte der Forschung ... führt mehr oder weniger offen zur Auflösung des religiösen Spezifikums im kulturellen Allgemeinen, man spreche nun tatsächlich von Kultur oder von Gesellschaft oder von kollektiver Mentalität«.

always a public, communal activity ... This public character also meant that religion was strongly tied up with social and political conditions ... Embeddedness also influenced the conceptualization of the sacred. In modern Western society the sacred is limited to a direct connection with the supernatural and sharply separated from the profane, but the situation was rather different in Greece.«²⁸

The concept of ›embeddedness‹ allows Bremmer to construe an undifferentiated picture of Classical Greek society, where religion is indistinguishable from what Sabbatucci would term ›culture‹; Bremmer prefers to call this realm ›state‹, ›society‹, ›life‹ or ›public and communal activity‹ without discriminating further.

›Embeddedness‹ is also the key-concept of Mary Beard's account of Late Republican Rome. Instead of using Sabbatucci's ›culture‹ or Bremmer's ›society‹, Beard employs ›politics‹, ›military activity‹, ›public life‹ and ›the city‹, again without apparent distinction:

»Roman religion had its centre in politics, military activity and public life ... Religion was not principally concerned with private morality, ethics or the conduct of the individual Roman citizen ... The more fundamental cultural alienness of Roman religion lies in the degree to which it was undifferentiated from the political sphere. In modern world religions there is frequently considerable influence, in both directions, between religion and politics; but they remain separable and usually separate (if interacting) spheres of activity. In Rome, by contrast, ... religion, as in many traditional societies, was a deeply embedded element within public life, hardly separated as a separate sphere of activity or intellectual interest until the very end of the Republic.«²⁹

These passages are representative of the *communis opinio*.³⁰

They had to be cited in detail in order to illustrate the

²⁸ BREMMER 1994, 2-3. For similar sentiments, see e.g. ZAIDMAN & SCHMITT PANTEL 1992, 92-101; PARKER 1996, 5-7.

²⁹ BEARD 1994a, 729, 734.

³⁰ For comprehensive documentation, see below, 2.3, *passim*. For critique, see below, 2.5 and 2.6.

dilemma which appears to lie at the very heart of the current debate about religion in Graeco-Roman city-states. For as a result of the approach shared by these three authors, they dismiss what they rightly consider a modern construction of ›religion‹. Instead, however, they propose to replace the modern differentiation between religion on the one hand and culture, society or state on the other by a similarly problematic model in which religion is an undifferentiated and inseparable aspect of that culture, society or state. Sabbatucci adopts this strategy because he intends to regain a comparative perspective for both pre-modern and modern cultures; Bremmer and Beard because they consider the modern notion of religion to be incompatible with the »fundamental alienness« of Graeco-Roman culture.

Incidentally, the latter position faces an intrinsic difficulty in that the model of the embeddedness of religion in ancient society is not without problems. For both Bremmer and Beard implicitly acknowledge that the undifferentiated system they portray is unstable as it becomes increasingly disintegrated, once the differentiation of religion and society as separate spheres occurs. As both Bremmer and Beard make clear, this is exactly what happens in the post-Classical πόλις in the former case and during the final years of the Roman Republic in the latter. In the course of their argument, both authors employ a highly evaluative language which suggests that they perceive religious evolution in those periods as homologous with the dissolution of tradi-

tional religious structures.³¹ Religious evolution is here understood as a struggle between ideal types of religious choice which are logically incompatible. Their exclusivity does not easily allow for integration. Both Bremmer and Beard acknowledge the importance of individualization of religious roles in the course of societal evolution. Yet, according to these scholars the individualization of such roles clashes with the overriding concern for the unity of civic religion and are therefore marginalized.³² For Bremmer and Beard, the embeddedness of religion in ancient society is prior, both historically and logically, to any form of differentiation. It is a necessary logical consequence of this model, from which its advocates cannot escape, that any subsequent religious change whose structure does not comply with that model's criteria can only be perceived as deterioration.³³ And it is a further consequence that any change must appear to be ›subsequent‹ to this model's adherents, who thereby tacitly embrace a concept of cumulative and linear evolution which in itself is highly problematic. As I

³¹ BREMMER 1994, 91: »a ... movement away from the ordered public sphere«; 92-3: »religion as embedded in the polis had become religion as choice of differentiated groups«; 94: »the emphasis on public cult was shifting to private religious practices«. Cf. BEARD 1994a, 755-68.

³² BREMMER 1994, 94: »the traditional structure was still fairly strong and would only slowly be transformed by new elements«. BEARD 1994, 761: »a threat to the traditional forms of religion at Rome, to the largely undifferentiated amalgam of religion and politics«; 763: »the clash between traditional and differentiated forms of religious organization and experience«. Bremmer's discussion of maenadism is illuminating in that he employs a traditional structuralist model of »order« and »anti-order«: the »temporary disorder« of maenadism serves to emphasize the subsequent reintegration of women and the restoration of the ordered structure of civic life; BREMMER 1994, 19-20, 78-80. For further documentation, see below, 2.3.

³³ BENDLIN 1997, 47-8.

shall argue below, religious differentiation in the ancient city-state can be conceptualized without the underlying notion of decline only when we seriously modify that model.³⁴

The strategy of replacing an admittedly problematic notion of »religion« with the category of »culture«, »society« or »state« appears to be methodologically unhelpful for yet another reason. Although one cannot deny that there are cultures, including Graeco-Roman antiquity, where religion and society are in much closer contact than they might be in contemporary culture, there are nevertheless certain ideas and spheres in any society where what one might reasonably call »religion« is clearly differentiated from other ideas and spheres.³⁵ Without anticipating my argument, the dissatisfaction with the model of the »embeddedness« of religion in society originates from the realization that the model's extremely vague concept of »culture«, »society« or »state« is unable to describe, let alone account for, any dynamic processes in the course of which some realms of life might become distinguishable from others. For instance, due to this vagueness the adherents of that model cannot explain why the realm commonly associated with religion, rather than any other realm or, for that matter, »culture« and »society« themselves, should stand out as the subject of societal communication in the Graeco-Roman world as prominently as it undeniably did. Therefore, while perhaps rightly reacting against the radical differentiation of religion and ancient society in past scholarship, the model's adherents seem to

³⁴ See further below, 2.8.

³⁵ See below, 4.1.1 and *passim*.

have gone too far in replacing differentiation by a holistic concept of societal uniformity in the Graeco-Roman city-states. As we shall see below, a much more flexible methodological framework, rather than simplistic dichotomies, is required to describe the status of the religious system in Graeco-Roman society.

Finley's reluctance to accept anything other than a primitivist concept of the economy was mentioned above. It resulted from the assumption that the ancients' inability to conceptualize an economy *a fortiori* reflected the absence of a differentiated economic rationality. Yet, the level of rationality which Finley took as representative was based on modern world economics. Exposing Finley's dichotomy of primitive subsistence economy and market-oriented capitalism, economic historians have been able to reconceptualize a system which, while lacking the concept of the economy, was nonetheless characterized by a level of productivity and trade interest significant enough to qualify as reflective of a differentiated economy.³⁶ Economic historians have thus resisted Finley's primitivist strategy of de-differentiating the domains of economy and of society as a whole. I would suggest that the peculiar differentiation of economic roles enables us to draw an analogy. The ancient lack of a concept of religion must not result in the conclusion that the ancients were not able to conceptualize religion as a dif-

³⁶ Productivity: e.g. LOVE 1991, esp. 93-8; PURCELL 1994, 668-70; *Id.* 1995, 162-73; MORLEY 1996, 108-74; PARKINS (ed.) 1997. For the differentiation of economic roles and for upward mobility achieved through economic rather than political means, see e.g. RAUH 1986; *Id.* 1989; AUBERT 1994. See below, 2.6.1, 3.1.1 and *passim*.

ferentiated sub-system. Though no ancient linguistic category of »religion« as such exists, the existence of a religious system which somehow resembles modern categories of »religion« cannot be ruled out on *a priori* grounds. Before turning to the revaluation of the religious system at Rome, the question to be answered is: how do we define the category of religion which our comparative analysis requires?

It is no doubt apparent that for the reasons outlined above the traditional Schleiermacherian concept of religion is methodologically unhelpful. Yet, rather than dismissing the notion of »religion« as an umbrella-term altogether, various sociologists have tried to formulate a concept of religion which meets the demands of a comparative perspective. For it seems also apparent that it is advisable to retain, or reconstitute, the notion of »religion« as an umbrella-term at the meta-level. Otherwise it would be impossible to formulate any comparative notion of »religion« at all. Of course, this means that one has to account for very different forms of »religion«, ranging from the clearly conceptualized to the barely recognizable, at the object-level. Retaining »religion« as an umbrella-term fulfils still another important heuristic function: constituting the category of »religion« at the meta-level amounts to providing a tool for the analysis of a sphere which would otherwise *a priori* disappear behind a diffuse concept of culture. Conversely, the lack of any such category means *a priori* abandoning any possibility of conceptualizing religion as differentiated from other societal domains. Once conceptualized as an umbrella-term, the idea of a differentiated sub-system

of religion can thus be investigated at the object-level without making any prior assumptions as to whether such a differentiated religious domain does indeed materialize. Often the investigation might prove that this is not the case.³⁷

When investigating the relation between society and religion, modern scholarship has realized the cultural bias of its traditional categories of analysis: the historical phenomenon which past scholarship had confidently labelled »religion« has under scrutiny turned out to be fundamentally different from the model applied; that model of »religion«, as we nowadays realize, was a culture-bound concept coined in a Schleiermacherian tradition. Moreover, historians of religions emphasize that at the object-level »religion«, far from being a stable entity, is open to change and adaptation to its social context. Therefore, more recent research has understandably concentrated on those constant factors which, at the meta-level, would render »religion« a trans-cultural phenomenon that can be analysed in - and despite - its many different historical realizations. This recent discussion focuses on the question as to what are the methodological demands of a trans-cultural definition of religion towards the end of the twentieth century. However, approaching their subject with a comparative perspective, religious studies touch on several concepts that are also relevant to religion in the Graeco-Roman world, such as the dichotomies between »external« and »internal« - or »public« and »private« - and the differentiation and integration of religion in society.

³⁷ Cf. SEIWERT 1987; RUDOLPH 1994, 135-9.

1.4 »Religious behaviour« versus »belief«

It has become an axiom that religions are part of a wider culture through which they are rooted in concrete social structures and constrained by social conditions. This axiom locates religious activity within a broader context of social activity. Such an approach successfully overcomes the traditional Schleiermacherian notion of religion as a trans-historical phenomenon that solely focuses on the individual's emotional state. Yet, while rightly dismissing such a notion, scholars have gone too far in the opposite direction and either described religion's place in society as organizational, with an emphasis on the organization of religion, the role of religious functionaries or the concept of »civic religion« in society; or they treated it as merely functional, focusing on the correlation between religious authority and social control.

On the traditional view, »belief« is an exclusively »internal« matter, notwithstanding the fact that one's religious behaviour follows »external«, organizational and functional, patterns; and the recent emphasis in religious studies on external aspects of religious behaviour is certainly explicable by the distrust of that traditional view. As a result, however, recent religious studies have shown less willingness to re-address the issue of religious experience. Instead, in order to overcome any Schleiermacherian assumptions, the dichotomy between »religious behaviour« on the one hand and »religious experience« or spiritual »belief« on the other, between »the external« and »the internal«, has

been pursued in the opposite direction. To be sure, this dichotomy informs various competing models in the social sciences: for instance, when explaining individual and communal behaviour, historians of religion are rather disinclined to embrace the Weberian idea of »intuitive understanding« and get trapped in the ensuing hermeneutic problem of how to construe a truly cross-cultural category of »intuition«. Instead, they favour a structural history (»histoire des structures«) which focuses on quantitative and statistically inductive data. This inevitably leads to the investigation of the behavioural aspect of religion in its objectifiable social context rather than the subjective category of »religious experience«. Arguably, this seems to be the only strategy, if we try to escape from the notorious hermeneutic circle outlined above.

The functionalism, however, which informs such a model has obvious limitations: content as it is to describe institutionalized regularities in the correlation between religion and society, it cannot account for any phenomenon that, like individual »experience« or »emotion«, may be immanent to a particular religious system without figuring prominently in societal communication about the relation between religion and society.³⁸ Furthermore, while historians of religion for good reasons doubt the rightful application of a Christianizing concept of religious faith to other cultures, there is a tendency to abandon the category of »religious experience« altogether. To give a preliminary illustration, historians of Roman religion pay close attention to ritual

³⁸ For a critique, see H. J. SCHNEIDER 1979.

behaviour. The only area in which these scholars have always dealt with emotional processes and belief more freely is the area of mystery or oriental religions. Concentrating on the subjective impact oriental and foreign cults made on the individual, they follow the traditional differentiation between what is seen as proper behaviour in acknowledged religious acts and ›true experience‹ in marginal religious subsystems. Few would nowadays concur with the once fashionable view that the emotional nature of these marginal religious cults was to supersede the formalism inherent in traditional pagan religion and to pave the way for Christianity. Only few, on the other hand, when investigating traditional paganism, would seriously disagree with the heuristic perspective common among ethnographers and students of religion that meaning ought to be investigated in the public and collective sphere rather than in individual thought and emotion.³⁹ In fact, as we have seen in the respective cases of Bremmer and Beard, many studies of Graeco-Roman religion readily establish an *a priori* separation of emotion and cognition, and dichotomize (private) individual experience and (public) collective representation, with their investigation predominantly focusing on the domain of civic religious behaviour.⁴⁰

³⁹ E.g. GEERTZ 1973, 10-3: »culture, this acted document, ... is public ... Though ideational, it does not exist in someone's head.« See further below, 2.6.3.

⁴⁰ Notable exceptions include LIEBESCHUETZ 1979, 39-54; PHILLIPS 1986, 2697-711; CANCIK 1994; WISEMAN 1994, 49-53; RÜPKE 1995a, 453-71, 593-628; FEENEY 1998. See further below, 2.3.

However, the underlying schematic separation of »behaviour« and »experience« is questioned by recent studies in the field of psychology. Psychologists define the realms of the »external« and the »internal«, the latter comprising motivational processes such as emotion or feeling but also cognition, not as separable but as interdependent operations. To psychologists, these realms are not unrelated causes which could generate clearly distinguishable externalized or internalized effects. Psychology thus strongly suggests that the difference between public »behaviour« and individualized »belief« should not be defined at the level of differentiated logical or motivational, »external« or »internal«, operations.⁴¹ To be sure, such a model of behaviour does not make any *a priori* assumptions about the actual interrelation between »behaviour« on the one hand and individual belief systems, emotion or cognition on the other, between »external« and »internal« processes; these must still be described in relation to the constraints of the social system. But psychology replaces the separation of »external behaviour« and »internal experience« by the assumption that these entities are themselves inextricably linked by attributional mental processes.

These studies have wide-ranging implications which need to be taken into account. Individual »belief« and societal »behaviour« are not categories that could ever be separated. Rather, internalization and externalization are but two moments in an on-going dialectical process of mutually influencing, of implicitly reaffirming or overtly questioning,

⁴¹ Cf. HECKHAUSEN & WEINER 1980.

received perceptions and public behaviour; and it would be wrong to locate the perceptual sphere of emotion or motivation in the individual's personal world, and to construe a contrasting realm of external behaviour.⁴² This theory casts serious doubts on the assumption that social behaviour in general, and religious behaviour in particular, can be described as if it took place solely at the public level, or that religious behaviour can be distinguished from the individual agent's internal motivations. By implication, it also questions the assumption that emotion and individual belief in religion are internal realms that could ever be separate from external affairs. Taking the realm of motivational processes in that relational sense may help us to question the assumption that the very category of »emotion« and individual »belief« is but a modern theological construct which could not be applied to pre-modern societies.

The implication of these psychological studies is that any living system must be described as a complex synthesis of different ›materials‹. Social studies have adopted these observations and formulated analogous models of societal behaviour: social systems, too, are constituted through several elements - symbols and myths, material resources, genetically determined programmes, emotions and feelings, communal interactions and institutionalizations.⁴³ As a consequence, any definition of the organization of society in general and of religion in particular has to take account of both the externalized and the internalized factors of social

⁴² Cf. BERGER & LUCKMANN 1966; BELL 1992; WHITE 1992.

⁴³ Cf. BÜHL 1987, 70; WORTHMAN 1992.

behaviour. If they are prepared to accept this analogy, religious studies must address both the institutional realm and an internal, psychological, dimension, as the religious sphere arguably reacts to a multitude of organisational and individual issues. As regards religious evolution, a religious system is thus related to several changing functional references, and to the developing needs of both institutions and individuals.⁴⁴ This insight should lead to the conclusion that religious studies must not focus exclusively on the functional aspect of religion, addressing issues such as priestly roles, »religion and politics« or »civic religion«. Such an approach must be complemented by the investigation into the interrelation between external religious behaviour and the internalization of religious structures. Moreover, it is an important implication of the foregoing discussion that individual belief systems do not simply mirror a public or civic belief system, as the advocates of the civic model assume when they acknowledge the existence of individual beliefs only in this limited sense. For the mutual interaction of the perceptual and the behavioural aspects of human life entails that beliefs can never be stable. It is therefore highly questionable whether there exists, as these scholars argue, a linear and one-directional relation between civic behaviour and the beliefs it engenders in individuals. Such simplistic models need to be abandoned. Scholars of ancient religion ought to develop frameworks which are capable of accounting for the possibility that public »behaviour« and internalized »belief« are organized

⁴⁴ Cf. KAUFMANN 1989, 59-69; WELKER 1992.

not by a relationship of structured dichotomy but by a »performative structure« whose meaning is itself shifting, as it is constrained by several different internal and external factors.⁴⁵

Here, the discussion returns to its point of departure. For the very fact that the traditional notion of »religion« is a modern creation has resulted in the rash conclusion that it should under no circumstances be re-applied to pre-modern or non-European religious systems. Scholars of Graeco-Roman religions in particular currently doubt the relevance of such value-laden categories as »religion« or »belief« as analytical tools: allegedly, personal commitment, moral value systems or spirituality in the modern sense were non-existent in the lives of ancient Greeks and Romans; private worship was an expression of civic religion, albeit on a smaller scale, but did not provide distinct religious biographies. To be sure, this must be understood as a justified reaction against earlier scholarship. For preceding generations of scholars had based their assumption that the Romans did not believe in their religion on the questionable modern dichotomy between true belief, to be found in individual religious experience, and the externalized cult acts of Roman religion.⁴⁶

By contrast, this new generation of scholars attempts to overcome such a dichotomy by doubting the validity of the very category of »belief«. By stressing religion's role as

⁴⁵ I shall return to this suggestion below, 2.8 and *passim*.

⁴⁶ For a selection of references and critique, cf. PHILLIPS 1986, 2697⁵⁶.

being preservative of the community as a whole - a simplistic functionalist definition to which we will return shortly -, these scholars assume that it would be possible to unmask the traditional notion of »religion«, an internalized system of belief grounded in individual emotion and faith, as being specific to the Western world steeped in the Christian tradition. Such a notion of »belief« would not be applicable to Graeco-Roman culture. Instead, ancient belief systems characterized the individual's ideological commitment to the system of public religious behaviour:

»To be εὐσεβής ... was to believe in the efficacy of the symbolic system that the city had established for the purpose of managing relations between gods and men, and to participate in it, moreover, in the most vigorously active manner possible.«⁴⁷

These scholars would certainly concur with Rodney Needham who, starting from the concept of the contextual nature of the meaning of words, questions

»the received idea that th[e] verbal concept [of belief] corresponds to a distinct and natural capacity that is shared by all human beings«.⁴⁸

Unfortunately, the revaluation of »religion« and »belief« which results from such a critique of past scholarship is itself inconsistent. Despite the fact that the traditional Schleiermacherian notion of religion is a creation of the eighteenth century, no one has to my knowledge doubted its validity, when it is applied to Christian belief systems in the Middle Ages. Apparently, it is only with respect to

⁴⁷ ZAIDMAN & SCHMITT PANTEL 1992, 15 (my emphasis, AB), discussing the Classical Greek city-state; cf. BREMMER 1994. For a similar argument with reference to Roman Republican religion, see below, 2.3.

⁴⁸ NEEDHAM 1972, 191, explicitly approved of by PHILLIPS 1986, 2696; *Id.* 1997, 130 with 131⁷; FEENEY 1998, 12.

non-Christian cultures that scholars routinely make the *a priori* assumption that those internalized motivational processes commonly called »emotion« or »belief« must not be the object of the study of religion. This assumption provides the justification for their neglect of the internal and the focus of their research on the external aspects of human behaviour. The underlying idea, however, seems to be that non-Christian societies like Graeco-Roman culture do not accord to religion such an emotionally charged place because »belief« is in itself not an entity that could be shared by all human beings. What these scholars do not realize is that they, in doing so, attack only one particular, namely the Schleiermacherian, notion of belief, which they unwittingly permit to direct their discourses. Rather than truly liberating themselves from a past intellectual tradition, they operate in the framework of that very tradition: for when reacting against the application of a Schleiermacherian notion of belief to Graeco-Roman antiquity, the underlying parameters of their evaluation remain those »Christianizing assumptions« which these scholars claim to have overcome.

How can the crude dichotomy between a Schleiermacherian belief and the mere endorsement of public religion be resolved? It is necessary to find a more objectifiable category of »belief« which does not entail any Christianizing undertones of faith or internalized religious dogma. Once such a disinterested notion is available, the neglect of purely individual motivational processes becomes even more problematic. For with a view to contemporary society, no one but persistent opponents of psychology could reasonably deny the

relevance of internal motivational operations - our emotions and cognitions - for our societal behaviour in general and our belief systems in particular. When making the *a priori* assumption that with respect to religion in Graeco-Roman society one can disregard such emotional processes, scholars implicitly postulate that the ancient mind was fundamentally different: not only in that the ancient meaning of religion differed from ours but also because the ancients did *a priori* not conceptualize belief systems in the way we do.⁴⁹ The problem with such a view is that it results in the assertion that the ancient world was different from ours not only *culturally* but also in terms of psychology. The onus of proof for this view lies with these scholars. On methodological grounds, however, their view is just as problematic as the position they react against. For they replace the traditional »Christianizing assumptions« about the importance of personal commitment in religion by the mere, if emphatic, assertion of its relative unimportance in the case of Roman religion. Either position starts from preconceived perceptions; either adheres to circular thinking which is intertwined with its respective interpretative preconceptions. So far, the response to this ideological battle has been the

⁴⁹ The *a priori* assumption of a profound difference between »the Romans« and »our« religious behaviour dates back to the early nineteenth century. It was made explicit by Mommsen and Wissowa, both influenced by Hegelianism; cf. WISSOWA 1912, viii, cited below, 2.2. For a recent methodological justification of the neglect of »belief« in the study of Republican Roman religion, see NORTH 1989, 605-6: »The theoretical problem is whether the elements of religious life can be postulated *a priori* for any society, or whether they are different and specific in different cultural situations ... the Romans' religious experience was profoundly different from our own and ... it is impossible to postulate what elements it should or should not have contained.«

repetitive assertion, rather than a methodological explanation, of the lack of belief, spirituality, emotion or metaphysical systems in Roman religion.⁵⁰

At this point, an intermediate position might suggest itself. This position acknowledges that internal motivations form an important part in the process of constituting a social system, yet argues that religious studies confronting pre-modern and primitive societies cannot access other than external data. This position thus redefines the focus of its interest as merely the external and objectifiable structural elements of religion and admits to the incompleteness of its results.⁵¹ Yet again, one should ask whether such an inherently functionalist approach towards religion is capable of providing a framework for other than external data, and whether it does not *a priori* exclude from its analysis the possibility of completeness. This discussion clarifies the problem which lies at the centre of religious studies: before assessing our data, we require a definition of religion which does not *a priori* marginalize part of the evidence but is capable of providing an analytical tool which takes into account both the externalization and the internalization of religion in society. If such a definition reflected on the underlying assumptions of its framework and took into consideration the danger of circular thinking, it would be able

⁵⁰ For further critique, see below, 2.3 and 2.6.

⁵¹ E.g., with exemplary caution, GEERTZ 1973, 123: »[S]uch questions cannot even be asked, much less answered, within the self-imposed limitations of the scientific perspective«. PHILLIPS 1986, 2710-1 argues that one ought to abandon »belief« as a heuristic strategy because it is too value-laden: »It can only serve the cause of obscurantism to talk about ›belief‹ and ›empty cult acts‹ for the Roman world.«

to reintroduce to the discussion the categories of »emotion« and »belief« as operational analytical tools beyond any cultural over-determination.⁵²

1.5 Defining religion

No historian of religion could nowadays claim that his object is »the holy« or an »ultimate reality« (Rudolf Otto), or define religious studies as the »recreation of religious experience« (Mircea Eliade). These are phenomenological models which, while providing religious surrogates for their creators, do not separate between the external observer and what is to be observed at the object-level.⁵³

In an attempt to overcome such overtly phenomenological approaches, the discussion has focused instead on two competing definitions of religion. These are respectively the »functional« and the »substantive« approach. »Substantive« definitions discuss what religion is, whereas »functional« definitions concentrate on what function religion has in society. The former explains religion in terms of its essence, the latter with a view to what it does.⁵⁴ Needless to say, these are ideal types: contemporary definitions of religion routinely combine a »substantive« with a »functional«

⁵² Here I am in general agreement with the heuristic aims of the so-called »cognitive-processual archaeology«; cf. RENFREW 1994b, esp. 9-11. Unfortunately, Renfrew's own approach to defining religious behaviour in terms of cognition (RENFREW 1994a) is compromised on purely methodological grounds; see 1.5.

⁵³ Cf. FLASCHE 1989.

⁵⁴ For discussion, cf. DOBBELAERE & LAUWERS 1974; KEHRER 1988, 15-27.

element. In fact, a combination of both can already be found in the writings of the »founding-fathers« of these definitions, Edward Burnett Tylor and Émile Durkheim, respectively.⁵⁵ An investigation, however, of these two ideal types facilitates the discussion of their respective advantages and shortcomings.

The main objection to functional definitions of religion has repeatedly been raised.⁵⁶ It runs as follows: any specification of religion's function in society may also fit other institutions or operations. While Durkheim, Malinowski or Evans-Pritchard viewed the function of religion as providing a bond of social solidarity among the members of a community, their functionalist successors have modified this approach and stressed the more active role of ritual and belief in regulating and governing a social system.⁵⁷ However, they have failed to solve the basic problem: religion may »integrate«, »interpret the world« or, to take Durkheim's own functional definition,⁵⁸ provide

»a unified set of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden, - beliefs and practices which unite one single moral community - all those who adhere to them.«

but one can easily imagine non-religious institutions and operations, such as »tradition« or »morality«, that are able to achieve the same effect or fulfil a similar function; and it is no doubt one of the shortcomings of such a functionalist analysis that it focuses on religion's function for

⁵⁵ For an account of Tylor's and Durkheim's positions, cf. MORRIS 1987, 91-140.

⁵⁶ PENNER 1971-72 and LUKES 1975 provide critical accounts.

⁵⁷ E.g. RAPPAPORT 1971; GEERTZ 1973, 87-125.

⁵⁸ DURKHEIM 1964 (/1912), 37.

collective structures rather than on the meaning religious action may have for the individual agents. This objection, however, does not render functional definitions obsolete. Yet, to save his argument the functionalist would have to find a function which could be related exclusively to the religious sphere but not to any other. In order to meet these objections, functional definitions tend to define as religious any equivalent which is capable of fulfilling the same function as religion. Theoretically, the scope of what is described as religious can thus be extended *ad infinitum*. However, such a solution is problematic. For it is not difficult for the external observer to constitute several functional criteria of what ought to be regarded as fulfilling a religious function. Yet, such a definition appears seriously under-determined for several reasons. For example, the object level, the society under consideration, may not apply the same functional criteria when describing what it regards as religious. As a matter of fact, societal communication very rarely defines religion in purely functional terms. Moreover, a functional definition which explains religion as, for instance, providing social cohesion, may specify what is merely an unintended consequence of religion's existence in society. A functional definition of religion thus leaves a definitional gap which it cannot fill in by continuously adding potential substitutes.

Durkheim's definition of religion accords the sacred a merely integrative function but does not conceptualize this definitional gap. A functional definition like Geertz's, on the other hand, altogether abandons any category which might

provide a more nuanced account of the religious domain's distinctiveness.⁵⁹ More recent functionalist approaches have realized this dilemma and attempted to fill in the definitional gap. Unfortunately, however, they have fallen back on unhelpful conceptualizations of this gap: according »religious experience« a central place in their models, both R. A. Rappaport and Colin Renfrew reintroduce a concept that is in itself, as outlined above, culturally over-determined and does not appear to provide a comparative perspective.⁶⁰ The missing link, in the form of a substantive characterization which transcends the merely functional while accounting for a comparative perspective, can, it may seem, be provided by a modified substantive definition of religion. Melford E. Spiro defines »religious belief systems« as:

»beliefs concerning the existence and attributes of [superhuman] beings and of the efficacy of certain types of behaviour (ritual for example) in influencing their relations with man.«⁶¹

With reference to Tylor's original definition of »belief in spiritual beings«, Spiro seems to provide a useful distinction between religious and non-religious belief systems. However, his approach proves unsuitable for a different reason. For his monothetic definition with a particular sub-

⁵⁹ GEERTZ 1973, 90: »a religion is a system of symbols which acts to establish powerful, pervasive and long-lasting moods and motivations in men by formulating conceptions of a general order of existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic.« For a critique, see HOFSTEE 1986. Elsewhere Geertz himself warned against the poverty of a schematic functionalist approach: GEERTZ 1973, 122-3.

⁶⁰ RAPPAPORT 1971; RENFREW 1994a, 47-51. This shortcoming seriously diminishes the laudable attempts of the so-called cognitive-processual archaeology of RENFREW 1994b.

⁶¹ SPIRO 1966, 98.

stantive content (»superhuman beings«) provides only a very narrow categorization of what counts as »religious«. Spiro's definition assumes that what he differentiates as being religious and non-religious, has the same meaning at the object level. In a society which worships superhuman beings this may indeed be so, in which case Spiro would provide a particularly fine description of that religious system's phenomenology. But such a description could certainly not be applied to a culture in which there is no such worship of superhuman beings.

The methodological dilemma thus becomes apparent. Whereas functional definitions seem too vague, substantive definitions appear too specifically centered in one historical notion of religion to be truly comparative.⁶² In other words, functional definitions may provide numerous *necessary* but no *sufficient* criteria, as too many phenomena are included which do not constitute what would commonly be called a »religion«. Substantive definitions, on the other hand, may specify a *sufficient* but not a *necessary* condition: they exclude several conditions that could equally define a religious system. Is there a response to the over-determined character of substantive definitions? To fill in the above mentioned definitional gap, a formulation could possibly be conceived which at the same time provides a sufficient condition without being over-determined. Consider, for instance, my following formulation:

»Religious systems differ from other cultural systems in that the activities associated with their elements gen-

⁶² Cf. LUHMANN 1977, 83.

erate a certain validity which is traced back to permanent and absolute authorities«. ⁶³

This definition comprises a necessary functional (»validity«) and a sufficient substantive element (»permanent and absolute authorities«). However, even this latter definition can not entirely escape the hermeneutic circle. For the criteria which constitute the necessary functional condition (»validity«) and the sufficient substantive condition (»permanent and absolute authorities«) still owe their formulation to the beholder's intuition. For intuition remains the arbiter in the question of what constitutes a necessary and a sufficient condition of religion. For reasons of principle, this methodological dilemma cannot have a solution, and any definition of religion can only be an approximation. Yet, since this dilemma is unsolvable, the criterion for a definition's usefulness must be its theoretical potential.

This potential can only be exploited if a definition's implicit assumptions are made explicit. ⁶⁴ It is at this point where the latter definition justifies its temporary existence. It has several advantages: firstly, it provides a sufficient condition in that the category of »absolute authorities«, in a comparative perspective, makes it harder to force a particular phenomenological categorization upon religion. Secondly, once an over-determined phenomenological category has been abandoned, the notion of »validity« pro-

⁶³ My formulation is modelled on, and expands, SEIWERT 1981, 85: »Religiöse Nomisierungen beanspruchen Gültigkeit, wobei als letzte Gültigkeitsprinzipien absolute Autoritäten gelten.«

⁶⁴ Cf. RENFREW 1994b, 10-1, on the methodological problems of circular thinking faced by »cognitive-processual archaeology«.

vides a necessary functional condition which, while refocusing on the function of religion in society, replaces the purely integrational functional analysis of a Durkheimian model.⁶⁵ »Validity« is a function which can become operational in the public and the private spheres alike. This definition thereby overcomes the traditional dualism of externalization and internalization inherent in other functionalist definitions.

Thirdly, this definition draws our attention to phenomena which have hitherto been dealt with as religious substitutes of institutionalized religious concepts. When applying this definition to contemporary society, its utility becomes at once evident. Religious institutions and ideas must cope with a massive secularisation in society in that institutionalized religious structures and churches become increasingly marginal; parallel to the devaluation of religious institutions, the privatisation of religious feeling increases. In consequence, there is not less religion in contemporary society, but it can no longer exclusively be found in institutions. This does not mean that religion forfeits its societal importance. However, contemporary society has to offer more than one theological construct and more than one mental operation which is seen as religious. Such a definition therefore attempts to account for what has been labelled a new contemporary polytheism in the wake of ever increasing cultural complexity towards the end of the twentieth century.⁶⁶ However, its value for describing the poly-

⁶⁵ Cf. SEIWERT 1981, 71-9.

⁶⁶ LEMERT 1974.

theistic nature of Graeco-Roman religion will also become apparent. For taking contemporary religious complexity as an analogous case, I shall argue that the modern emphasis on Republican Roman religion as an institutionalized system, in the form of either Georg Wissowa's ›Staatskultus‹ or of the new paradigm of ›civic religion‹ embedded in the socio-political structure, is a modern misrepresentation. On the contrary, we are dealing with what was essentially a deregulated system of religious behaviour. Religion's societal importance lay in the fact that it penetrated both public and private areas in a way which these models cannot portray, since the evidence comprises many aspects which transcend simplistic categorization. Moreover, I shall argue that studies of Republican Roman religion need to reevaluate religious complexity and the differentiation of religious choices. Viewed along such lines, the wider dissipation of religious meaning and the diffusion of religious authority in a polytheistic context call into question the validity of previous models and shed new light on religion's place in Roman society.⁶⁷

1.6 Towards a comparative concept of religion

How does the potential of this definition materialize when being applied to concrete historical religious systems? The answer to this question entails a further ramification to my argument. For the problem of how to provide one particular definition of religion is unsolvable for yet another reason.

⁶⁷ For further illustration, see below, 3.1 and 4.

For if the axiom holds true that a social system is constituted through its normative sub-systems - sets of orientation, rules, and guidelines - and if it is further true that religion is one of these normative sub-systems, then providing a definition becomes almost impossible. For as there is a correspondence between religion and society, and as society is continuously constituted and altered through religion and other normative elements alike, we should expect religion itself to undergo dynamic changes in the course of this process, adjusting itself to social realities and constantly altering its referential frame.⁶⁸ Accordingly, we should expect religion to have more than just one stable and unshifting function in society. In constantly changing social systems, religion is always open to societal re-definition, both communally and, as emphasized above, individually. Accordingly, a few functionalist approaches have rightly emphasized religion's multi-functionality and its adaptability to changing social constellations at both the communal and individual levels.⁶⁹ That is the very reason why both simplistic functional and substantive definitions of religion, with religion being directed at »ultimate realities« or »superhuman beings«, are unsuccessful. Religion may indeed focus on subjectively perceived »superhuman beings«; yet, as religion is reconstructed and redefined within a changing society, so is the referential frame for the perception of those »superhuman beings« in society. The more flexible category of »permanent and absolute authorities«

⁶⁸ Cf. DÖBERT 1973a, 75-82.

⁶⁹ Cf. LUHMANN 1977, 84; KAUFMANN 1989, 59-69.

seems better suited to describing these entities at the meta-level.

At the same time, religious studies must react against still another trend: the disentanglement of »religion« as an area of research and its repatriation into the realm of »culture«, »society« or »state«. The formulation that a religious system is culturally distinct from other realms of society, suggested above, because it is linked back to permanent and absolute authorities is an attempt to provide a theoretical frame which could respond to that trend.

It is the function of religion »to provide types of behaviour that are communally performable and relevant to the individual, types that are reconcilable with social realities and adjustable to individual circumstances, types that are able to generate and communicate not only one integrational set of orientation but also several other individually decomposable systems of meaning.« This functional definition of religion, paraphrasing Michael Welker,⁷⁰ appears to provide a comparative perspective for a post-Schleiermacherian age. Indeed, once it is agreed that a religious system comprises universally shared norms and individual beliefs, and that it interpenetrates both the social world and the individual sphere, the traditional separation of »behaviour« and »emotion« has disappeared. This comparative perspective embodies two prominent features which ought not to be ignor-

⁷⁰ WELKER 1992, 370: »universalisierbare und zugleich individuell performierbare Typiken bereitzustellen [und diese] Typiken, die hochintegrative Orientierungsansprüche und zugleich individuell dekomponierbare, multiple Ordnungen generieren, zu erkennen und zu kommunizieren.«

ed by the student of religion: firstly, it no longer dichotomizes the categories of »external« and »internal« motivational religious behaviour, but enables us to understand them as complementary elements of one and the same process. Secondly, it implies the notion of religion as a separate and individualized cultural entity that ought to be perceived as interrelated with, though at the same time differentiated from, society as a whole.

Finally returning to the Graeco-Roman city-states, the way religion's role in society is described by Bremmer or Beard is fundamentally incompatible with the model which I have proposed in the foregoing discussion. The distinction between »external« and »internal«, or the dichotomy of »public« and »private«, as well as the issue of religious differentiation in society lie at the heart of the debate about the unity and subsequent dissolution of civic religion in the Graeco-Roman city-state. It might at first appear futile to apply the foregoing considerations to these issues; yet, as will become clear, their revaluation in the light of a comparative perspective seriously challenges the very model of civic religion itself and finally leads to a modified understanding of religion in Graeco-Roman antiquity in general and in Late Republican Rome in particular.⁷¹ Whereas many historians of Graeco-Roman religion still appear to react against an obsolete Schleiermacherian notion of religion, my argument is that, with a view to religion in the Late Roman Republic, the categories of »external« and »in-

⁷¹ I shall return to this discussion in more detail below, chs 2 and 4.

ternal«, or »public« and »private«, and the issue of differentiation of the religious domain, along the lines of a comparative model of religion, provide new insights into an old discussion. With some justification, Roman religion may be characterized by a »fundamental cultural alienness«, but it exhibits, as I shall try to prove, some aspects which might strike the beholder as not too unfamiliar.

2 C O N C E P T U A L I Z I N G

R O M A N R E L I G I O N

»It is the nature of models that they are subject to constant adjustment, correction, modification or outright replacement ... The familiar fear of a *priorism* is misplaced: any hypothesis can be modified, adjusted or discarded when necessary. Without one, however, there can be no explanation; there can be only reportage and crude taxonomy, antiquarianism in its narrowest sense.«
Moses Finley, *Ancient history. Evidence and models* (1985), 66

2.1 Roman religion - local religion?

One of the most promising changes which have occurred in the study of Graeco-Roman religions in the last two decades relates to the attention that is being paid to the »localization« of religious structures and experiences. With particular reference to Greek religion, scholars have increasingly observed its microstructure - its pantheons and cults as well as myths at the level of the local religious system - rather than paying excessive attention to its Panhellenic macrostructure as communicated through the static *pantheon* of the Homeric poems and the Hesiodic theological speculations, or as reconstrued on the sole basis of the evidence of one particular city-state. Instead, local histories of religion focus on the peculiar composition of a pantheon and the (un-)availability of cults and mythologies in a strictly

local context. They thereby investigate the religious »in-frastructure« which constrained concrete religious choices and experiences in the different *poleis* throughout the Hellenic world.¹

With regard to the religion of Rome, the applicability of the notion of local religion is hardly controversial. For the religious significance of the physical city for Late Republican or Augustan audiences, witness Cicero's reaction to Pompey's plans to abandon the city in 49:

>non est< inquit >in parietibus res publica.< At in aris et focus.

Livy, another Roman of non-Roman origin, would subsequently exploit the theme of the physical city imbued with religious tradition and inhabited by the gods in Camillus' speech against abandoning Rome in favour of the site of Veii.² Indeed, the topography of Rome could be conceived of as a sacred landscape: it was inscribed in the religious calendar, whose festivals, with rituals in temples or theatres and processions throughout the city, were year after year embedded in the urban space. Moreover, this sacred landscape was permanently constituted by the positioning of its sanctuaries or the creation of visual links between its augural *templa*.³ Through his antiquarian research into Rome's *res divinae* (comprising the priesthoods, sacred places, the festive calendar, the rituals and divinities of the city),

¹ E.g. HENRICHS 1987; MORA 1995; PARKER 1996.

² Cic. Att. 7,11,3; Livy 5,51-5. Cf. AMPOLO 1991, 117; NORTH 1995, 145 & 150⁴⁹. See below, 3.1.2.

³ CANCIK 1985-86.

Varro intended to reevaluate the meaning of Roman religion for his fellow-citizens within this topographical context.⁴

On the other hand, in the period under consideration, the second and first centuries BCE, Rome had long outgrown the confines of a nuclear city-state. By way of illustration, the reported census-figures of 70/69 amount to nearly 1,000,000 Roman citizens who got registered. In all likelihood, those figures do not represent the full number of Roman citizens of that time. Even so, they exceed the 320,000 corn-recipients in the city of Rome that are reported as a result of the Lex Clodia of 58, in the course of which free corn was distributed not only to the free-born and to freedmen but also to a large number of newly manumitted slaves, and possibly to migrants as well. Caesar in 46 reduced that number to 150,000, while 200,000 recipients are recorded under Augustus. This reduction was achieved possibly by restricting admission to the *plebs frumentaria* to the free-born only.⁵ These figures strongly suggest that an exceptionally large number of Roman citizens lived too far away from Rome to profit from the corn dole. In the ever expanding Roman Empire, the idea that the city of Rome could provide a physical focus of identity would become increasingly

⁴ Varro *RD I* frgs 2a and 3 Cardauns. For Varro's critical intention, see below, 2.4.1.

⁵ Census of 70/69: BRUNT 1987, 91-9, 376-84. Corn dole under the Lex Clodia: *MRR* 2,196. Abuse in the 50s: Cic. *Dom.* 25; Cass. Dio 39,24; cf. Dion. Hal. *Ant. Rom.* 4,24,5. Reduction under Caesar: Suet. *Iul.* 41,3; Cass. Dio 43,21,4. Cf. VIRLOUVET 1991, esp. 48-55; MORLEY 1996, 35-7. On grain supply and consumption in the city of Rome during the final two centuries of the Republic, see GARNSEY 1988, 191-217; *Id.* 1998, 226-52 on malnutrition.

unreal.⁶ As a corollary, the idea that the history of Roman religion, when defined as the religion of Roman citizens, could be written solely in terms of one particular local religious system seems most problematic.

Consider, for instance, the Tullii Cicerones from the town of Arpinum which had gained full Roman citizenship in 188, eighty-two years before the birth of the orator M. Tullius Cicero. Although the family had moved to Rome in the mid-Nineties, Cicero continued to assert his relation to Arpinum as his *germana patria* as late as the late fifties.⁷ Cicero was aware of the problem that a *municipalis* had two *patriae*, one by nature or origin (*naturae, ortu, loci*), the other, Rome, by citizenship and law (*civitatis, iuris*). In his conception of the ideal state, expressed in *De legibus*, the *municipium*, while representing a realm of life in its own right, was subordinate to the political domination of Rome.⁸ Yet, this concept of political philosophy appears not to have seriously devalued the importance Cicero attached to the *sacra* of his family at Arpinum. The actual differentiation between the *sacra familiae* on the one hand and the *sacra publica* of Rome or those of the *res publica municipii* of Arpinum (Cic. *Fam.* 13,11) leaves one wondering whether religious practice was as easy to pigeonhole as the ideal of political philosophy would demand. On the contrary, it is

⁶ Cf. CORNELL 1991, on the Roman city-state as an anachronism and an ideology.

⁷ *Leg.* 2,3: *hinc enim orti stirpe antiquissima sumus, hic sacra, hic genus, hic maiorum multa vestigia*, set in Cicero's villa in Arpinum. For the Tullii Cicerones and Arpinum, see NICOLET 1967; DÖRRIE 1978b. Roman citizenship in 188: Livy 38,36,7ff.

⁸ *Leg.* 2,5. Cf. *Acad. Post.* 9: the city of Rome as Cicero's *domus*.

the distinctiveness and social significance of one's own *sacra familiae* which is emphasized in such a passage.⁹

A new man in the Roman political élite like Cicero might be expected to minimize the differences between local cultural tradition and a Roman political identity. Yet, the political Romanisation of peninsular Italy and Transpadane Gaul in the first century, achieved in the aftermath of the respective enfranchisement of these regions, must not conceal the continuing cultural diversity of Late Republican Italy. In southern Italy as in Campania, local communities no doubt adopted a Roman municipal constitution. But Romanized administrative structures in these communities coexisted with Greek magistracies, even if the latter may have become purely honorific in function. The Romanization, or indeed ›Italianization‹, of these communities, partly achieved by a mixed population of Greeks, Italians and Romans, was counter-balanced by the continuing appeal of Hellenism to increasingly fluid upper-classes. If anything, the Hellenization of local élite culture in Southern Italy increased in the first century CE. Further to the north, Samnite art and architecture also betrayed the direct impact of Greek culture. Yet, whereas Samnium preserved its own

⁹ Leg. 2,5 with SHERWIN-WHITE 1973, 159-73; NICOLET 1976, 57-68. In *Fam.* 13,11, written in 46, Cicero expresses his particular interest in the financial and administrative upkeep of Arpinum's *sacra* ... *et sarta tecta aedium sacrarum locorumque communium*. The year's local aediles responsible for that task were M. Caesius, M. Tullius M. f. Cicero and Q. Tullius Q. f. Cicero, elected at Cicero's recommendation. RAWSON 1991, 450-1 links the phrase *constituendi municipi causa* (*ibid.* 13,11,3) to the reorganization of municipal government in Italy under Caesarian legislation; on the latter, cf. SHERWIN-WHITE 1973, 167-72.

language and traditions well into the mid-first century BCE, the Marsi, while insurgent in the Social War, endured the immediate influence of Roman religious culture and used Latin as early as the second century. By way of contrast, long into the imperial period, the peoples of the Appenines served as a stock-example of undiluted rusticity and Italian traditionalism.¹⁰

The implications of such cultural diversity are illustrated by the Caecinae from Volaterrae. Their wealth derived from remote rural estates, but the family, supported by the Roman Servilii Isaurici, also had a *domus* in Rome. Cicero defended the elder Caecina in 69. The younger Caecina became a friend. Neither father nor son entered the Roman Senate, though the latter's children held consulships under the Principate.¹¹ The younger Caecina pursued business in Asia instead. At the same time, however, he was a famous expert on the *disciplina Etrusca* - an expertise that, together with an interest in Etruscan antiquities, he had inherited from his father. It is noteworthy that he was not only an orator of some renown but that his literary production and his correspondence with Cicero were written in Latin - the very language which he used for his great work on the *disciplina Etrusca*.¹² In contrast, remote Volaterrae appears to have been relatively unaffected by the contemporary economic and agricultural changes in the Italian countryside. Field work

¹⁰ Central Italy: CRAWFORD 1981, 158 (Marsi); *Id.* 1996, 414-24. Southern Italy: LOMAS 1995. Italian élites as mediators of Hellenistic culture: WISEMAN 1987, 297-305.

¹¹ R. SYME, *JRS* 56 (1966), 58-9.

¹² Cic. *Fam.* 6,6,3. Business interests: *ibid.* 6,6,2, 8,2. For the correspondence, see Cic. *Fam.* 6,5-6,8 with HOHTI 1975.

in the Volaterran territory, directed by N. Terrenato but as yet unpublished, suggests that the area in question, unlike neighbouring areas, was not significantly exposed to the villa economy but retained a traditional pre-Romanized structure. At any rate, Volaterran funerary urns and Etruscan inscriptions are still attested around the mid-first century. At home, families like the Caecinae no doubt preserved their traditional funerary practices, religious and cultural customs and the Etruscan language.¹³ Their Volaterran environment was in striking contrast with their life in the city of Rome. Furthermore, the younger Caecina led the Etruscan opposition against Caesar in the Civil War, for which he was subsequently exiled. With a view to a related context, Catherine Edwards has remarked on the conflicts which arose between different regions of Italy and Rome in the course of the Civil Wars of the first century and stressed Italian reservations which inform the works of a triumphal poet like Propertius from Umbria.¹⁴ In these cases, religious choices would have been even more differentiated, and the attribution of a »Roman« religious identity, based

¹³ For the family tombs at Volaterra, see J. P. OLESON, *Latomus* 33 (1974), 870-3. Cf. FRIER 1985, 4-20, esp. 18-20; RAWSON 1991, 289-323, esp. 296-9. CRAWFORD 1996, 424-30 gives a general account of the use of the Etruscan language and the preservation of Etruscan funerary practices into the final years of the Late Republic. For the abandonment of Italian local funerary practices by élite families transferring to Rome in response to the new political regime in the capital, starting in the early Augustan period, he cites DEGRASSI 1962-67, 3, 155-72 on the Salvii of Ferentis who abandoned their family tomb and moved to Rome in 23 BCE.

¹⁴ EDWARDS 1996, 55-7.

on parameters developed with a view to the local religious system at Rome, even less appropriate.¹⁵

These examples illustrate the precarious place of Late Republican Italy in a history of Roman religion, which routinely and unwittingly focuses on the capital. A similar disproportionality between the history of Rome and that of Italy has been addressed in relation to the way the political history of the Late Republic has been written.¹⁶ However, how valid is a treatment of the religious history of the Late Republic, that seeks to construe an analogy with its political history? To what extent could the local religious system of the city of Rome become the universal religion of all Roman citizens? As will become evident below, this is only one set of pressing questions; the category of ›Roman religion‹ defies a straightforward classification on the basis of ethnic, political or geographical criteria. ›Roman religion‹ is a modern umbrella-term for a large number of cults, religions and belief systems, whose real value seems to lie in its imprecision. Attempting to apprehend the ›identity‹ of such a polytheistic system generates problems of various kinds, rather than providing comprehensive answers.¹⁷

¹⁵ For traces of local Italian religious customs under the Empire, see Marcus Aurelius *ap.* Fronto 4,4 (66-7 Naber = 60 van den Hout), discoursing about the survival of local religious tradition in the Hernican town of Anagnia in Latium.

¹⁶ MILLAR 1995, 237-8.

¹⁷ For further discussion, see below, 3.1.1, 3.4 and 4.

2.2 Old paradigms

In past scholarship, the history of Roman religion has very often been the history of one particular local religious system, namely the city of Rome. Starting with J. A. Hartung's *Die Religion der Römer*, published in 1836, the question of how to describe the elements that constituted the »Wesen«, »character« or »identity« of Rome's religion has never ceased to attract scholarly interest. To Hartung as to his immediate successors, this meant the reconstruction of the authentic religious feelings of the archaic inhabitants of the city of Rome. Rome's religion had in historic times vanished beneath indigenous ritualistic formalism, deprived of any cognitive significance and lacking any intellectual elaboration in terms of mythology, and had subsequently been diluted by the inflow of foreign deities and rites.¹⁸

Georg Wissowa accepted Hartung's premise that the »alt-römische«, i.e. the Romans' authentic, religion should be recovered in the form in which it had existed prior to any internal deterioration or falsification through outside influences.¹⁹ To Wissowa as to his contemporaries, Roman religion was closely bound up with the needs of Rome's archaic community. It was an ethnic religion which would become tainted by contact with beliefs that were irreconcilable with the Romans' prosaic and legalistic character. This was a peculiar local religion that would lose its communal reli-

¹⁸ P. ix: »es ist ein alter Tempel von einem Überbaue verhüllt worden, sodann sind beide eingestürzt, und wir haben nun die Trümmer des ersteren Gebäudes unter dem Schutte des zweiten hervorzugraben.« Cf. SCHEID 1987, 304-7; RÜPKE 1997, 4-7.

¹⁹ WISSOWA 1912, 1-2.

gious identity, once it became exposed to the outside world. As such, it was unsuitable for an expanding city-state.²⁰ Wissowa owed this view to his teacher Mommsen, to whom Roman religion was a national religion whose character, ethnic and legalistic, reflected the legalistic foundations of the Roman nation-state.²¹ The ultimate goal of Wissowa's research was the reconstruction of the Roman »Volksreligion«. In the introduction to his *Religion und Kultus der Römer* (1901, 1912), however, Wissowa wrote about the difficulty of recovering reliable information concerning the religion of the People of Rome; what the evidence allowed him to do was to present a fairly complete picture of Roman »Staatskultus«.²² The category of »Volk« and the idea that the religion of a people is an immediate expression of »Volksgeist« goes back to categories first developed by Herder and Hegel.²³ Yet, unlike Hegel, who described Roman religion as utterly dreary (»geistlos«) and utilitarian,²⁴ Wissowa's idea of state religion is not entirely negative. Herder's and Hegel's respective accounts of the national states of the nineteenth century idealized the state as an organized realization of the »Volksgeist« - a quality the Romans, according to Hegel, totally lacked. To Wissowa, state religion

²⁰ Cf. RÜPKE 1997, 8-10.

²¹ Cf. MOMMSEN 1907, 390, for a summary: »Die Religion des römischen Gemeinwesens ist ... wesentlich national und in der That nichts als die ideale Widerspiegelung des Volksgefühls, die Religiosität der in sacraler Form zu Tage tretende Patriotismus.«

²² WISSOWA 1912, 7-10, 15: »das letzte Ziel der Forschung, ... von einer Betrachtung der römischen Staatsreligion vorzudringen zur Erkenntnis der italischen Volksreligion.«

²³ MANUEL 1959, 291-304.

²⁴ This view was adopted, among others, by Th. Mommsen. See SCHEID 1987, 316-20.

(»Staatskultus«) may not have provided the emotional experience and belief of a true, Schleiermacherian, »religion«. But in this respect it reflected Roman religious feeling and behaviour. In a truly Hegelian sense, therefore, »Staatskultus«, the religious manifestation of the Roman idea of the state, was an institutionalization, or codified abstraction, of the »Volksreligion«.²⁵

Wissowa accepted Theodor Mommsen's view of old Roman religion as an exterior and formalistic affair informed by a native sober legalism rather than a spiritual dimension.²⁶ In doing so, however, he tried to rehabilitate Roman religious behaviour as an expression of the »Volksgeist« whose distinctly prosaic character previous generations, superimposing their cultural conceptions of »religion«, had supposedly been unable to grasp.²⁷ While other scholars investigated perspectives which were different from Wissowa's, they still followed, as we have seen, his suggestion that different and mutually incompatible native conceptualizations lie behind ancient and modern religion. Distinguishing »religion« and »cult«, or »religion« and »magic«, and

²⁵ Wissowa's ultimate goal of penetrating beyond this codified abstraction and searching for the religion of the Roman »Volk« has invariably been accepted. Cf. e.g. LATTE 1960, 11-3; KÖVES-ZULAUF 1978, 189.

²⁶ Cf. ULF 1982, 145-63, on Mommsen's legalistic approach as underlying Wissowa's conception of Roman religion.

²⁷ WISSOWA 1912, viii: »Wenn man ... an meiner Darstellung eine gewisse Veräusserlichung der religiösen Vorstellungen und Formen aus dem Gesichtspunkte des *ius pontificum* oder eine wenig Sinn für Religiosität verratende einseitig juristische Betrachtungsweise tadeln zu müssen meinte, so wird die Frage berechtigt sein, ob denn »Religiosität« wirklich ein völlig feststehender und für alle Zeiten und Völker konstanter Begriff ist, und ob nicht, was man an dem Buche als Mangel rügte, vielmehr dem Gegenstande der Untersuchung zur Last fällt.

defining »religion« in purely Schleiermacherian terms meant that these scholars could now create supposedly suitable categories for the religious phenomena they wished to describe with reference to Rome. At the same time, they would disregard cognitive categories such as »belief« or »subjective feeling« with regard to Roman religion, since these categories were regarded as belonging to the domain of religiosity, and not to a system of ritual performance. Whatever their perspectives on Roman religion, to Wissowa as to his contemporaries, deeply influenced by a Schleiermacherian concept of Christian religion which stressed individualization, personal belief and redemption as the essentials of religiosity, the fundamental cultural alienness of Roman system of ritual performance and formalism was apparent.²⁸ From this perspective of Roman religion as a deficient stage in the religious evolution, it was only a small step to Hermann Usener's explicit teleological *praeparatio Christiana*. Starting from the common premises that religious perception was a passage from the concrete-primitive to the abstract, from animism or polytheism to monotheism, he regarded the history of ancient polytheistic religions as a discipline culminating in the study of the origins of Christian monotheism, the most complete, and (supposedly) truest, religious option available.²⁹ Only a few dissenting voices, prepared to be accused of applying misleading cultural precon-

²⁸ For the cultural background which shaped the assumptions of these scholars, see PRICE 1984, 11-16; PHILLIPS 1986, 2697-711. See above, 1.4, for a methodological critique of the dualism of externalism and internalism.

²⁹ Cf. SCHEID 1987, 310-1; SCHLESIER 1995, 334-6, for critical discussion. MANUEL 1959, *passim* provides numerous illustrations of this view from the seventeenth and eighteenth centuries.

ceptions, made themselves heard. Wilamowitz, in his *Der Glaube der Hellenen* (1931-2), stubbornly insisted on the applicability of an emphatically Romantic category of »belief« to Greek religion.³⁰ In his correspondence with Wissowa, he defended his position with regard to Roman religion as well.³¹

Yet, the appreciation of Greek religion as a truer religion than the Roman embodiment of mere ritualism was commonly expressed in the nineteenth century. To Romantic philosophers like Herder, who had in mind the recently rediscovered Germanic mythology, myth was the quintessential expression of the character of a »Volk«; and ancient Greece, with its mythology, could be thought of as the original creator of such an idea. Rome suffered the fate of being denied such myths. Wissowa's notorious dictum that Rome lacked a mythology merely radicalized the nineteenth century view of the Roman People as being too prosaic to be capable of possess-

³⁰ HENRICHS 1985, 290-305.

³¹ Wilamowitz to Wissowa, 11 March 1896 (ed. in BERTOLINI 1978, 191): »Ob man mit dem, was mir in Religion die Hauptsache ist, dem subjektiven Empfindungsleben, schon viel machen kann, ohne ich nicht: dazu müsste ich selbst intimeren Verkehr mit den Italikern haben.« *Id.*, 31 December 1901, on arrival of the first edition of Wissowa's *RuKdR* (BERTOLINI 1978, 191-2): »Sie haben die *religio* der Römer behandelt, und die Religion, die subjektive Empfindung, bei Seite gelassen. Das ist durchaus berechtigt, zumal in dieser Behandlung. Es soll auch nicht gesagt werden, dass man davon wirklich etwas wüsste. Aber der Neugierige fragt danach, zumal wenn er diese Fragen aufzuwerfen pflegt - die die griechischen Mythologen ja auch meist fortlassen.« *Id.*, 11 May 1912, on arrival of the second edition of *RuKdR*, (BERTOLINI 1978, 196): »Wir dürfen gar nicht immer bei den Festen auf die Götter den Hauptwert legen; ich betrachte die originalen Götter überhaupt lediglich als Exponenten eines Gefühls, das aus der Tiefe oder von aussen kommt ... Ich glaube, auch bei den Italikern.«

ing the mythological imagination of the Hellenes.³² Instead, German philhellenism in the generation of Herder, Heyne, F. A. Wolf and Winckelmann idolized the stereotype of the Hellenic genius' originality, and their definitions of myth were pointedly Hellenocentric. As a corollary, the personalized conception of the divine, culminating in the figure of Zeus, as expressed in Greek myths, represented to their contemporaries an early stage in the passage to monotheism; the Romans, lacking myths, lacked the very notion of a monotheistic principle.³³ This disregard of all things Roman furthermore had a markedly nationalistic ramification. For nineteenth century scholars in France and Italy always fostered a cultural identity which focused on Rome, but somehow failed to produce studies on Roman religion that would exert influence on an international level. By way of contrast, in Britain and Germany, the latter particularly after Humboldt's educational reforms, the professionalization of Classical Studies resulted in manuals which gave an influential though, due to the idolization of Greek culture, highly negative assessment of Rome and its religion. The negative view of Roman religion prevalent in nineteenth and twentieth century scholarship must be seen as an indirect result of the marked preference for Hellenic culture. Yet at the same time, it reflected the disregard, motivated by nationalist concerns, in which France and Italy were held by the academic circles in Britain and Germany.³⁴

³² WISSOWA 1912, 9. Cf. PHILLIPS 1991a, 149; GRAF 1993a, 31-4.

³³ Cf. MANUEL 1959, 291-304, esp. 302-4. Hellenocentrism: PHILLIPS 1991a, 143-8.

³⁴ Cf. CANFORA 1989.

This implicit antagonism towards Roman culture may explain why it was in Britain and Germany in particular that the theorems of nineteenth century anthropology were applied to Roman religion. Scholars in these countries replaced Wissowa's explanation for the lack of myth in Rome by a primitivist view, namely that Roman society had been representative of a predeistic and animistic stage in religious evolution; the Romans, lacking the Greek mythological imagination, had not known an anthropomorphic conception of the divine but worshipped impersonal spirits and *numina*, »Augenblicks- und Sondergötter« or merely functional entities (L. Deubner, H. Usener, K. Latte, W. Warde Fowler). At the same time, while the Cambridge Ritualists developed a paradigm of »ritual and myth« with reference to Greece, a related school was not established in the field of Roman religion. The supposed absence of a Roman mythology reduced the stage of religious evolution which was thought to be visible in Roman religion to the status of an ethnologic »survival«.

To be sure, an exclusively aniconic, and thus abstract, early phase in Roman religion, spanning the first 170 years from the foundation of the city, had already been postulated by M. Terentius Varro. This first phase was devoid of any anthropomorphic conception of deities and not in need of complementary myths. Mythology was a later invention of the poets. Over the following generations, there was a passage, first, to simple temples without iconic presentations and, later, to the monumentalization of sacred architecture and the introduction of anthropomorphic images. This latter phase was dated to the year 584/3, when Tarquinius Priscus

invited the Etruscan artist Vulca to fabricate clay statues of Iuppiter and Hercules.³⁵ Given the fragmented nature of the material record, this thesis is as difficult to prove as it is to disprove. Material finds corroborate that the *terminus ante* for the existence of anthropomorphic divine images in Rome, resembling the Hellenic pantheon, is the sixth century. Yet, although the archaeological evidence *prima facie* seems to support the Varronian chronology in this respect, it does not *a priori* exclude the possibility of anthropomorphic representations of divinities in Rome at an earlier period, particularly since the material infiltration of early Latium by Hellenic culture had started long before the sixth century.

The underlying problem is that Varro as well as scholars such as Wissowa or the primitivists, who followed the Varronian interpretation in this respect, assumed that an authentic and primitive Roman religious culture existed prior to its contamination by external influences. Such nativistic models always view the historical evidence as representing a stage in the cultural evolution which is already in decline and focus on the tentative reconstruction of a »closed system« in an idealized past that may never have existed. The case is further complicated by the moral agenda behind Varro's theory. His belief that there was a period when an intimate worship of the divine in its abstract form was not yet in need of, and thus not yet tainted by, the visual impact of cult statues relied on Hellenistic

³⁵ Varro *RD* frgs 18, 38, 235 Cardauns; Plut. *Num.* 8,14; Pliny *NH* 35,155-7, the latter presumably depending on Varronian material. Myths: Varro *RD* frg. 19 Cardauns.

moral philosophy. As we shall see later, Varro adhered to the Stoic theology that the gods existed in immaterial form only. As a consequence, he criticized any representation of the divine in material or mythological form as deviation from true religion, unworthy of the gods' real nature. Taking this bias into account, it may be safer to admit that Varro's material evidence need not have been more complete than ours. On the contrary, the coexistence of iconic and aniconic worship at Rome in historical times, the latter being understood as a survival by Varro and his modern successors, rather shows that any evolutionary conception of the primacy of aniconic over anthropomorphic worship is problematic on methodological grounds.³⁶ In reaction to these primitivist tendencies in scholarship, Franz Altheim, in his *Griechische Götter im alten Rom*, pointed out as early as 1930 that the existence of Hellenic deities and religious ideas at Rome in the archaic and early Republican periods presupposes the prior conceptualisation of the divine in terms of anthropomorphism, thus making any primitivist assumptions untenable. Later generations, supplying additional material evidence for the »Hellenization« of early Latium that can be traced back into the eighth century, have further corroborated Altheim's criticism, and illustrated how the rise of the Roman city-state was intertwined with the socio-political, cultural as well as religious evolution in the Mediterranean world as a whole from the eighth century

³⁶ See below, 2.4.1. TAYLOR 1931, accepting Varro's thesis, interprets aniconic representations in Late Republican Rome as survivals of an early aniconic phase. *Contra* ULF 1982, 158-9; METZLER 1985-86, providing comparative material on the simultaneousness of iconic and aniconic representations.

onwards. As a result, the notion of Roman primitivism has rightly been replaced with a model which perceives of religious evolution in Roman religion from the seventh century onwards in terms that are strikingly similar to those in the rest of the Mediterranean.³⁷

However, the rejection of the primitivist view of the Roman gods as impersonal entities has further momentous implications. For this rejection must be complemented by an insight into the conception of these anthropomorphic divinities as personalized entities. I shall argue below that, once we accept the implications of the concept of »personalization«, this has repercussions for our understanding of the way in which worshippers made sense, communally as well as individually, of their pantheon.³⁸ The current discussion about Roman mythology is illustrative in this respect. The modern rediscovery of Roman myths started a long time ago. In opposition to Wissowa and the primitivists, Carl Koch, in *Der römische Iuppiter* (1937), accepted the existence of myths and *aitia* in early Rome as an expression of a deeply rooted anthropomorphic concept of the divine. Yet, Koch construed a crude antithesis of »myth« and »history« and postulated the deliberate »demythification« of Roman religion in historical times by its anti-mythical state cult.

³⁷ Cf. conveniently CANCELLI 1994, 363-70; WISEMAN 1994, 23-36, 124-127; CORNELL 1995, 81-150, 162. For a critique of the primitivist position, and for the primacy of an anthropomorphic conception of the divine, see KOCH 1937, 9-32; RADKE 1965, 10-38; DUMÉZIL 1970, 18-31; NORTH 1989; BÖMER 1990; CORNELL 1995, 159-63. For a critique of Usener's idea of »Augenblicke- und Sondergötter«, see GLADIGOW 1981, 1208-10, 1213-4; ULF 1982, 156-7. But the primitivist view of Roman religion is still alive in many quarters; see only LIND 1992, 5-15.

³⁸ See below, 4.2.5 and 4.3.2.

The state's suppression of existing mythological alternatives would on such a view be a result of the orchestration of human relationships with the gods under the city-state in general; its aim the state control over religious beliefs which would otherwise become apparent in deviant myth-making; its manifestation the authoritarian cult theology of Iuppiter optimus maximus.³⁹ Only a few years earlier, and unacknowledged by Koch, Lily Ross Taylor suggested a link between the public extinction of myths at Rome at an early stage and a complementary aniconic phase in Roman religion.⁴⁰

Each of these two scholars implicitly drew on Dionysius' testimony that Roman religion lacked myths because the first legislators had banned mythology as being distortive of a true perception of divinity. It is clear from Dionysius' argument that posterior suppression presupposes prior existence of a mythology at Rome; and Taylor's attempt to combine this argument with Varro's construction of a passage from aniconism to anthropomorphism, and from the absence of myths to their existence in the *theologia fabularis*, is unsuccessful on methodological grounds. Dionysius' theory itself is of course not without problems. As Emilio Gabba has pointed out, Dionysius' overall vision of Roman religion entailed that it was reflective of Hellenic religious traditions which had declined in the Greek πόλεις. This view ran into difficulties once Dionysius realized that, unlike Greece

³⁹ KOCH 1937, esp. 121-34. The school of Angelo Brelich further developed the idea of »demitizzazione«; cf. GRAF 1993a, 35-8. It has also met with approval in post-war Germany, e.g. from GLADIGOW 1981, 1213-4.

⁴⁰ TAYLOR 1931.

with its Hellenic myths, Rome lacked a distinctly Roman mythology. Dionysius' answer to this gap was that civic suppression of an element which was regarded as detrimental to proper religious behaviour must be held responsible for this phenomenon.⁴¹

Dionysius' assertion that Roman religion lacked a mythology resulted from his distinctly Panhellenic perspective. Current approaches distance themselves from such an approach. Instead, they suggest that our concept of »mythology«, developed with the Hellenocentric perspective of the nineteenth century in mind, is not capable of explaining the lack of independent Roman cosmologies and theogonies on the one hand or the relatively recent date of most, if not all, of Rome's aitiologies (which presumably originated in a climate of expansion and self-definition from the early third century onwards) on the other. In order to overcome a Hellenocentric perspective, scholars therefore construe Roman mythology as a domain distinct from the Hellenic mythological experience.⁴² By investigating a mythological narrative's function in Roman society rather than its origin, they tend to concentrate on the relevance of aitiological stories, as »traditional tales«, for the evaluation of the meaning of ritual behaviour in society. This new symbolist emphasis on the (old) paradigm of »ritual and myth« views ritual and myth as »parallel symbolic processes«. Myth is

⁴¹ Dion. Hal. *Ant. Rom.* 2,18-20; Euseb. *Praep. Evang.* 2,8; GABBA 1991, 18-38.

⁴² E.g. GRAF 1993, esp. 5: »um weiterzukommen, muß der römische Mythos von griechischen Modellen getrennt werden«; FEENEY 1998, 47-75, esp. 74-5. Cf. BREMMER 1993, esp. 173-4 on the relatively late date of most Roman aitiologies.

seen as an exegesis of ritual in a particular historical situation so that both components complement one another in supplying differentiated yet intertwined cognitive systems for the explanation of behaviour. This approach has undoubtedly produced stimulating results, not least for the fact that the question of a myth's origin or age can be exposed as an unsuitable category: as soon as both ancient Greek cosmological myths and comparatively recent Roman aitiologies can have a similar cognitive value in society, the entire discussion about Roman mythology must be seen in a different light.⁴³

Incidentally, this insight implicitly deconstructs its own assumption about the supposed difference between the respective use made of mythologies in Roman and Greek societies. For it is unclear whether a Hellenocentric concept of mythology could with any justification be applied to the Hellenic world either. Rather, a Panhellenic perspective diverts our attention from the fact that Greek mythologizing, like myth-making in Rome, was characterized by the adaptation of a flexible mythical canon to different local contexts, and that the creation of individual foundation stories and aitiologies which accompanied ritual activity was the norm rather than an exception.⁴⁴ Yet, there is still another problem with this new functionalist perspective. By

⁴³ Cf. GRAF 1993a, 25-31, 38-43; VERSNEL 1993, *passim*, for the »ritual and myth« paradigm. Parallel processes: BEARD 1987, 2-3; SCHEID 1993a, 126-7, at 127: »deux pratiques parallèles, traitant toutes deux à leur manière des problèmes fondamentaux qui préoccupaient les Romains«. C. R. PHILLIPS, CP 90 (1996), 283-6 conveniently outlines the further potential of this approach.

⁴⁴ BENDLIN 1995, 266.

turning mythology into a merely cognitive exercise of making collective sense of ritual behaviour, scholars domesticate the motivational world of myth-making into a rationalizing endeavour constrained by local religious knowledge and expectation. This must no doubt be the reason why these studies emphasize the communal relevance of ritual and myth and the »Romanness« which these two domains are said to have defined in the *mémoire collective* of a changing Roman society, rather than investigating any (potentially deviant) individual responses.⁴⁵ Yet, there is a difference between the restricted communicative code of ritual and the often speculative communication through mythological narratives. This means that ritual and myth are not simply »parallel processes«. On the contrary, myth-making exploits the restrictions of ritual communication by providing explanations and exploring possible tensions at a level where cognition is no longer directly related to ritual behaviour. Therefore, the socialization of religion through mythologies does not merely mirror the religious knowledge of society at large, but complements this with the internal world of one's own personal myth-making, however constrained by societal expectations it may be.⁴⁶ Romans would encounter personalized gods through material representations, statues, paintings, coins, at various ritual events, through drama, literature or traditional tales. It may be impossible to know for certain how these different genres shaped, cross-influenced or contra-

⁴⁵ E.g. BEARD 1987, 9-10; *Ead.* 1993. For documentation and critique, see below, 2.7.3.

⁴⁶ See BLOCH 1992, esp. 99-100, for the theoretical framework.

dicted individual perceptions of the divine, but the question is nevertheless worth investigating.⁴⁷

2.3 New paradigms

So far, the discussion of key concepts of Roman religion in nineteenth and early twentieth century scholarship may give the impression of an utterly fragmented discipline. Hartung tried to unearth the religion of Rome's first native inhabitants; Wissowa attempted the reconstruction of authentic Roman »Volksreligion« in its institutionalized realization of state cult; and the primitivists thought they had isolated the survival of a primitive predeistic period in religious evolution. Yet, these obvious differences must not veil one fundamental concurrence in approach, namely the focus on the reconstruction of the origins of Roman religion. The paradigm was the religion of an idealized stage in Roman history when an »authentically Roman religion«, defined in nineteenth century terms of ethnic purity, had not yet been superseded by mere cultic formalism and the corruption of religious structures.⁴⁸ By the second century BCE, this religion would have degenerated into a lifeless ritualistic construct, an imposture used by the élite as a convenient instrument in political conflicts, as the manipulation of *omina* in the political assemblies proved. Widespread scepticism among the aristocracy as a result of the reception of Greek philosophy and the impact of new cults from

⁴⁷ See further below, 4.2.5 and 4.3.

⁴⁸ See below, 3.1.1, for a critique of the stereotype of ethnicity.

the East on the populace, the collapse of temples and the neglect of indigenous rites, and, above all, the formalistic nature of traditional religious practices that were unsuited for providing an emotional experience which met new individual needs - all this was seen as clear indication of the decline of Republican Roman religion. As a corollary, these scholars, while appreciating Augustus' alleged attempt at restoring traditional Roman religious cults and institutions, perceived of the religious developments of the Imperial period as a continuation of the Republican crisis to which Christianity would provide the ultimate answer.⁴⁹

As we have seen above, this picture has come under attack more recently. The impression of formalism and a lack of vitality in Roman religion is, it has been argued, due to the application of modern notions about »religion« to the place of ritual in ancient societies. These traditional notions are often described as »Christianizing assumptions« by their critics.⁵⁰ »A Schleiermacherian tradition of defining ›religion‹« is, as I have outlined above, perhaps a more precise, since less under-determined, description of this phenomenon.⁵¹ As many of these critics have pointed out, a certain punctiliousness over ritual detail does not, as the

⁴⁹ The line of argument is familiar enough from innumerable portrayals of Late Republican and Imperial history. Accounts include WARDE FOWLER 1911; WISSOWA 1912, 60-72; TAYLOR 1949, 76-97; LATTE 1960, 264-93; DÖRRIE 1978a, 247-8; LIND 1992, 10-5. MANUEL 1959, *passim*, gives an illuminating account of how the idea of neglect and formalism in pagan religions re-emerged with the critique of religion in the age of the enlightenment, subsequently biasing modern perceptions of Roman religion.

⁵⁰ NORTH 1976, 9-11 and PRICE 1984, 7-19, for the coinage of this particular term.

⁵¹ See above, 1.2 and 1.3.

Schleiermacherian dichotomy between dreary ritual and proper religion might imply, preclude a cognitive comprehension of ritual. As it is capable of conceptualizing one's position in the social world, »ritual« should, the argument convincingly runs, be revalued in terms of its function in society rather than with reference to its origin or an alleged unchangeable meaning.⁵²

The élite's religious behaviour has also attracted considerable scholarly interest. To earlier generations, the interpenetration of religion and politics appeared to prove the former's abuse by manipulative politicians. Religious institutions in the city-state were regarded as an imposture of detached intellectuals. On the new consensus, the interrelation of religious and political spheres ought not to be explained using modern conceptions about the separation of both domains. Rather, these were inextricably linked realizations of one and the same cultural phenomenon. Since they were both magistrates and priests, members of the Roman élite would feel that their religion was an integral element in the definition of their position in society; and we would underestimate the importance these people attached to their religious roles, if we understood their behaviour and thinking solely in terms of intellectual detachment. On the contrary, the active, and sometimes aggressive, appropriation

⁵² For powerful critique of the view that Roman religion was formalistic and unimaginative, see DUMÉZIL 1970, 102-12; NORTH 1976; *Id.* 1986, 251-3; ULF 1982, 145-63; PHILLIPS 1986, 2697-711; *Id.* 1997. For the revaluation of ritual, see PRICE 1984, 7-11, drawing on studies by the anthropologists C. Geertz and D. Sperber. Cf. BEARD 1987, 1-3; VERSNEL 1993, *passim*; FEENEY 1998, 115-36, among many others.

of religious rituals and ideas in the political arena only proves that religion was an accepted part of the *élite's habitus*, to use a terminology coined by Pierre Bourdieu. Their behaviour attests to their agreement on the centrality of religion in public life. In this respect, they were not different from the rest of the population at Rome.⁵³

Could this revaluation of Late Republican religion represent a paradigm shift as defined by Thomas Kuhn? Unfortunately not. For current research, while no doubt avoiding many of the shortcomings of earlier scholarship, fails to fully disentangle itself from past traditions. For instance, in an attempt to escape the misleading dualism between a Schleiermacherian notion of »religion« and meaningless formalism in ritual, the significance of categories such as »belief« or »disbelief« themselves have been challenged. The argument that Roman religion did not meet the needs of individual religiosity is contested on *a priori* grounds with the argument that heuristic categories such as personal commitment or individualized religious feeling should no longer be applied to Roman religion. The notion of individual belief is now only permissible as long as it refers to the individual's commitment to, and his participation in, a collective religious belief system which becomes homologous with civic religion in the city-state. In other words, individual religious cognition and behaviour were warranted only when they were related to the welfare of the community which guaran-

⁵³ For the *élite's* interest in religion, see JOCELYN 1966; Id. 1982, 159-61; LIEBESCHUETZ 1979, 1-54, esp. 15-20; BEARD 1994a, 739-42.

teed individual security.⁵⁴ However, I have tried to demonstrate above with a view to the respective positions of Sabbatucci, Bremmer and Beard in what sense such a reductionist view of »religion«, almost exclusively attacking a Schleiermacherian, and thus a *a priori* limited, tradition, does not live up to its own methodological premises.⁵⁵ Jerzy Linderski's overtly functional description of religion's role at Rome is representative of this new paradigm:

»Roman state religion was not interested in individual salvation; its only concern was *salus publica*, the security of the Roman state, or, in Roman terms, the preservation of *pax deorum*, the peace between the gods and the state. The goal of the cult was to keep the gods pleased and well disposed toward Rome.«⁵⁶

The underlying notion will by now be familiar to the reader. For few scholars would disagree with Linderski when he disregards any internalized motivational processes and defines Roman religion as an external contract between the gods and men based on purely rationalist terms.⁵⁷ It is therefore not surprising that those areas which earlier scholars had depicted as alternative realms where true religious experience could be found in separation from the religion of the state - namely private worship, family rites, the cults performed by *vici*, *pagi* or *collegia*, or the agrarian rituals described by Cato - that those areas on the new paradigm mirror public religious patterns. Whereas a few scholars would maintain

⁵⁴ E.g. NORTH 1976, 1; PRICE 1984, 7-15; BEARD & CRAWFORD 1985, 26-31; BEARD 1986, 34; SCHEID 1985, 12-5; NORTH 1989; LINDER & SCHEID 1993; BEARD 1994a, 729-34; DURAND & SCHEID 1994. For similar views relating to the Classical Greek city-state, see above, 1.3.

⁵⁵ See above, 1.3-1.6.

⁵⁶ LINDERSKI 1995, 610-1.

⁵⁷ Cf. LINDERSKI 1995, 621¹: »... once we accept the premises of Roman state religion, it appears as a rationalist system, as a *scientia* (as e.g. the augurs used to describe their discipline)«.

that individual morality was an element in the religious life of the Romans,⁵⁸ the majority view is that Republican Roman religion did not provide distinct religious biographies, individual moral value systems or spirituality in a modern sense. Instead, it is held that in a system of public religious symbolisation of civic identity, religion manifested itself in performance of cult, whereas belief was only recognisable, and did only matter, on the level of proper, i.e. public, religious behaviour.⁵⁹

The particular function of preserving the *status quo* assigned to religion by such a view proves disconcerting. For as I argued above, on purely methodological grounds this, like any functionalist, definition would at best outline an unintended consequence of religion's existence in society.⁶⁰ As it happens, most current scholars of Roman religion are less willing - or more cautious as to their methodological statements - than Linderski to divulge their opinion about the supposed psychological conditioning of a people which meets the criteria of this new paradigm. In this respect, Henk Versnel's aside about »the practical and juridical nature of Roman religion« is revealing; and Denis Feeney's view of »[t]hese eminently practical and busy people ...« may be more than an unintentional slip of the tongue.⁶¹ Yet, even though the proponents of this new para-

⁵⁸ E.g. LIEBESCHUETZ 1979, 39-54; WISEMAN 1994, 49-53.

⁵⁹ To the references given above, add BEARD & CRAWFORD 1985, 30-6; SCHEID 1985, 12-15; NORTH 1989, 598-9, 604-7; PORTE 1989, 8-16; RIVES 1995, 4-13.

⁶⁰ Cf. above, 1.5.

⁶¹ H. S. VERSNEL, *OCD*³ (1996), 1613; FEENEY 1998, 4. Cf. RAWSON 1985, 321, contributing to what she herself calls »this over-familiar generalization«: »But on the whole

digm sidestep that issue, the conclusion which must implicitly be drawn seems inevitable: a religious system whose parameters are organized with a view to ritual performance rather than to individualized internal motivations, with the result that individual religion is homologous with the religion of the city-state, such a religious system entails with regard to its agents the complementary view that they are as practical, juridical, functionalist and formalistically minded as their religion. Mommsen, Wissowa, Warde Fowler, Deubner or Latte, not to mention their innumerable successors past and present, would emphatically nod in agreement.⁶²

This amount of unexpected contacts between old and new paradigms has gone largely unnoticed. The discussion about the place of belief in Roman religion, whose alleged lack earlier generations had bemoaned, has been solved by questioning the validity of the very category of »belief«; and the supposed absence of primarily individualized personal commitment in religion has been turned into a virtue. The notion of »formalism«, which on the old paradigm had entailed negative connotations, is now, under the disguise of a »rationalist system«, again a central category of Roman religion. The mercantilist language which these scholars use in describing »contracts« between gods and men through *vota* or the contractual principle of »*do ut des*« once more expose

no doubt the Romans were practical enough in their ends.«

⁶² ULF 1982, 145-63 gives a critical survey of the stereotypical characteristics traditionally applied to Roman religion. Most of them could also be used within the framework of the new paradigm. Cf. WEILER 1974 and BARGHOP 1994, 41-52 for a discussion of the stereotypes commonly used by historians when talking about supposed character differences in the ancient world.

legalistic formalism as the *raison d'être* of Roman religion.⁶³ Yet, it is difficult to maintain that the idea of reciprocity in the relationship of gods and man, although no doubt imitating cultural stereotypes of social reciprocity, can be reduced to a pseudo-mercantilist rationality. For the contract, if that is how one should call it, never bound the deity the way an economic or legal contract would have bound humans. The stock characters of Plautine comedy, after profuse sacrifice, or Cicero when in exile, realized to their profound disappointment that the gods did not always respond as the worshipper had anticipated.⁶⁴

The new emphasis on the close interpenetration of religious and socio-political realms in the Roman Republic echoes, as I have shown above, a general tendency in the study of Graeco-Roman religions to de-differentiate religion and culture.⁶⁵ The thesis that religion almost exclusively focused on the political and military activities of the Roman city-state, that it was more or less ›undifferentiated‹ from the political sphere, amounts to its ›embedded-

⁶³ »*Do ut des*« and its corollary, *votum*, seem accepted principles of Roman religious rationality: WISSOWA 1912, 381-5; LATTE 1960, 46; W. EISENHUT, *RE* Suppl. 14 (1974), 964-73; NORTH 1989, 593; PORTE 1989, 14; H. S. VERSNEL, *OCD*³ (1996), 1613.

⁶⁴ E.g. Plaut. *Poen.* 449ff.; cf. *Rud.* 22ff.; *Stich.* 393ff.; Cic. *Fam.* 14,4,1: *neque di quos tu castissime coluisti neque homines quibus ego semper servivi nobis gratiam rettulerunt*; GWYN MORGAN 1990, 30-1. Reciprocity was anticipated rather than firmly expected: Cato *Agr.* 141,4; Cic. *ND* 1,116; CANCIK 1994, 393 with n. 61. Reciprocity in religious communication is not characteristic only of Roman religion: ULF 1982, 155-7; K. HOHEISEL, *HrwG* 2 (1990), 228-30. The phrase *do ut des* itself is not attested but rather seems to be a modern coinage by analogy with phrases like Livy 10,19,17: *si duis, ego ... voveo*.

⁶⁵ See above, 1.3.

ness< in the socio-political administration of the city.⁶⁶ To Wissowa, state cult had been the institutionalized reflection of Roman ›Volksreligion<. On the new paradigm, civic religion is the religion of Rome. Local religion has thus become homologous with civic religion. As these examples elucidate, at stake is not the existence of a public system of organized and administered religion in the city of Rome, but the normativity attached to *the modern model* of civic religion. Yet, before asking for ancient authorization of such a model, let me quote from John North's account of civic religion in Mid-Republican Rome (a passage of exemplary caution):

»To put the point in its most extreme form, what we have might be an artificial historiographic construction, expressing a kind of official religion which never actually represented the religious life of the Roman People.«⁶⁷

⁶⁶ The concepts of ›interconnectedness<, ›undifferentiatedness< and ›embeddedness< are also applied to Greek religion in the Classical period: e.g. OUDEMANS & LARDINOIS 1987 (›interconnected<); SOURVINOU-INWOOD 1990, 322 (›undifferentiated<): »... in the Classical period *polis* religion encompassed, symbolically legitimated, and regulated all religious activity within the *polis*«; BREMER 1994, 2-4 (›embeddedness<, cited above, 1.3). For this concept of ›*polis* religion< or ›civic religion< in the Classical Greek city-states, see e.g. SOURVINOU-INWOOD 1988; *Ead.* 1990; BURKERT 1995. S. G. COLE 1995 is more cautious.

⁶⁷ NORTH 1989, 582.

2.4 A Roman model of »civic religion«?

Citing the authority of ancient writers such as Polybius, Cicero, Varro or Livy, the modern advocates of the model of »civic religion« can claim to represent a Roman viewpoint concerning the role of religion in Late Republican society. Taken at face value, these indigenous interpretations seem to prove the concept's validity beyond doubt. However, many students of Roman religion share the fallacious view that it is legitimate to attribute superior veracity to these exegeses as regards the »real meaning« of Roman religion. Unfortunately, as I shall argue, these portraits of Roman religion are just as subjective and as biased by conscious or unconscious motives as any other interpretations.

2.4.1 Varro and civic religion

Consider Varro's famous tripartite conception of theology which prefaced his account of the origins of Rome's *res divinae*, a selective account of Roman priesthoods, the city's sacred locations, its festivals, rituals and deities in three books each. In his preface, Varro divided *theologia* into three aspects: a *genus mythicon* portrays the religious discourse of poetic fiction and drama; a *genus physicon* deals with religious issues in terms of physics and philosophy; the *genus civile* addresses the religious practice *quod in urbibus cives, maxime sacerdotes, nosse atque administrare debent*. This entails a local religious knowledge as regards the deities that ought to be worshipped and rituals and sacrifices which must be performed by anyone in a civic

context. The first *theologia* has to be rejected on the ground that it misrepresents the character of the gods; the second contains discussions of the divine which, while revealing its true nature, ought not to be conducted in public; only the *theologia civilis* should be disclosed as useful to the civic domain.⁶⁸

Varro, via Augustine, attributed this tripartite perspective to the *pontifex* Mucius Scaevola (cos 95). Unfortunately, Scaevola's actual contribution to the *theologia tripartita* is, due to a lack of reliable source material, obscure. It has therefore been suggested that Varro devised Scaevola as a *persona* in the dialogue *Logistoricus Curio de cultu deorum* to express his own views. On that hypothesis, Scaevola became the exponent of the *genus physicon* in a philosophical attack on traditional religious practices; and such a position would more easily befit a dialogue like the *Logistoricus Curio* than the *RD* in which Varro set out to revalue traditional Roman religious practices.⁶⁹ Yet, while Augustine appears to have known not only the *RD* but also the *Logistoricus Curio*, on purely philological grounds the attribution of the passage in question to the latter has met with criticism.⁷⁰ Furthermore, it is clear that throughout the first book of the *RD* Varro discussed the immaterial nature of the gods along the lines of Stoic philosophy, thereby implicitly compromising traditional religious practices and beliefs. Varro may still have considered it appropriate

⁶⁸ Varro *RD* I frgs 6-12 Cardauns.

⁶⁹ Scaevola ap. Varro *RD* I frgs 7 and 9 Agahd = Varro *Log. Curio* frg. V Cardauns with CARDAUNS 1960, 34-40, *passim*.

⁷⁰ Cf. esp. HAGENDAHL 1967, 619-20.

to use the *persona* of Scaevola in order to appeal for support to the *maiores* as well as to pontifical authority (in *ND III*, Cicero pursued a similar strategy), but even this assumption (which in itself is unprovable) does not point to his dialogue *Logistoricus Curio* as the only possible place where this could have happened. In fact, Augustine remarked that the respective arguments presented by ›Scaevola‹ (whom Augustine took to be the historical pontiff) and Varro were easily compatible.⁷¹

As mentioned above, Augustine thought of Seneca's Stoicizing critique of cult activity as being far more radical than Varro's critique of the theology of the poets.⁷² In *De superstitione*, Seneca regarded ritual as a superfluous practice unwarranted by the philosophical demands on a virtuous and moral life. Religious cult could be justified only by the constraints of complying with the norms of society. In the course of his argument, Seneca not only attacked the practices of Jewish religion or of the so-called oriental cults in Rome, but directed his critique at traditional Roman religious practices, too.⁷³ On Augustine's view, Seneca's criticism of cult, which called into question the very foundations of religious activity, penetrated into the domain of civic religion - a liberty which, according to Au-

⁷¹ August. *CD* 4,27, p. 179,21-181,3. Cf. HAGENDAHL 1967, 609-16; LIEBERG 1973, 101-2, 104-6. BEARD 1994a, 757 accepts Cardauns' view of Scaevola as Varro's *persona* on the ground that the historical Scaevola would not have been capable of providing the intellectual discourse characteristic of Varro's generation - a circular argument.

⁷² See above, 1.1.

⁷³ MAZZOLI 1984; LIEBERG 1989, 1888-98. See further below, 4.2.5.

gustine, Varro had not dared to take.⁷⁴ Accepting Augustine's interpretation, scholars have often assumed that Varro, while reprimanding the religious discourses of poetry and drama, provided a philosophical justification of the *theologia civilis*, or even gave a systematization of state religion. To be sure, Augustine, who openly attacked pagan cult practice, presented Varro as a defender of civic religion.⁷⁵

Yet, the bias of Varro's presentation should make us suspicious as to his ulterior motives. Furthermore, as an inevitable consequence of the thesis that Varro defended state religion these scholars have to surmise a tension between Varro's philosophical views, which were critical of religious ritual, and his defense of traditional religious practices. The same scholars do not make entirely clear how Varro should have resolved this contradiction, on whose paradoxical existence already Augustine commented. Perhaps the image of Varro the antiquarian has further added to the modern neglect of ulterior motives on his part.⁷⁶ His testimony has also been employed to lend ancient authority to the modern concept of ›civic‹ or ›polis religion‹:

»It may be reassuring to state that there is an ancient concept and term of *polis* religion, *theologia civilis*.«⁷⁷

⁷⁴ August. CD 6,10, p. 269,11-3 D-K: ... *hanc libertatem Varro non habuit; tantum modo poeticam theologian reprehendere ausus est, civilem non ausus est, quam iste concidit*. Cf. LAUSBERG 1989, 1895-7.

⁷⁵ Defense: CD 6,6, p. 256,30-257-15; 6,9, p. 265,13-8 D-K. Justification: *ibid.* 6,8, p. 260,31-2 D-K.

⁷⁶ Tension: August. CD 7,17, 23. Positive views about Varro's aims: e.g. LIEBERG 1973, 82, 100-1; CARDAUNS 1978, 94-101; RAWSON 1985, 312-6; DÖRRIE 1986; CANCIK 1994, 395-6.

⁷⁷ BURKERT 1995, 201.

It cannot be doubted that Varro addressed religion in the civic domain. Yet, the philosophical context in which the notion of *theologia civilis* is introduced does not warrant such assurance as to its appropriateness as an ancient descriptive equivalent to the modern notion of >civic religion<. When introducing his account of the deities of the city of Rome in *RD* books 14-16, Varro emphasizes that he is going to adopt the philosophical position of Academic scepticism. As to the literal truth of his entire account of Rome's divine pantheon, the author's judgement is emphatically suspended. Moreover, in the final book of the *RD*, which attempted to interpret select deities in the light of the Stoicizing *theologia naturalis* expounded in book one, the author's Academic suspension of judgement is extended to those gods that received worship in the civic domain:

*de diis ... populi Romani publicis ... in hoc libro scribam, sed ut Xenophanes Colophonios scribit, quid putem, non quid contendam, ponam. Hominis est enim haec opinare, dei scire.*⁷⁸

It must have been this use of Academic argumentation which enabled Varro to maintain the tension between his philosophically informed criticism of contemporary religious practice and his aim to provide a normative and educational account of the religious system at Rome.

Moreover, for an understanding of Varro's conceptualizing of the *theologia civilis* it is crucial to note that he perceived the gods to be prior to the city-state, and civic reli-

⁷⁸ Frg. 228 Cardauns. Varro's adoption of Academic scepticism in these matters is declared in frg. 204 Cardauns. The same author's work *LL* also follows Academic principles, using the argumentative structure of *disputari in utramque partem*: Ax 1995.

gion to be its product.⁷⁹ In other words, to Varro civic religion was an invention of the city-state. According to Varro, an appropriate and comprehensive treatment of religion as such would indeed require a wider approach. In particular, it would include a philosophical discussion of the true nature of the gods on the basis of the *theologia naturalis* as proposed by the author earlier in the *RD*. Since religion in its civic aspect only was historically and logically posterior to the *civitas* which created it, the treatment of *theologia civilis* had to be included among a discussion of the institutions of the city-state.⁸⁰

The tripartite division of religion into the realms of mythologizing, philosophical speculation and civic cult is a philosophical model rather than the reality of civic administration. Attempts to trace this model back to one philosophical school or, indeed, one particular philosopher have proved futile, as it was widely used by Stoics, Sceptics and Epicureans alike.⁸¹ As we have seen, Varro's dependence on the historical Scaevola can neither be verified nor falsified. Given the familiarity of the tripartite conception of religion in first century philosophical thought in general, it is likely that Varro anyhow showed considerable independence of mind in relation to potential predecessors, either Roman or Hellenistic. Varro adopted Greek terminology for

⁷⁹ Pace BURKERT 1995, 202.

⁸⁰ Frg. 5 Cardauns: *sicut prior est ... pictor quam tabula picta, prior faber quam aedificium, ita priores sunt civitates quam ea quae a civitatibus instituta sunt ... si de omni natura deorum et hominum scriberemus, prius divina absolvimus quam humana adtigissemus*. Cf. above, 1.1, for the parameters applied to the philosophical inquiry *De natura deorum*.

⁸¹ Cf. LIEBERG 1973; *Id.* 1982.

the first two *genera theologiae* but not in the case of the third. According to Augustine, Varro retained the respective Greek terminology for the *genus mythicon* and the *genus physicon*, but translated the third into Latin as *genus civile*.⁸² What seems to be a minor philological point has, as I shall show below, wider consequences for the meaning of the Varronian passage.

Firstly, the heuristic value of the Varronian concept of *theologia civilis* for our understanding of civic religion is no doubt undermined by its philosophical bias. In the *RD*, Varro acknowledged the existence of the gods, but perceived their nature on the basis of Stoic philosophy as immaterial. As such, the gods did not require cult. This theoretical framework must regard any contemporary cult practices or mythology as removed from the true and pure conception of the divine which only the *genus physicon* could adequately express. This explains why Varro was committed to the idea of aniconic, and thereby undiluted, worship of the gods in Rome's distant past.⁸³ If Varro could have refounded the religious institutions of Rome, he would have reestablished a true conception of the divine *ex naturae formula*. Since this was impossible, he chose the second best solution and tried to reconstruct the historically legitimized forms of

⁸² Augustine subsequently translated the first two *theologiae* as *fabulosum* and *naturale* respectively. August. CD 6,5, p. 252,17-253,4 D-K: ... *tertium etiam ipse Latine enuntiavit quod civile appellatur. Deinde ait* (frg. 7 Cardauns) *>mythicon appellant quo maxime utuntur poetae; physicon quo philosophi; civile quo populi<.*

⁸³ Immateriality: frg 22 Cardauns: *dii veri neque desiderant [sacra] neque deprecantur, ex aere autem facti ...*; cf. frgs 23-8; *De gente pop. Rom.* frg. 18 Fraccaro; Dion. Hal. *Ant. Rom.* 1,77,3. Aniconic worship: frg. 18 Cardauns, discussed above, 2.2.

Roman religion in their most ancient form in order to approach as closely as possible the true perception of divinity. His was a pseudo-restorative approach towards Roman religion: Varro's cultural nativism criticized the complex present as an epoch of religious decline by introducing parameters which postulated an allegedly authentic and primitive past in primeval times.⁸⁴

Secondly, since a Stoicizing approach accepted traditional cult practices as an imperfect, yet still commendable, attempt to perceive the true nature of the gods and the universe, it followed that religion was perceived to be useful for individuals and for city-states alike; even if its imperfect state meant that the true meaning of many of contemporary religion's beliefs and customs were unperceivable to the ordinary mind, while others were wrong. The category by which Varro in the *RD* judged traditional religious practice was its »*utilitas*«. Even the divinisation of *viri fortes*, although clearly understood as imposture, contributed to, rather than diminished, religion's overall utility.⁸⁵ This was of course a topical argument in the ancient debate about the justification of Euhemerism.⁸⁶ The socio-political utility of such ideas, stressed by Varro, belonged to another *topos* in the Late Republican and Early Imperial debate about religion in a civic community. That *topos* entailed that

⁸⁴ Frgs 12-19 Cardauns. On Varro's theological premises, see BOYANCÉ 1972, 253-82; CANKIK 1994, 401. On the employment of nativistic models, cf. the general remarks in GLADIGOW 1997b.

⁸⁵ Frgs 20-21 Cardauns: *utile esse civitatibus ... ut se viri fortes, etiamsi falsum sit, diis genitos esse credant*.

⁸⁶ K. THRAEDE, *RAC* 6, 877-90.

Roman civic religion had been first invented by monarchic rulers for reasons of political expediency and served the purpose of preserving the socio-political *status quo: rei publicae causa communisque religionis* (Cic. Div. 2,28).⁸⁷ When relating these evaluative judgements to their historical context, their philosophical tradition is not always sufficiently taken into account. As a matter of fact, when Hellenistic and Roman writers adopted an interpretative model which viewed the religion of the city-state as an invention of legislators acting out of socio-political necessity, they followed a tradition which went back at least to the later fifth century BCE.⁸⁸

I would suggest that we must also relate Varro's conception of the *theologia civilis* to this intellectual tradition. Varro himself paraphrased the *genus civile* as *genus tradit[um] a principibus civitatis* and attributed this definition to Scaevola. As we have seen, it is unclear whether this passage belongs to the *RD* or to the *Logistoricus Curio*. As I argued above, the distinction would not matter much.⁸⁹ For this paraphrase places the *genus civile* closely in the context of religion invented by legislators out of necessity. As we have seen, the religious rituals and institutions introduced by these *principes civitatis* could be open to the

⁸⁷ E.g. Polyb. 6,56,6-12; Cic. ND 1,118 (*dixerunt* ...); Livy 1,19,4-5, 21,1-2; PEASE on Cic. ND 1,118; LIEBESCHUETZ 1979, 29-34. Dion. Hal. Ant. Rom. 2,62,5 did not adhere to this doctrine: GABBA 1991, 123-4.

⁸⁸ E.g. ?Critias 88 B 25 D-K = ?Eur. TrGF 1,43 F 19; Democr. 68 A 75 D-K; Pl. Rep. 3, 415a-c; HENRICHS 1975; DÖRING 1978. For the importance of this *topos* for the critique of ancient pagan religion in the seventeenth and eighteenth centuries, see MANUEL 1959, *passim*.

⁸⁹ *RD* I frgs 7 and 9 Agahd = frg. V Card. ap. August. Civ. D. 4,27.

criticism that they were certainly convenient, *utile*, but not necessarily intelligible or true. Encountering Varro's translation of the third *theologia* into Latin, Eusebius and Augustine sought a Greek equivalent to *civile* and found it in the term πολιτικόν or *politicum*. As a result, editors and commentators have assumed that Augustine, at least, found this rendition already in Varro's *RD*.⁹⁰

This hypothesis is unprovable. Eusebius was the first Christian apologist in the East to adapt the tripartite conception of religion to his attack on paganism. However, since his use of Varro is questionable, it is more likely that he adopted πολιτικόν via a different channel of transmission. In the West, Tertullian instrumentalized the *theologia tripartita* towards the end of the second century CE. Yet, while clearly using Varro, he changed *civile* to *gentile*. Later apologists offer further versions whose conception is close to Tertullian's. It is likely that these apologists adjusted nomenclature to the respective goals of their attacks: Eusebius and Augustine referred to pagan religion in its civic aspect in particular, whereas Tertullian, Arnobius and Lactantius reprimanded paganism as such in a broader sense.⁹¹ A pagan tradition which instrumentalized the tripartite conception of religion materialized not long before

⁹⁰ Euseb. *Praep. Ev.* 4,1,2; August. *CD* 6,12, p. 271,5-7 D-K: *tres theologias quas Graeci dicunt mythicen physicen politicen*; *ibid.* 7,23, p. 302,20 D-K: *politicum*; PÉPIN 1958, 284; contra LIEBERG 1973, 91.

⁹¹ Tert. *Nat.* 2,1,8-15, at 10; Arnob. 3,11: *ipsi in ritibus*; Lact. *De ira* 11,16: *ipsi qui deos colunt*. On Tertullian's wider focus, see *Nat.* 2,1,1: *nunc de deis vestris, miserandae nationes, congregari vobiscum defensio nostra desiderat*; LIEBERG 1973, 89, 91. On the use of Varro among the Christian apologists, see conveniently CARDAUNS 1978, 91-4.

the Christian. Arguably representing Hellenistic Stoic philosophy, these writers employed the terms νομικόν and νομοθετῶν θεολογία.⁹²

I suggest that one ought to take the Greek νομικόν (Aetius, Dio Chrysostomus, Plutarch), representative of a pagan Stoic tradition, rather than Eusebius' or Augustine's πολιτικόν, as the rendition which gives a truer representation of the context of Varro's *genus civile* - a context which the Christian retranslation of *civile* into Greek as πολιτικόν obscures. For the *genus civile* now appears to be the Latin version of the Greek γένος νομικόν in the context of which law-givers, νομοθεταί, and *virī fortes* had invented the imperfect form of civic religion out of socio-political necessity. The conclusion seems inevitable: the fact that Varro, in the *RD*, judged institutionalized religion as a politically convenient, though philosophically insufficient, system compromises the status of the *genus civile* earlier in the same work. Should it not follow that the *genus civile*, regulating contemporary cult praxis with a view to the deities that ought to be worshipped and the rituals and sacrifices which had to be performed at Rome must be criticized on the same grounds?⁹³ As a consequence, Varro's position is in fact much closer to Seneca's, who disapproved of religious practices on philosophical grounds, but saw them warranted by the constraints of complying with the norms of society

⁹² Aetius *Plac.* 1,6, *Dox. Graeci* p. 292a,6-14 = *SVF* 2,1009 (νομικόν); Dio Chrys. *Or.* 12,39-43, 44, 47 = Poseidon. frgs 368-9 Theiler (νομοθεταί, νομοθεσία); Plut. *Amatorius* 763 B-F (νομοθεταί).

⁹³ Cf. PÉPIN 1958, 308-14, for argumentation along slightly different lines.

and by the usefulness of religion for the conduct of states. The framework in which the Varronian *genus civile* operates seriously compromises its heuristic utility in lending authority to the modern model of civic religion: to Varro, civic religion was an imposture, convenient as long as a philosophical perception of the divine could not be achieved.

2.4.2 Priests as mediators of civic religion?

Varro's definition of the *genus civile* made particular mention of the responsibility of the state priests for the administration of religion in the city-state.⁹⁴ Disregarding Varro's critical perspective, this comes close to the normative position of Roman writers such as Cicero or Livy, who held that the city-state, represented by its religious functionaries, made and authorized religion, and that this amounted to a complete control of the organization, supervision and administration of its various public and private aspects.⁹⁵ With a view to these religious matters, both explicitly assigned primacy to the civic priests rather than to the magistrates. According to Rome's historiographic tradition, Romulus and his successors, on the foundation of the city, not only ensured its military, political and social stability, but also established the *sacra populi Romani*. This entailed the prescription of the concrete means of worship and the nomination of priesthoods responsible for the maintenance of these religious rites. On this view, the ear-

⁹⁴ Frg. 9 Cardauns: *maxime sacerdotes*.

⁹⁵ Cic. *Leg.* 2, 19-22, 29-31; Livy 1, 20.

ly authorities of the Roman state created Roman religion, just as they invented all the other norms and customs of the Roman People. Roman religion was no natural religion of revelation but an artificial civic religion which was only imaginable in conjunction with the Roman state and its institutions. It was this intellectual tradition which the Christian apologists attacked: according to Augustine, *vera religio* cannot be defined within the confines of one earthly political community.⁹⁶

In *De legibus*, Cicero emphasized the responsibility of the religious functionaries for this civic religious system, the *sacra publica* or *sacra populi Romani*. Deities should preferably be introduced by public initiative; their temples needed to be dedicated *publice*; and sacrifices ought to be supervised by priests who acted on behalf of the *populus Romanus*.⁹⁷ This treatise (as well as other Ciceronian texts) reveals the author's concern with the public role of religious functionaries at Rome, organized in the colleges of *pontifices*, *augures* and *XVviri*. »*Publici sacerdotes*« or »*sacerdotes populi Romani*« are recurring phrases; and the priests' religious authority with respect to the public interpretation of religion on behalf of the community as a whole, even as far as *sacra privata* were concerned, is a topical motive in Cicero.⁹⁸ Commenting on the pontifical

⁹⁶ August. *CD* 6,4, p. 250,20 D-K.

⁹⁷ Cic. *Leg.* 2,19, 28, 30, 35. Cf. *Mil.* 85.

⁹⁸ E.g. *Leg.* 2.30 *ut sine iis qui sacris publice praesint, religioni privatae satis facere non possint*; Asconius 49 C: *virgines pro populo Romano sacra facerent. Publici sacerdotes*: Cic. *Leg.* 2,19-20, 22, 37; *Dom.* 132. *Sacerdotes populi Romani*: Cic. *Verr.* 2,4,108, *Dom.* 1. *Publici augures*: Cic. *Leg.* 2,20, 3,11, 43 (written shortly after Cicero's co-optation into that college). Cf. Cic. *Font.*

report on his house in 57, Cicero referred to the college as *iudices religionis* and to the Senate as *iudices legis*.⁹⁹

Scholars since Mommsen have linked these narratives to various Imperial legal texts and have taken them as proof of a fundamental division of power and authority between secular and sacred domains, between magistrates and priests. To be sure, these scholars realized the amount of necessary interaction of secular and sacred authority in Republican Rome. Yet, in their view the interpenetration or the instrumentalization of the sacred domain by politicians was reflective of the blurring of traditional boundaries and of the decline of state religion in the Late Republic.¹⁰⁰ Conversely, while the new paradigm of the logical primacy of civic religion in Republican Rome also takes its lead from normative texts like those of Cicero or Livy, it is one of its great strengths that it no longer has to instrumentalize

47, a Vestal virgin as *sacerdos*; Senect. 30 and 61 for the *sacerdotium* of the *pontifex maximus*; Leg. Agr. 2,18 for *sacerdotia* referring to the *lex Domitia* of 104; Acad. 9; Rab. Perd. 27; Varro LL 6,21. Comparing ILLRP 62-3, 65-6 and 273, BEARD 1990, 43-7 (at 46) suggests that under the Republic *sacerdos* was used preferably as a designation of male and female religious functionaries of Hellenic and Eastern deities, and that it was »originally an external category for the Romans«. The latter suggestion is as difficult to prove as it is to disprove. Beard's further suggestion, however, that the alienness of *sacerdos* is reflected in the fact that the epigraphic record never uses that word when commemorating functionaries of the major Roman priesthoods is spurious. For as soon as the co-option into these priesthoods became a matter of constant popular concern (that is from C. Crassus's proposal of 145 to have new members of the major priesthoods elected by the People), the élite would no doubt be inclined to commemorate the precise designation of their priestly offices in analogy to secular civic offices.

⁹⁹ Cic. Att. 4,2,4.

¹⁰⁰ MOMMSEN 1887, 2, 18-73, followed by e.g. WISSOWA 1912, 479-80; BLEICKEN 1957, 446, 465-8; CATALANO 1974. Cf. Gaius Inst. 2,2-10 with WATSON 1968, 1.

the stereotype of decline when describing the interrelation of priestly authority and political power in Rome. For according to this new orthodoxy, religion was embedded in the socio-political administration of the city-state. A traditional view, assuming that the categorical division of spheres mattered, would see the de-differentiation of the categories of sacred and secular as a weakness of the system; on the view that such static divisions were non-existent in Rome, any interpenetration is the unexceptional result of religion's embeddedness in political life; and the blurring of priestly and civic authority is inevitable rather than reflective of a crisis of the religious system.

Though agreeing on this general picture, the new orthodoxy is multivocal as soon as the particulars of the interrelation of the domains of priests and magistrates are concerned. One theory, while rejecting Mommsen's fundamental separation of sacred and secular domains, emphasizes the interdependence of priestly and political authority but maintains a *relative* differentiation of the respective domains of religion and politics with a view to the independence of religious power in the spheres of priesthood and sacred law.¹⁰¹ The alternative position denies the independence of the religious domain in terms of power and authority and suggests that the priests were merely subordinate to the

¹⁰¹ E.g. SCHEID 1984, 259: »le droit sacré n'est pas coupé radicalement du droit public, c'est ce dernier qui assigne au *ius sacrum* sa place dans la cité, une place bien spécifique, bien séparée du droit public, mais non définitivement indépendant.«, *ibid.* 272: »deux provinces bien séparées mais étroitement solidaires«. Cf. PAIS 1914; SZEMLER 1971; *Id.* 1972; SCHEID 1985; PORTE 1989; RÜPKE 1996a, 252-8.

Senate and the People. This alternative view points out that a division of religious and civic authority would result in the assumption that the state was in fact secular, whereas in reality the priests actually did not provide the link between the city and its gods. While retaining their religious authority, they were expert advisers on religious matters due to their religious knowledge. Religious power rested with the Senate: it decided on religious matters like prodigies or the introduction of new cults. The magistrates too had religious functions in that they sacrificed before certain public events and took the *auspicia publica* before assemblies and at specific political ceremonies.¹⁰² To Mommsen and his followers, the bipartition of the magistrate's authority into *imperium* and *auspicium* reflected the exclusive existence of sacred and profane realms. In response to that view, it has been stressed that it would be misleading to conceptualize these two realms in terms of modern boundaries between religious and secular areas of public life. This insight, however, has led some of these scholars to assume that due to their religious power the political functionaries in Rome, and not the religious functionaries, >mediated< between the citizens and the gods.¹⁰³ This concept of mediation is an unhappy coinage: using the term >mediator</>μεσίτης<, which is inadvertently based on *Hebrews* 6-8 and thus strongly invites the association with

¹⁰² For the Senate's religious authority, see DETREVILLE 1987. *Auspicium*: RÜPKE 1990, 41-51; KUNKEL & WITTMANN 1995, 28-37.

¹⁰³ E.g. NORTH 1986, 257-8; BEARD 1990, 25-47; BEARD & NORTH 1990, 4-9. CONNOR 1988 discusses the inapplicability of the (Durkheimian) dichotomy of sacred and secular domains to Graeco-Roman society, pointing out the lack of such a division in Classical Athens.

Christian priestly charisma, blurs the distinction between a magistrate's routine religious duties during his tenure of office and what is alleged to have comprised the much more encompassing responsibility for setting up and controlling communication between the Romans and their deities.¹⁰⁴ By contrast, it may be preferable to see the Roman magistrate as no more than the representative of the interests of the Roman People (in their political capacity) before the gods.

I shall return to this debate in the course of my argument.¹⁰⁵ For the moment, it suffices to stress the valuable contribution which this recent discussion has made to exposing earlier stereotypes about the role of religion and politics in Late Republican Rome. Many of its premises as regards the relationship of priesthoods and the political system or the important discussion about the inapplicability of the dualism of »sacred« and »secular« to Roman society must be accepted by scholars working on Roman religion. However, I am doubtful as to the underlying notion that religion at Rome can adequately be described within the parameters of a model which gives logical primacy to the socio-political realm. For despite some conceptual differences there is a fundamental agreement among these authors concerning the city-state's power in religious matters: the city-state provided the framework for and controlled religion, since its representatives, élite administrators, institutionalized and defined human contacts with the divine. In other words,

¹⁰⁴ For a critique of the term »mediation«, see RÜPKE 1990, 44¹⁰³; A. BENDLIN & al., *Numen* 40 (1993), 92; RÜPKE 1996a, 245-6.

¹⁰⁵ See below, 3.1.4 and 4.1.1.

priestly authority and the public institutionalization of religion is indeed embedded in, and not fundamentally differentiated from, the socio-political domain.

Yet, the assumption that the socio-political domain can be the context in which religion is defined makes several other presuppositions which I find difficult to accept.¹⁰⁶ To be sure, the identification of religion as a civic religion, determined by the institutions and ideals of the city-state, is explicitly made, as we have seen, by Late Republican authors like Cicero and Livy. Both seem to support the modern view that Roman religion was an affair which can adequately be understood in relation to the logical primacy of the socio-political realm. However, it will become apparent that these Late Republican texts cannot be dissociated from their contemporary cultural climate. Theirs is a holistic view that counters religious complexity with a normative model of civic control authorized by *mos maiorum* and retrojected into Rome's regal past. Although modern scholarship has readily succumbed to the illusion that such a holistic model accounts for Republican Roman religion, this ancient model is in itself compromised by an unacceptable vision of ›religion and society‹.

¹⁰⁶ In 1.3 & 1.5-1.6, I have presented several methodological reservations.

2.5 Ancient views on ›religion and society‹

Ancient intellectuals disagreed about the primary motive for social organization and the origins of civilization. Aristotle and his school advanced the idea that humans were by their nature (φύσει, *natura*) sociable and thus committed to the formation of the city-state as a means to promote what was good. The actual formation of the πόλις was conceptualized by Aristotle as a συνουσιασμός. The Stoics and Cicero agreed.¹⁰⁷ The opposite view was held by Thrasymachus, the contract theorists from Antiphon and Democritus to Epicurus and Lucretius on the one hand, or by Polybius on the other: the prime reason for congregation was mere utilitarianism and reflected the weakness of mankind.¹⁰⁸ However, despite such disagreement there was concurrence on one fundamental point. Most of the »Kulturentstehungslehren« in the ancient ethnographic tradition, starting with Protagoras and Democritus in the late fifth century BCE, shared an evolutionary theory of successive stages of social congregation of increasing sophistication which culminated in urban settlement. This social theory was developed by writers of the Hellenistic and Roman periods, among them Aristotle, Epicurus, Lucretius or Cicero. They perceived societal evolution to be a progress from the fragmented state of individualism to the collective embodiment of social life in an urban settlement administered by laws and customs. In consequence,

¹⁰⁷ Pol. 1252a1ff.; 1278b6ff. Stoics: SCHOFIELD 1990. Cicero: Rep. 1,39; Off. 1,157-8; *passim*.

¹⁰⁸ Thrasymachus: Pl. Rep. 369 b-c; cf. Prt. 322 a-b. On the Epicurean concept of society bound together by utilitarianism, see LONG & SEDLEY 1987, 1,125-39. Polybius: 6,5,7. In general, cf. STEINMETZ 1969.

this theory presented the city-state, the contemporary realization of such a collectivity, as the primary form of societal organization. As a corollary, individualism could be disregarded as a defunct stage in evolution.¹⁰⁹

This tradition took two directions. On the one hand, Varro in his *De vita populi Romani*, like other Republican writers before him, described the formation of the *populus Romanus* as a progress from Italy's pastoral origins to the foundation of Rome.¹¹⁰ Yet, in his *De re rustica* (2,1,3-5), following Dicaearchus, he linked the progress of civilization to the topical argument of its moral decline and advocated the return to the virtues of the noble savage of a primitive pastoral society. By way of contrast, the portrait of the primitive Italian peasant soldier in Vergil's *Aeneid*, while drawing on the same ethnographic tradition of social progress linked to moral decline, was informed by the severe upheavals in the Italian countryside after the Civil War; and Vergil no longer provided an unqualified portrayal of the Italian warriors as noble savages.¹¹¹

A contrasting, and more influential, philosophical tradition was represented by Plato, Aristotle and the Peripatos or Cicero. In that tradition, the ancient city-state in its ideal form provided not only the most advanced form of social but also of moral organization. This moral aspect was

¹⁰⁹ Arist. *Pol.* 1252b 27-8: ἡ ... κοινωνία τέλειος πόλις. For documentation, see MÜLLER 1972/1980; T. COLE 1990; NIPPEL 1990, 11-29.

¹¹⁰ NOË 1977, esp. 297-8.

¹¹¹ *Aen.* 9,598-620. HORSFALL 1971 and DICKIE 1985 provide innumerable parallels for the ethnographic topos.

brought out in Cicero's definition of the *res publica* as *res populi*:

»an assemblage of a large number of people associated by means of a common idea of what is right and shared utility.«¹¹²

Aristotle defined the τέλος of such a community as ἀγαθόν τι (*Pol.* 1252a1-7) - a good which any human being would wish to acquire. In the light of the Aristotelian definition of individuals as ζῷα πολιτικά, the most likely interpretation of this passage is that any individual is sociable by nature, and that by their very nature humans have the innate capacity and the innate impulse for a life in the πόλις, since only the city-state can provide the opportunities for a virtuous life. The provocative Aristotelian theory that the city-state is by nature prior to the individual complements such a view. For the state's priority rests on the assumption that individuals can realize their capacities, and a virtuous life, only in the context of, and subject to, the city-state.¹¹³ On the basis of the citizen's natural respect and striving for the virtues which the city-state embodied, it would thus guarantee the preservation of society as a whole and of its constituting elements. For instance, economic and legal affairs in the city-state would also be determined by the institution of the city-state as a whole, since only the natural sociability of the πόλις would preserve individual property rights.¹¹⁴ The primarily ethical bias of this theory is apparent: since life in the communi-

¹¹² *Rep.* 1,39,1 with SUERBAUM 1977, 1-37; SPRUTE 1983, esp. 153-5; WOOD 1988, 123-8; SCHOFIELD 1995, for discussion.

¹¹³ MILLER 1995, 27-66.

¹¹⁴ Cf. Panaetius frg. 118 van Straaten, endorsed by Cic. *Off.* 2,73; ANNAS 1989.

ty, and life determined by the community, was »according to nature«, any conceptualization of elements which were in potential conflict with that community was regarded as unnatural.

To be sure, Hellenic and Roman political philosophers were not unaware of the distinction between »society« as composed of the inhabitants of a city-state and the »state« as representative of the citizens in their capacity as a political body. However, in their political theorizing they disregarded that distinction. For instance, Plato prefaced his discussion of justice in the city-state with an outline of the πόλις as a place of economic productivity and consumption inhabited by artisans and traders (e.g. *Rep.* 2,369 b ff.). However, in his *Nomoi* he regarded the πόλις as a political entity of citizens.¹¹⁵ In *Politics* book one, Aristotle discussed the πόλις with respect to the οἰκία as its basic unit. There, the city-state was in socio-economic terms described as a place of production which included men, women, foreigners and slaves rather than just the citizen-body. In *Politics* 3, however, Aristotle gave a socio-political definition of the πόλις as a »κοινωνία of the citizens arranged in respect to their πολιτεία«. ¹¹⁶ In his discussion of the different degrees of fellowship (*societas*) among human beings, Cicero perceived the city-state as providing a focus for the political, religious, legal and economic aspects of social life. However, these realms operated in the socio-political framework of the *civitas* or *res publica* con-

¹¹⁵ SCHOFIELD 1993.

¹¹⁶ *Politics*: *Pol.* 3,3, 1276b1-2; *society*: *Pol.* 1253 b1ff. Cf. HANSEN 1993, 16-8; OBER 1993.

stituted by its citizens (*cives*). For the *res publica* was the most significant of all human *societates*, just as the private realm was *quasi seminarium rei publicae*. This definition implies an evolutionary process which led to the perfection of the individual and the family life in the political community governed by virtue. As a corollary, the individual's moral obligations towards the city-state were seen as more important than his obligations towards his family, friends, clients or mankind in general. The individual was, first of all, defined through his political affiliations.¹¹⁷

As a result of their underlying moral bias, ancient political theorists deliberately confused the two meanings of *πόλις*, *civitas* or *res publica*. They blurred the difference between the city-state as »society« on the one hand and »political organization« on the other.¹¹⁸ It is not hard to find an ancient linguistic equivalent of the modern term »state«. Yet, terms like *πόλις*, *πολιτεία*, *κοινωνία*, *res publica*, *populus* or *civitas* are unsatisfactory renditions of the concept of »society«. They are not only closely linked to the city-state's socio-political organization but empha-

¹¹⁷ *Off.* 1,53-9, 160; 3,99 with WOOD 1988, 123-8; ATKINS 1990, 263-81. STRASBURGER 1982-90, 3,407-98 discusses *De officiis* as »Tendenzschrift« in its political context. Due to its politicized character, more general categories of duty are missing from *De officiis*, just as any obligations of guardianship towards clients or one's household are under-determined. For a very different picture of social obligations at Rome, see e.g. SALLER 1994, 74-132, esp. 105-114. Arrius Menander *Dig.* 49,16,4,15, in a discussion of absence from military duty without leave (*emansio*), specifies the duties towards the state as being inferior to individual concerns: ... *datur venia valetudini, affectioni parentum et adfinium, et si servum fugientem persecutus est vel si qua huiusmodi causa est.*

¹¹⁸ MILLER 1995, 357-66.

size the community's collective nature and sociability (*κοινωνία*, *societas*). It is in accord with their underlying bias that these terms do not conceptualize the modern distinction between »community« and »society«. Rather, both realms become homologous.

This holistic approach assigned primacy to the socio-political sphere, making it logically, if not historically, prior to other forms of social organization in the community. Individuality thus became subject to the superiority of the social collective, whereas collective solidarity was legitimized with regard to its socio-political utility and the moral benefits the individual would receive from the community.¹¹⁹ From Plato onwards, this philosophical tradition perceived the plurality of the constituents of society in analogy to the plurality of the constituents of the human soul. Just as the equilibrium of the soul could only be described with a view to its necessary order in a unified and harmonious state of psychological affairs, so individual morality and justice could be realized only in a uniform and peaceful socio-political community.¹²⁰ The ideal city-state was the best teacher of morality: such a tradition conceptualized differences between the individual and the city-state, between private and public only with regard to their necessary unity in the public domain.

How did religion relate to this ethical theory? Aristotle omitted religious behaviour from his discussion.

¹¹⁹ STRASBURGER 1982-90, 1,423-48 and 3,9-127 provides an account of this tradition.

¹²⁰ For this philosophical bias, see GADAMER 1978, 41-63.

Elsewhere in philosophical discourse, it was an element in the construction of a virtuous life in the civic community. Plato appears to be the earliest author in Greek literature who expressed the doctrine of the four cardinal virtues (σοφία, ἀνδρεία, δικαιοσύνη and σωφροσύνη). The virtue of ὁσιότης is added elsewhere in the Platonic corpus.¹²¹ Yet, already in *Euthyph.* 427 b1 ff., τὸ εὐσεβές τε καὶ ὅσιον, defined as τὸ περὶ τὴν τῶν θεῶν θεραπείαν, is a subdivision of justice. This ethical connotation is the context in which the religious institutions of the Platonic city-state operate. The subdivision of *iustitia* into its parts in Cicero followed the definition of the subordinate virtues of justice as ἐπιστήμαι in Stoic doctrine which include εὐσέβεια or *pietas*.¹²² Cicero defined justice as a mental habit which assigned to everyone his *dignitas* in relation to the *communis utilitas*. *Religio*, as one of the subordinate virtues of justice, belonged to the same level, being defined as a behaviour in relation to what was useful with view to the communal realm.¹²³ In *De natura deorum*, this subdivision was also employed. To maintain *fides*, *societas generis humani* and, above all, *iustitia*, justice's constitutive parts, *pietas*, *sanctitas* as well as *religio* must be preserved.¹²⁴ This perspective represents a philosophical tradition which understands religious behaviour not as a societal phenomenon in any disinterested sense but as a mental habit directed

¹²¹ *Pol.* 427 e33. For precedents, see Aesch. *Sept.* 610; Xen. *Mem.* 3,9,1-5. For the inclusion of ὁσιότης, see *Prot.* 329 c; *Lach.* 199 d; *Men.* 78 d; *Gorg.* 507 b.

¹²² *Stob.* 2,59,4ff. (= *SVF* 3,262-4), at 2,62,2-3 (= *SVF* 3,264): εὐσέβειαν δὲ ἐπιστήμην θεῶν θεραπείας.

¹²³ *Inv.* 2,161-2.

¹²⁴ *ND* 1,3-4.

towards the benefits of a virtuous life in the community. In this theory of collective well-being, any subjective dimension of religious behaviour such as personal belief or individualized cult acts are on an *a priori* basis excluded from analysis. Indeed, in philosophical theory such a subjective dimension becomes homonymous with *superstitio*: it is not in accord with the ethical principle of human action as collectively informed ethical behaviour.¹²⁵

This intellectual tradition which saw society as a rational form of *political* organization, and which defined religion in relation to these political parameters, formed the conceptual core of indigenous models of civic religion. As the law-giver of Cicero's *De legibus* created the laws of his state in accord with nature, and as nature entailed sociability in the city-state, the religious law code must reflect this exclusive focus on the socio-political domain. Since Livy set out to portray the formation of the *populus Romanus* as a collective body, the original creation of its religious institutions needed to be reflective of its collective identity. Greek and Roman writers variously expressed the collective character of early Rome: its initial prosperity was due to the collective achievements of the *populus Romanus* and the unity of its religious beliefs and social institutions.¹²⁶ When insisting on the city-state as

¹²⁵ Cf. above, 1.1.

¹²⁶ E.g. Polyb. 2,41,9; book 6 *passim*; Sall. *Catil.* 9. J. GRIFFIN 1985, 178-80 discusses these passages and surveys several modern studies which uncritically accept the stereotype of collectivity in Rome. The emphasis on an abstract Roman value system, including qualities such as *concordia*, *pietas* or *fides*, as the expression of a uniform Roman identity belongs to this tradition. For critique, see BARGHOP 1994, 41-8.

a form of political organization and the embeddedness of religion in this socio-political realm, historians of Classical Greek and Roman Republican religions are close to accepting this ancient model. In this respect, the difference is small between Wissowa's »Staatskultus« as the institutionalization of Roman religion and the modern notion of »civic religion« which had its centre in political life. Both concepts accept the refusal of the ancient political theorists to distinguish between the state and society or to assign a place to religion outside the socio-political domain. Oswyn Murray's position, while informed by a considerable theoretical awareness, represents this refusal in relation to the Classical Greek πόλις, but the reader is by now able to provide Roman parallels easily:

»The *polis* as a rational form of political organization is the expression of the collective consciousness of the Greeks.«¹²⁷

I believe that this refusal is the result of what I should like to call the »Moses-Finley-syndrome«. Finley connected the absence of an ancient concept of the economy to the inability to conceptualize an economic system and the lack of a differentiated economic rationality in antiquity. Yet, as I suggested above,¹²⁸ Finley's own primitivist concept of the economy was based on modernizing assumptions about the degree of economic rationality which would be required to qualify as economy. In reaction to Finley's primitivist per-

¹²⁷ MURRAY 1990, 19. This modern sentiment about the inseparability of society and politics in the Classical Greek city-state is shared by many scholars, ranging from Moses Finley to Christian Meier; for a critical assessment, cf. OBER 1989, 35-6. For the actual differentiation of the realms of politics and »society« in Classical Athens, see e.g. HANSEN 1991, 61-4.

¹²⁸ See 1.1 & 1.2.

spective, economic historians have developed parameters which allow an ancient economic rationality to reemerge. I would suggest that a similar primitivist strategy prevails in many studies of Roman Republican religion. Scholars have accepted an ancient intellectual tradition of blurring the realms of society and state, as though this tradition gave a descriptive account of social reality. Yet, just as a developed form of economy existed in the ancient world despite the absence of the concept of the economy, so the refusal of an entire intellectual tradition to conceptualize religion as a societal phenomenon outside the civic realm must not mean that religion existed only within the civic realm.

As a matter of fact, modern scholars have unwittingly tended to treat the ancient theorists as descriptive, even when these theorists themselves did not hide their agenda. Plato's political programmes in the *Politeia* and the *Nomoi*, as the author himself made clear, were normative rather than descriptive. The same attitude informed Aristotle's political writings: they portrayed ideal collective constitutional states which did not find their realization in the differentiated present.¹²⁹ Livy never claimed to describe the reality of Rome's religious system, but instead presented an ideal model of religious homogeneity in the regal past, which contrasted with the contemporary situation in Rome.¹³⁰

¹²⁹ E.g. *Pol.* 1257 b 33-4; 1258 a 10-4; 1279 a 13-5; 1296 a 36-8; WINTERLING 1993, 182-3 and 205: »Aristoteles erscheint vielmehr ... als Theoretiker der stratifizierten Gesellschaft, der dieser dann freilich eine politisch-moralische Neuintegration auf der Basis »politischer Tugend« vorschlägt und zugleich die Ökonomie als Quelle der Desintegration wieder in den Oikos verbannen will.«

¹³⁰ Livy *Praef.* 5, 9-13.

The Ciceronian ›laws‹ in *De legibus* claimed to be intended for realization in a political context.¹³¹ However, Cicero's *constitutio religionum* was a normative account modelled on philosophy and the *mos maiorum*. The author did not believe that these laws stood a chance of becoming operative instantly. Instead, he thought that he wrote for people in the future (*de futuris hominibus*) whose education and instruction (*educatio et disciplina*) was a necessary prerequisite, before any laws could be implemented.¹³² As will be argued in detail later, these two Roman authors, when confronted with social, economic and cultural changes, responded with theories which attempted to reintegrate an increasingly complex society through an anachronistic »Sinntotalität« which was situated in the socio-political realm. However, their responses show that these authors perceived the (idealized) Roman state and contemporary Roman society to be incongruous, thus by implication acknowledging the conceptual distinction between a particular political organization called ›the state‹ and the wider, and more comprehensive, entity of ›society‹.¹³³

¹³¹ Leg. 1,17, 37, 57; 2.14 (*non studii et delectationis sed rei publicae causa*); 3.14 (*ad usum popularem atque civilem*).

¹³² Leg. 3,29; cf. 1,58-62. *Mos maiorum*: *ibid.* 2,23.

¹³³ For the distinction between ›organizational systems‹ and ›social systems‹, to which here I refer, see KNEER & NASSEHI 1993, 42-4.

2.6 The impact of modern theories of »religion and society«

It would no doubt be unfair to accuse modern scholarship of blindly accepting this ancient intellectual tradition. Scholars often realize that this tradition represented an élite perspective, a ›little tradition‹ of upper-class discourse, whose very stress on any form of political organization ideologically supported the élite's political position.¹³⁴ Rather, I would suggest that ancient theorizing is thought to be compatible with, and thus conveniently reinforces, modern preconceptions about ancient society in general and ancient religion in particular. In a discipline in which evidence is seriously fragmented model-building that tries to take into account indigenous interpretations is not automatically a bad thing. However, in this case the result has been an unfortunate congruity of ancient and modern models. This congruity obscures the fact that the ancient intellectual models provide a welcome confirmation of received modern interpretative preconceptions about the ancient world. I believe that these modern preconceptions have been shaped by, and subsequently led to the endorsement of, three particular social theories of »religion and society«.

2.6.1 Social theories of differentiation

Firstly, the insistence on the undifferentiated character of socio-religious life in the Classical city-state entails an important, though largely implicit, assumption about socie-

¹³⁴ Cf. WINTERLING 1993. See below, 3.2, on ›Roman religion‹ as an entity construed by the little tradition of élite thinking.

tal and cultural life in the ancient world in general. For this insistence amounts to the view that the differentiation of societal behaviour and cultural ideas, the experimenting with different and contradictory belief systems, and the ability to choose between different options in a ›market-place‹ of cultural choices, characterizes modern rather than pre-modern society. The logical primacy of forms of political organization amounts to a ›Sinntotalität‹ which covers all aspects of life in the traditional city-state. Any deviant social behaviour can then only be explained in terms of crisis of these traditional structures.¹³⁵

The parallel with contemporary sociological models of social and cultural complexity is illuminating. For sociologists define the political system in contemporary society as a subsystem of society as a whole. »Society« is structurally differentiated into interacting, yet independent, constituents like the economic, the cultural or the political system. »Society« thus becomes an umbrella-term of social analysis which describes the whole of its constituent parts. By way of contrast, sociological theory regards the ancient city-state as representative of a primitive stage in differentiation.¹³⁶ It occupies an intermediate position in the evolution of civilization: having succeeded the stage of primitive and segmented society, the city-state rationalizes increasing complexity through organizing social and cultural

¹³⁵ Cf. above, 1.3. See below, 4.1.3, for the application of the ›market-place‹ model to religion in the city of Rome.

¹³⁶ E.g. PARSONS 1966; DÖBERT 1973a; *Id.* 1973b; LUHMANN 1977; *Id.* 1980-89; HAHN 1986; KNEER & NASSEHI 1993, 122-41.

life in developed socio-political systems. Increasing complexity results in the differentiation of cultural and religious choices. However, this complexity is controlled by internal stratification: its processing is limited to the closed system of élite communication, while remaining subject to the determinative frame provided by the socio-political system's primacy. The final stage of differentiation characterizes modern society: here individuals are no longer exclusively defined through stratification or through their belonging to a single socio-political entity. At this stage, individuals use several distinct interpretative models, just as society itself develops differentiated domains of social and cultural activity which are no longer determined by the socio-political primacy of the state or by stratum differences.

These sociologists are not primarily interested in the evolution of pre-modern societies. This fact may explain their willingness to accept a linear model of historical evolution which conceptualizes increasing complexity as a succession of discontinuous epochs. However coherent this model seems, the smoothly linear increase of complexity in society as a result of the gradual detachment of social and cultural life from the socio-political realm entails a highly problematic teleological concept of history.¹³⁷ Yet, it is no doubt the linearity of such a model that proves attractive to those ancient historians who postulate the primacy of political organization in the traditional ancient

¹³⁷ Cf. GLADIGOW 1995, esp. 24-5. The distinction of different historical epochs is in itself a modern construct; cf. GLADIGOW 1997b.

city-state. As discussed above, the thesis that all forms of societal activity in the ancient city-state (economic, cultural as well as religious) can be understood as being negotiated with a view to the socio-political sphere entails the unspoken assumption that societal evolution is a linear development from embeddedness in a unified state of affairs to complexity and differentiation.

Once more, the discussion about the ancient economy exposes the weakness of this assumption.¹³⁸ As we have seen, Finley's primitivist position denied that the ancients conceptualized their economy as a differentiated system. It is acknowledged that the economies of the ancient city-states became increasingly complex domains. However, their partial disintegration is held to have been counterbalanced by the fact that they remained integrated into and dependent on the socio-political system. Similarly, the expansion of the Roman Empire promoted individual trade and productivity. Yet, the development of trade and economic exploitation appears to have been constrained by primarily political, rather than merely economic, parameters which were tailored to Rome's oligarchic élite. This view, however, entails the danger of over-primitivizing. For economic historians have come to realize that the model of a »political economy« cannot fully explain the existence of regionalized economic systems in Republican Italy and under the Empire.¹³⁹ Indeed, the concentration on the political institution of the city-state tends to overlook that the socio-political élite did

¹³⁸ Cf. above, 1.1 & 1.2.

¹³⁹ NORTH 1981; WOOLF 1990; *Id.* 1992.

at the same time develop a strong financial interest in dissociating itself from an urban market economy and, indirectly, from the determinative force of the urban centre.¹⁴⁰ Nor does the emphasis on the socio-political sphere sufficiently take into account the role of the ancient city as a marketplace as well as a religious and recreational centre for a rural peasantry which was not much involved in the political life of the *urbs*.¹⁴¹ Even within the physical city of Rome, the separation of the economic and the political life became more and more visible. From the third century onwards, vile trades like those of the butchers and fish-mongers were expelled from the Forum Romanum which, by the first century, was left to civic representation - and to luxury *tabernae*. In its turn, however, the creation of separate market spaces for specialized sale (the *macellum* or the different commercial *fora*) resulted in the concentration of resources and the further internal differentiation of the city's economic life.¹⁴²

As a result, economic historians have reformulated economic parameters with a view to a mercantilist system which was characterized by a significant level of productivity and trade interest and, at the same time, developed differentiated economic roles which were no longer congruous with po-

¹⁴⁰ WHITTAKER 1995; BENDLIN 1997, 42-3, 58-63.

¹⁴¹ GARNSEY 1998, 107-32.

¹⁴² DE RUYT 1983, 158ff.; FRAYN 1993, 1-37, 56-73; G. PISANI SARTORIO, *LTUR* 3 (1996), 201-3. For artisans and luxury *tabernae* on the *Via sacra*, see BÖMER on Ovid *Fasti* 5,129-30, with PURCELL 1994, 659-67 on their economic importance. For an account of how the development of the city's public spaces reflected this process of differentiation, see N. PURCELL, *LTUR* 2 (1995), 325-42.

litical ones.¹⁴³ Going beyond the primitivist dualism of primitive subsistence economy and market-oriented capitalism, it becomes thus possible to apply a more nuanced interpretation to the economy: true, it was not an example of ›structural differentiation‹ in that its structure could have been entirely dissociated from the political organization of the city-state; yet, it certainly operated in terms of a ›functional differentiation‹ in that it developed functional realms which were no longer homologous with the political system. What is at stake is the inappropriately schematic dualism of a traditional model of differentiation which assigns logical primacy to the political sphere on an *a priori* basis. As I shall demonstrate below, the distinction of structural and functional differentiation will permit us to develop a modified model in relation to religion as well, which explains the concurrence of interdependence and independence in the relation of *sacrum* and *publicum*.¹⁴⁴

2.6.2 Functionalism

The traditional emphasis on the undifferentiated character of pre-modern societies inevitably leads to a second assumption, which is shared by anthropologists and ancient historians. For when focusing on the collective nature of religious meaning in a political organization, ancient historians tacitly adopt the view of religion as an essentially collective phenomenon. This view was originally outlined by Émile Durkheim in his *Les formes élémentaires de la vie re-*

¹⁴³ For references, see above, 1.3.

¹⁴⁴ See below, 2.8, 4.1.1, 4.1.3.

ligieuse (1912). Durkheim argued that religious ritual reaffirms and authorizes social facts in terms of collective human consciousness. It is noteworthy that Durkheim's functionalism was indebted to the idea that ancient societies found collective solidarity in the city-state and therefore modelled their religious identities according to the state's collective principles. Durkheim developed this idea through contact with N. D. Fustel de Coulanges, the author of *La cité antique. Étude sur le culte, le droit, les institutions de la Grèce et de Rome* (1864).¹⁴⁵ Since Durkheim's anthropological hypotheses concerning religion's role in primitive societies have found little favour with his modern critics, the continuing attraction of his religious sociology for ancient historians must lie in the usefulness of its theoretical implications. A neo-Durkheimian position has utilized Durkheim's theory of collective solidarity without accepting his crude dichotomy of >sacred< and >secular<; and the civic model endorsed by historians of Graeco-Roman religion capitalizes on the neo-Durkheimian functionalism concerning religion's affirmative status in a political community. The concept that religion is totally embedded in a collective political community and therefore only comprehensible in its public form is already prefigured in Durkheimian thinking. However, the problems of this position are manifold. The methodological shortcoming of any purely functionalist definition of religion has been discussed above. In addition, the neo-Durkheimian perspective of portraying ancient reli-

¹⁴⁵ For Durkheim's religious sociology, see conveniently MORRIS 1987, 106-22; JONES 1991; LUKES 1992, 450-84. On Fustel de Coulanges' influence, see WARNKE 1986; JONES 1991, 99-104; LUKES 1992, 58-63.

gious or political ritual as *représentation collective* of a communal identity *a priori* postulates ideological congruity at the object level but excludes from its analysis dissenting voices.¹⁴⁶

2.6.3 A symbol theory of culture

Thirdly, the prominence of a neo-Durkheimian perspective among ancient historians is also explicable by the interpretative models which a developed Durkheimian functionalism presents to our discipline as being compatible with our own preconceptions. We saw how religious studies have challenged the traditional notion of belief in ancient religion. As I have suggested, this view is based on the dualism of the »internal« and the »external«. It denies the importance of internal motivational processes for the explanation of cultural or religious processes in Roman society. Instead, the role of religion is perceived in (dualistic) terms of external activities or events, while individualistic beliefs or emotions, thoughts or feelings become marginalized.¹⁴⁷ The affinity of such a perspective with Neo-Durkheimian thought goes largely unnoticed. For when placing Roman religion in the context of a culture which was determined by the *public* character of its political organization, ancient historians accept the definition of culture as a »public symbolic sys-

¹⁴⁶ See above, 1.5. Endorsing a neo-Durkheimian tradition, several ancient historians make the aspect of political collectivity central to their theoretical framework: e.g. ZANKER 1987; MURRAY 1990, 18-23; HOPKINS 1991. For a comprehensive critique of this tradition, ancient historians must still turn to sociological studies such as LUKES 1975 or BELL 1992. See further below, 2.7.1 and 2.7.3.

¹⁴⁷ Cf. above, 1.4 and 2.3.

tem« which betrays the direct influence of neo-Durkheimian cultural anthropology.

For instance, as we have already noticed above, the anthropologist Clifford Geertz defines culture, including religious culture, as a public system in which thoughts no less than emotions are, by definition, excluded. Instead, culture is a public affair. Though it consists of ideas, it does not take place in people's heads, but is located in public symbolic action shared by a social group. A »shared symbolic system« directs and structures cultural activity and thus preserves the meaning of communal communication. On this view, culture emerges as a cognitive system of action which the historical agents define and understand on the basis of shared value systems, which Geertz calls »common sense«. This train of thought betrays the direct influence of a Durkheimian perspective of organized solidarity as transmitted through the neo-functionalism of, for instance, the American sociologist Talcot Parsons.¹⁴⁸ As soon as religion is understood as such a »public symbolic system« which can be analysed in terms of one's public behaviour, the constituents of that system are merely intersubjective elements shared by this public community. As a result, this Geertzian perspective construes several dualisms - »thought« and »action«, »internal« and »external«, »private« and »public«, »subjectivity« and »social experience«, »individual« and »culture« - which become mutually compatible:

»To undertake the study of cultural activity - activity in which symbolism forms the positive content - is thus

¹⁴⁸ For a critique of this tradition, see conveniently KNEER & NASSEHI 1993, 35-7.

not to abandon social analysis for a Platonic cave of shadows, to enter into the mentalistic world of introspective psychology ... Cultural acts, the construction, apprehension and utilization of symbolic forms, are social events like any other; they are as public as marriage and as observable as agriculture.«¹⁴⁹

Geertz' definition has been criticized as reductionist by social anthropologists. To be fair to Geertz, his definition provides a heuristic perspective which excludes psychological processes from the anthropological analysis of »religion as a cultural system« (the title of one of his essays). Yet, he acknowledges the fact that the study of religion is a twofold undertaking, and that the public, or symbolic, meaning of religious operations would, in an ideal world, be related to their social and psychological constraints. His provocative definition of a religious culture as public must therefore be seen as a disillusioned, if necessarily preliminary, reaction against earlier psychologizing interpretations of religious meaning.¹⁵⁰ Geertz, however, did not pursue his interpretations beyond the preliminary status of this heuristic device; and this may be the reason why its methodological incompleteness is rarely acknowledged by his followers. The neglect of the relevance of internalized belief systems for the analysis of religious behaviour, a heuristic perspective for Geertz, must explain the attraction of this theory to ancient historians, who categorically deny the significance of individual commitment as a field of research in the study of Roman religion. Once religion is defined as a »public cognitive system«, the cit-

¹⁴⁹ GEERTZ 1973, 91. Common sense: GEERTZ 1975.

¹⁵⁰ GEERTZ 1973, 124-5. For a critique of the incompleteness of Geertz' theoretical framework, see BELL 1992, 25-34; WHITE 1992. Cf. above, 1.4.

izens of the city-state share in the intersubjective symbolism of civic behaviour, civic secular or religious rituals of the festive calendar, or the religio-political rituals conducted by magistrates and priests. Religion has become an exclusively public affair.¹⁵¹

This mistrust of internal aspects of social life is complemented by a semantic theory of communication which postulates the abandonment of textual subjective meaning. »The culture of a people is an ensemble of texts« is, again, Clifford Geertz' formulation.¹⁵² Indeed, this view is a necessary consequence of the definition of culture as a public affair. As soon as behaviour is publicly shared symbolic behaviour, the individual subject can be dissociated from his or her linguistic or bodily utterance which has become public symbolic knowledge. On this view, »meaning« is located in the realm of shared societal communication, which has become independent of the subjectivity of the authorial voice. The definition of culture as public symbolic action and the de-individualization of communication are complementary processes: cultural behaviour is stripped of any individual aspects and bound to communal cognition; texts are subject to communally determined meaning. The critics of this position hold that such a semantic theory reduces the interrelation of self and environment - of subject and object - to the interrelation of sentence and textual fact and

¹⁵¹ See e.g. PRICE 1984, 7-11, at 8, acknowledging his debt to Geertz; HOPKINS 1991, mentioning the influence of the anthropologist Maurice Bloch; FEENEY 1998, 15, in a discussion of the contributions of Sperber, Gouldner and Foucault: »... the individual's psychology cannot be the ground for social institutions«.

¹⁵² GEERTZ 1973, 452.

thus curtails the individual voice which refers to its status as subject. Culture, society or the human psyche are thus reduced to symbols of public representation, but it becomes difficult to define what the objects of such symbolic representation - or its audience - are. It has therefore been suggested that one must reverse this interpretative process of decontextualization by reconstructing the self-referential subjectivity which a theory of intersubjectivity denies.¹⁵³ However, the popularity of the interpretative model of intersubjective meaning as the expression of a ›Roman identity‹ located in rituals, texts, myths and indigenous exegeses betrays the on-going influence of this theory among classicists.¹⁵⁴

2.7 ›Closed‹ versus ›open‹ religious systems

As a result of these various intellectual influences, recent studies of Roman religion have developed several compatible theoretical concepts to circumscribe the homology of »religion« and »civic religion« in Republican Rome. The following list is not intended to be comprehensive; yet it includes the most important concepts: ›undifferentiatedness‹, ›collectivity‹, ›the political organization's logical primacy‹, ›the externalism of societal activity‹, and ›the public nature of religious culture‹. As we have seen, any of these constituents entails various methodological problems. However, what is an inevitable consequence of these interpreta-

¹⁵³ See HABERMAS 1981, 1,530-2; CRAPANZANO 1992, 297-301.

¹⁵⁴ See 2.7.3, for documentation.

tive models, namely the portrayal of religion as part of a »closed system«, seems to be their most serious shortcoming.

2.7.1 Religion's role in a »closed system«

Prima facie this criticism might appear unjustified. For as outlined above, the revaluation of élite attitudes during the Late Republic does effectively combat traditional assumptions about the disruption and decline of Roman religion in earlier scholarship. Instead, as soon as religion is closely linked to the political domain, the political élite's interest in cult and ritual can be reinterpreted as being preservative of a thriving religious system.¹⁵⁵ At the same time, these scholars emphasize that civic religion in Republican Rome was not a static system of rituals and prescriptions whose preservation was left to the aristocracy, while other groups of society sought different forms of religious experience. Instead, they illustrate how innovation, creative development and reinterpretation of traditional forms allowed a fluid civic religious system to adapt to changing socio-political circumstances in the second and first centuries.¹⁵⁶ In particular, recent scholars have stressed the extent to which the stability of ritual forms, its orthopraxy, was compatible with the fact that its »meaning« in society could change over time. The openness of

¹⁵⁵ See above, 2.3. Cf. CANCIK 1985-86; LINDERSKI 1995, 608-25, for the vitality of religion in Late Republican Rome, and BEARD 1994a, 734-49, on the restoration of temples and continuing élite interest in traditional cults.

¹⁵⁶ NORTH 1976; *Id.* 1980; *Id.* 1986, 251-4; *Id.* 1989, 616-624; BEARD & CRAWFORD 1985, 36-39; SCHEID 1985; BEARD 1994a, 739-55. On Greece, cf. e.g. BREMMER 1994, 94.

Roman sacred law and ritual to creative change and adaptation was a prerequisite of its preservation.¹⁵⁷ The adaptation of civic religion to outside influences is thus a central element of its vigour rather than a symptom of its decline.

Nevertheless, these scholars present a »closed system« in which, due to the nature of the concepts used - undifferentiatedness, collectivity, the political organization's logical primacy, the externalism of societal activity, and the public nature of religious culture -, any religious phenomenon is classified on the basis of an *a priori* dual structure: it can either be incorporated into the local religious system or otherwise it must be marginalized. Yet, there is a problem with such a view in that the *a priori* assumption that identifiable civic religious identities exist and can be reconstructed from public communication inescapably tends to exclude from its analysis any voluntary religious belief systems and religious activities that could be regarded as being external and potentially disruptive to the communal life of the city-state. Any such religious phenomena need to be marginalized on *a priori* grounds.

To be sure, it is often held that state control over civic religion became manifest in the suppression of deviant religious behaviour. Even when disregarding the notorious case of the Bacchanalian affair of 186,¹⁵⁸ the record of civic interference with the cultural and religious life of

¹⁵⁷ BEARD 1987, 8-10; HOPKINS 1991, 482-3. Sacred law and ritual: RADKE 1980; NORTH 1976, 3-9; RUPKE 1996b.

¹⁵⁸ For an assessment, see below, 3.4.1 and 4.2.3.

the city in the second and first centuries BCE seems impressive. Philosophers and rhetors were expelled by senatorial decree in 161, although this measure does not prove a consistent Roman attitude in the second century. For in 155 the Athenians decided to send three philosophers, representing three of the four major philosophical schools, on an embassy to Rome; the Athenian officials no doubt expected a positive response to that decision from the Roman authorities.¹⁵⁹ Astrologers were expelled in 139. The expulsion of Jews in the same year was presumably caused by the fact that the Jewish community, while being a significant factor in the religious life of the city, could be accused of forming an illegal association and performing publicly unacknowledged rites rather than by a direct Jewish interest in proselytizing.¹⁶⁰ The Capitoline cult of Isis was suppressed in the fifties and early forties BCE.¹⁶¹ The philosophers and magicians expelled from Rome in the second half of the first century CE are also likely to have been regarded as illegally organized groups which threatened public order.¹⁶²

However, in any of these cases it would be wrong to forget the limits of élite control in Republican Rome. Nor should it be implied that the Republican élite agreed on a

¹⁵⁹ Expulsion: Suet. *Rhet.* 1,2; Gell. 15,11,1. Embassy: Cic. *De Or.* 2,155-60; *Rep.* 3,8ff.; Plut. *Cato mai.* 22; Gell. *NA* 6,14,8-10. For the second century context, see GRUEN 1992, 223-71, at 232-3.

¹⁶⁰ Astrologers: Val. Max. 1,3,2. Jews: Val. Max. 1,3,3: *Iudaeos ... qui Romanis tradere sacra sua conati erant idem Hispalus urbe exterminavit arasque privatas e publicis locis abiecit*; Serv. *Aen.* 8,187: *... ne quis novas introduceret religiones*; GOODMAN 1994, 68, 82-3; NOETHLICH 1996, 13, 154-5.

¹⁶¹ See below, 4.2.3.

¹⁶² Philostr. *Vita Apollon.* 4,41; KNEPPE 1988.

consistent body of rules and expectations when determining disreputable social and religious behaviour.¹⁶³ Moreover, it is not at all clear whether the aristocracy would have been genuinely interested in consistent repression when, as I shall argue below, Roman culture and society were not monolithic entities but a fluid system of great and little traditions and their respective, if only loosely connected, interests.¹⁶⁴ Moreover, the relative infrequency of decisions to expel groups from Republican Rome suggests that it is more worthwhile to ask how individual instances of repression in Rome, however erratic and motivated by temporary socio-political concerns they were, responded to the threat which a new cultural complexity posed to the socio-political system; and how they symbolized the attempts of individual members among the socio-political élite to reinforce the elusive primacy of the political realm in order to temporarily regain control over what had become an increasingly complex market-place of cultural options.¹⁶⁵

In retrospect, the influence of any official decision of expulsion and repression appears to have been limited. To be sure, domestic authorities which regarded the establishing of a permanent fire brigade as a potential threat to stability - »people who gather together into the same group soon

¹⁶³ On the limits of élite control, see Livy 25,1,6-12 and, in general, WISEMAN 1994, 57-67; NIPPEL 1995, 22, *passim*. Cf. PHILLIPS 1991b, 269: »[N]either the legal, religious, or scientific systems had an interest in precisely defining unsanctioned religious activity.«

¹⁶⁴ See below, 3.2.

¹⁶⁵ For an illuminating study in these terms of two events of the early second century, see GRUEN 1990, 34-78 (the Bacchanalian affair of 186) and 158-70 (the burning of ›Numa‹'s books in 181).

become a political faction»¹⁶⁶ - also viewed religious group behaviour as a socio-political rather than as a religious problem. In these instances, it was *securitas*, and not a religious concern, that mattered. The case of civic policing illustrates the socio-political, rather than the religious, dimension of the state authorities' anxiety. The colonial and municipal statutes, drawing on Roman administrative models, prohibited *coetus* (illegal gatherings) as well as *coniuratio* and encroached upon *sodalicia* and *collegia* held for that purpose - although *sodalicia* and *collegia* in themselves were not forbidden.¹⁶⁷ The urban authorities were clearly expected to prosecute illegal associations. However, the phrasing and positioning of these statutes entails that civic taking action was motivated by suspicion of organized groups. It is also significant that the civic authorities responded to individual indictments and often made *ad hoc* restrictions. The Senate's measures concerning religion in the Republic were a political, and not a religious, phenomenon. The Senate restricted administrative structures and regulated the access to different religious choices, but it never interfered with the religious sphere as such. The situation may rather be described as the political system's interacting with the religious system's fringes, without ever penetrating to its centre.

Furthermore, the subject of crisis and decline of Late Republican religion, which had featured so prominently in earlier accounts, seems to have been shifted rather than

¹⁶⁶ Trajan *ap.* Pliny *Ep.* 10,33-4.

¹⁶⁷ *LUrs* ch. 106; *LFlav* ch. 74.

truly resolved by recent scholarship. For as the advocates of the model of civic religion surmise, it is a result of the differentiation of religious choices in the Mediterranean world from the fourth century BCE onwards at the latest that civic religion, no longer sufficiently able to incorporate new choices, would itself become disintegrated. The exponents of this model must envisage these developments within the strict limits of civic religion in the ancient city-state; any development beyond these limits can only be perceived in terms of the system's failure to integrate increasingly differentiated choices. According to the civic model, in the Late Roman Republican and triumviral period deviation from public religion became manifest through the increasing emergence of autonomous religious groups and practices and through the development of religious expertise, which was independent of traditional religion. At the same time, philosophical reflections on religion were marked by a highly rational and sceptical attitude. This increase in alternatives of religious and cultural behaviour resulted in a structural differentiation of the religious system, pointing to a religious pluralism, and a changed evaluation of religion's role in society, that the public system at Rome - and that is the crucial point - could no longer fully integrate.¹⁶⁸ Ultimately, religious development was moving from the embedded religion of the traditional city-state to the differentiated religion of a complex empire-wide and socio-politically fragmented environment. Religious develop-

¹⁶⁸ E.g. NORTH 1979, esp. 96; *Id.* 1986, 253-4; CORNELL 1991, 59; BEARD 1994a, 755-63.

ment became synonymous with the disintegration of civic religion.¹⁶⁹

On such a view, the history of religion in the ancient world would indeed become the history of the destabilization and eventual dissolution of civic religion.¹⁷⁰ This tension in the model of civic religion becomes fully apparent, once the model is no longer exclusively applied to the socio-political local context of the classical city-state, but instead is employed with a view to a supra-regional context of change and differentiation in the Roman Empire, incidentally reminding us of Wissowa's concept of Roman religion as a local religion that, once exposed to the outside world, would lose its communal religious identity.¹⁷¹ The terminology used can describe more complex religious phenomena only as deviations from the approved norm; and the category of >religious pluralism< or the notion of >differentiation< receive an inherently negative connotation.¹⁷² It seems as though the model of religion in Late Republican Rome presented by these scholars is fundamentally incompatible with social structures that exceed a certain level of complexity. Their emphasis on religious homogeneity, based on the conceptualization of Roman religion as undifferentiated and

¹⁶⁹ NORTH 1992; RIVES 1995.

¹⁷⁰ BENDLIN 1997, 47, for a critique.

¹⁷¹ Cf. above, 2.2.

¹⁷² Cf., e.g., NORTH 1976, 11; *Id.* 1992, discussing >pluralism< in the context of the failure of the civic model. BEARD 1994a, 755-68 uses >differentiation< to denote the increasing fragmentation and disintegration of the religious system of Late Republican Rome. RIVES 1995, 245 parallels >pluralism< and >anarchy<: »the religious pluralism, not to say anarchy, of the empire reflected the absence of any organized system of official religion.« Cf. above, 1.3.

collective public activity, only works as long as it is possible to marginalize factors that introduce that kind of complexity. When this strategy fails to work, the chosen model of civic religion needs to be abandoned.

From what has been said so far, it should become clear that these scholars perceive an implicit tension between different religious choices which are potentially incompatible and see a religious system's survival resting on the exclusivity of a fixed set of religious options rather than on the cohabitation of alternatives. In a sociological analysis, such a model of Roman religion would be described as representative of a ›closed system‹, whose organization complies with a linear causal principle.¹⁷³ What does the description of civic religion in terms of a closed system entail? Any system, whether psychological or social, is determined by the input it receives. To describe this phenomenon, system theory has developed the notion of the ›black box‹. In complex open systems, the input entering the system as well as its output can be observed. Normally, however, input and output differ, and as soon as the input does not directly determine the output, the system's organization of the relationship of input and output cannot be observed. The box is ›black‹; and we must assume that the system is self-determinative. By way of contrast, in closed systems the box remains ›white‹: the input does directly determine the system's output, and their relationship follows a linear causa-

¹⁷³ For a classic theoretical account (and critique) of the sociological concept of ›closed systems‹, see VON BERTALANFFY 1951. Cf. KNEER & NASSEHI 1993, 20-3.

lity which can be observed from outside, because it is not further determined by the system itself.

In the case of the civic religion model, the box is white: as the model's advocates inextricably link religion to only one relevant input system, namely the socio-political realm, it is that particular realm's input which exclusively enters and thus determines the religious system. Such a closed system, based on a purely linear relationship between input and output, aims for equilibrium. Such equilibrium, however, as we have seen, can no longer be maintained once this relationship is compromised: whereas the once determinative input-system, the political domain, ceases to be in control of the input into the religious system, various other inputs, consisting of new forms of religious authority, lead to religion's differentiation; the box has suddenly turned black. Prior to this process of differentiation, the equilibrium of the closed system was homeostatic: the civic model's emphasis on religion's adaptation to possible change entails that the religious system may have been capable of adjusting to changing social circumstances. Yet, any change was dependent on external regulation by means of the political system's input. It is a crucial element of the civic model that the religious system itself is incapable of self-determination or organizational variability. On the contrary, any such processes of self-regulation are perceived as a form of dissolution by the civic model's advocates.

The emphasis on the undifferentiated and collective character of Roman religion and the public nature of reli-

gious culture as a whole has a further implication for its internal structure. For as we have seen above, any private religious cults or the religious rituals performed by individuals are understood as incorporated into the civic frame, forming miniature expressions of a communally shared religious identity. Such an externalist view of religious behaviour can of course sidestep the concept of polytheism. For in any society choosing between different religious options does not present any difficulty, as long as these options are controlled by a collective identity, which determines individual religious behaviour. However, such a view leaves inexplicable the variety of different cults and divinities which existed at Rome. As a matter of fact, there is a tacit contradiction (which has never been sufficiently addressed by these scholars) between the closed system of the religious homogeneity of civic religion on the one hand and the open principle on the other that ancient polytheistic religions consisted of various differentiated forms of religious behaviour and a large number of potential divine addressees of worship.¹⁷⁴ The failure to address this issue has to be linked to the modern conception of Roman religion as a predominantly public affair taking place in the framework of a communally shared value-system, and to the denial of individual motivations which might have been deviant from such a civic frame.

¹⁷⁴ For further discussion of this aspect, see below, 4.2.5 and 4.3.

2.7.2 The openness of Roman religion

However, before moving to these internalized processes it is important to stress that on externalist grounds alone this theory cannot acknowledge the extent to which religion at Rome was an »open system«. The Romans, like the Greeks and other ancient peoples, perceived the gods to be historically and logically prior to the city-state and not restricted to a particular *ethnos* or civic community. On the contrary, the gods were perceived to travel across the Mediterranean and temperate Europe and constantly adopt new local identities in the places in which they received worship. At the same time, they brought with them a distinctly supra-local personality and a biography which extended back into the past, thus precluding total identification with their new fatherland.¹⁷⁵ Pagan Rome continuously extended her local official pantheon through the addition of new divinities. In the fourth and third centuries BCE alone, the Romans witnessed the establishing of a large number of new civic cults in the city, including several transfers of foreign deities in response to portents.¹⁷⁶ *Dignus Roma locus, quo deus omnis eat* (Ovid *Fasti* 4,270) - under the empire, Rome could, with rhetorical hyperbole, be perceived to be the *ἐπιτομή τῆς οἰκουμένης* (Athen. *Deipn.* 1,20b), where all deities resided and

¹⁷⁵ The gods prior to the city-state: e.g. Varro *RD* fr. 5 Cardauns; Cic. *ND* 2,5; Livy 1,19,4-5. A similar point is made with respect to Greek religion by S. G. COLE 1995. Divine supra-local identities: Livy 42,3,9: ... *tamquam non iidem ubique di immortales sint*; Apul. *Met.* 11,26; cf. BENDLIN 1997, 61-2.

¹⁷⁶ See below, 3.1, for discussion.

received worship.¹⁷⁷ The prosperity of the city-state as well as of the Empire was directly linked to all those deities which received worship at Rome.

The ritual procedures following the deaths of members of the imperial family in the Early Empire serve to illustrate this mentality. The deaths of C. Caesar in 4 CE and of Germanicus in 19 led to *iustitia*, as a result of which the temples of all gods (*templa deorum*) were closed spanning the period from the death of the individual concerned until the end of his burial.¹⁷⁸ The Tabula Hebana stipulated the annual closing of all temples in the city and those within one Roman mile around Rome on the anniversary of the death of Germanicus. The temples of all deities were concerned; any liability, however, was passed on to those in charge of the respective shrines.¹⁷⁹ On the anniversary of the death of C. Caesar, *sacrificia publica, supplicationes* (for which the

¹⁷⁷ Cf. Ovid *Trist.* 1,5,70; Luc. 3,91; Min. Fel. *Oct.* 6,1 (the pagan Caecilius speaking); HSA Aurelian. 20,5, and, for the Christian response to this claim, Arnob. *Adv. Nat.* 6,7; Prudent. *C. Symm.* 1,189. In later antiquity, Rome could be presented as the *templum mundi totius*: Amm. Marc. 17,4,13 with FOWDEN 1993, 45-50.

¹⁷⁸ C. Caesar: ILS 140 (Pisa, 4 CE, adopting regulations set up for the capital): *cunctos veste mutata, templisque deorum immortalium balneisque publicis et tabernis omnibus clausis, convictibus sese apstinere, matronas quae in colonia nostra sunt sublugere*; cf. the *Fasti Cuprenses* (*Inscr. It.* 13,1, pp. 243-8). Germanicus: Tabula Hebana (RS no. 37) line 55: *templa deorum clauderentur*; WEINSTOCK 1966, 892-3. The editors of RS *ad loc.* compare a decree for Apollonis from Cyzicus from 25-50 CE, M. SÈVE, BCH 103 (1979), 327, lines 41-4: κλεισθῆναί τε τὰ ἱερὰ καὶ τὰ τεμένη καὶ πάντας τοὺς ναοὺς.

¹⁷⁹ Lines 57-9: ... *templa deorum immortalium quae in urbe Roma propriusve urbem Romam passus mille sunt erunt quot annis clausa sint idque ut ita fiat ii qui eas aedes tuendas redemptas habent habebunt curent*. For the validity of urban regulations in territory within one Roman mile around Rome, see the Tabula Heracleensis (RS no. 24) line 20; Livy 34,1,3.

temples of all deities in Rome would be open), marriages, *convivia publica* and *ludi scaenici circenses* were suspended.¹⁸⁰ The disturbance caused by the death of a member of the imperial family not only curtailed public secular business, but also extended to a divine plane. The temporary closing of all sanctuaries, entailing the artificial ›scaurification‹ of contact between humans and gods, thereby came to dramatize a situation in which death had encroached upon human relationships. Under these circumstances, the Roman imperial authorities addressed all the deities of Rome and of its immediate hinterland.

These imperial regulations, however, are also illustrative of a change: a *funus publicum* was apparently first organized in 23 following the death of Marcellus.¹⁸¹ Under the Late Republic, *iustitia* were held on certain public occasions relating to military disaster or to social upheaval in Rome. This could involve the closing of secular places for gathering such as baths or *tabernae*, whereas secular public business, jurisdiction and Senate meetings were postponed. The term *iustitium* was understood as a *iuris quasi interstitio quaedam et cessatio* on certain days when legal business was suspended (Gell. 20,1,43). When describing *iustitia*, Late Republican authors addressed the suspension of secular business, juridical or political, and the necessity of a military *dilectus* on the declaration of a state of emergen-

¹⁸⁰ ILS 140,25-30. It is noteworthy that these prohibitions only applied to the domain of *publica*.

¹⁸¹ Cass. Dio 60,27,4; KIERDORF 1980, 138.

cy.¹⁸² By way of contrast, the closing of temples during *iustitia*, like the introduction of anniversaries in commemoration of the deceased, appears to be an imperial phenomenon. For instance, a *iustitium* was presumably held as part of the funeral of Sulla in 78. That occasion, however, appears to have been necessitated by a civic desire for security in the aftermath of Sulla's death, since the measure permitted the policing of the populace of Rome.¹⁸³ Similarly, Tiberius Gracchus' closing of the temple of Saturnus in the course of a *iustitium* (Plut. *Ti. Gracch.* 10) ought to be understood as an attempt to prevent the running of the *aerarium*. These exceptions provide indirect confirmation of the thesis that Republican temples were in general not closed during *iustitia*. It is not before the imperial period that writers explicitly link the closing of all temples to such occasions. It is with the rise of autocracy that the *iustitium* is imbued with a religious meaning tailored to the public funeral of an individual.¹⁸⁴

Returning to the desire for comprehensiveness in addressing the gods, Roman *pietas* extended beyond the realm of local religion. The letter of the praetor M. Valerius Messalla to the city of Teos in 193 BCE embodies this view.

¹⁸² E.g. Livy 3,27,2, 4,31,9-32,21, 9,7,6-15 (*tabernae*); Cic. *Planc.* 33 (auctions), *Har. Resp.* 55 (*aerarium*), *Brut.* 304. Cf. MOMMSEN 1887, 1,263-6; KUNKEL & WITTMANN 1995, 225-8.

¹⁸³ Granius Licinianus 36,25-9 Criniti. In other respects, Sulla's funeral foreshadowed the *funera publica* of the imperial *principes*, although the matrons' mourning for Sulla over a period of twelve months, reported by Granius, must not be linked to the *iustitium*: App. *BCiv* 1,105-7; ARCE 1988, 17-34.

¹⁸⁴ E.g. Lucan 5,115-6: *templi ... fruuntur iustitio*. See further below, 4.1.4.

The document argues that out of their particular εὐσέβεια, or *pietas*, toward the gods in general the Romans feel obliged to Dionysus, the divinity of the city of Teos. The goodwill (εὐμένεια) which Rome experiences from the divine is a direct result of that particular pious attitude.¹⁸⁵ It was an axiom that the *res publica* of the Roman People had been »augmented by the resources and councils of the immortal gods«. ¹⁸⁶ What is remarkable about that document, the Lex Gabinia Calpurnia *de insula Delo* of 58 BCE, is not just that it states with imperialistic directness that the Romans owed their political and military successes to divine favour, but also that Roman success was due to the involvement of *di immortales*, whose identity transcended the narrow confines of civic religion. This principle can be observed throughout the later history of pagan Roman religion, from the SC *de Cn. Pisone patre* of 20 CE to Caracalla's announcement of empire-wide *supplicationes* to the immortal gods in 212, the *supplicationes* requested by Decius in 249/50, or the pronouncements leading up to the persecution of Valerian in 257, all of which were phrased in such terms as to demand the recognition of the gods as such.¹⁸⁷

¹⁸⁵ SIG³ 601,11-7. The Roman claim to be unusual, as regards their piety towards the gods in general, was not unfamiliar to a Greek audience, since the same *topos* had been expressed previously by others in almost the same words: e.g. SIG³ 372,17-9 (Samothrace honouring Lysimachos in c. 288-1); SIG³ 615,4-5 = *FDelphes* III,2,89 (Delphi honouring the Athenian Apollodorus in 180).

¹⁸⁶ RS no. 22, lines 5-6.

¹⁸⁷ S.c. *de Cn. Pisone patre*: W. ECK & al. (eds), *Vestigia* 48 (Munich 1996), lines 12-5 *dis immortalibus*. Caracalla: P. Gissensis 40 I (ed. J. H. OLIVER, *AJPh* 99 (1978), 405), lines 3 τοῖς θεοῖς [τοῖς] ἀθανάτοις, 7 τῶν θεῶν. Decius: θύων καὶ σπένδων τοῖς θεοῖς διετέλεσα *vel sim.* in J. R. KNIPFING, *HThR* 16 (1923), 353-4; cf. H. A. POHLSANDER, *ANRW* 2,16,3 (1986), 1838. Valerian: Euseb. *Hist. Eccl.* 7,11,7-9.

It is difficult to maintain that any of these instances particularly highlighted a link between civic authority and Roman religion. From the first century CE, *supplicationes* were no longer a means of appeasing the gods in times of national crises, but commemorated imperial success; and Caracalla's or Decius' instruction to supplicate to the gods celebrated the suppression of imperial opposition. Their intention was to display profuse gratitude toward the divine for the exposure of conspiracies. It betrayed a proportionality in religious thinking in that the degree of gratitude was proportional to the number of worshippers involved: the more worshippers, the greater the gratitude displayed. For that reason, as many inhabitants of the Empire as possible were required to pay worship to the gods as such, whose identity was left unspecified.¹⁸⁸ Similarly, Trajan's rescript concerning the Christians recommended that alleged *Christiani* ought to prove their innocence *supplicando di nostris*.¹⁸⁹ *Di nostri* refers to the wide spectrum of traditional gods as opposed to the Christian god, not to any particular Roman divinities. Neither Pliny nor Trajan needed to identify the gods in question.

This attitude towards the divine did not benefit only the civic realm. References to *di deaeque omnes* in the Plautine corpus are far more frequent than those to all the individ-

¹⁸⁸ The common claim that *P. Gissensis* 40 I linked worship of the gods to Roman citizenship under the *Constitutio Antoniniana* of 212 may not be supported by the actual text; cf. J. H. OLIVER, *AJPh* 99 (1978), 403-8. Proportionality in Roman religious thinking: GWYN MORGAN 1990, 26-36. *Supplicationes*: G. FREYBURGER, *ANRW* 2,16,2 (1978), 1418-39. See also below, 3.2.3.

¹⁸⁹ Pliny *Ep.* 10,97,2; cf. *ibid.* 10,96,5.

ual deities taken together.¹⁹⁰ Faced with a variety of divinities to choose from at all levels of religious behaviour, the functionaries of city-states and private worshippers alike counterbalanced the danger inherent in confusing the divine pantheon with a particular concern for the incorporation of all possible deities, *di immortales*, οἱ θεοὶ ἀθανάτοι πάντες καὶ πᾶσαι, including those whose identity was temporarily or continuously unknown, *sive deus sive dea*. The restoration of an altar to »the god or the goddess« by the praetor C. Sextius Calvinus following a decree of the Senate, presumably in 127 BCE (*ILLRP* 291), obeys the same set of ritual rules as both the private dedication *sive deo sive dea* by C. Terentius Denter *ex voto*, also dating, it seems, from the Republican period (*CIL* 6,111), and the agrarian prayer in Cato's *De agricultura*.¹⁹¹

However, the religious system was »open« in a more fundamental sense, which the view that Roman religion lacked a deeper personal commitment must neglect. For I would argue that Roman religion represented an »open system« which, while no doubt receiving input from the civic sphere as well as from other sources, was self-determinative. To be sure, an externalist perspective is no doubt invited by the ritualistic nature of cult performance in the ancient world. When invoking the divine, functionaries responsible for the maintenance of civic religious acts such as the praetor of 127 and individuals like C. Terentius Denter or Cato made

¹⁹⁰ HANSON 1958, 62.

¹⁹¹ Cato *Agric.* 139: *si deus, si dea es, quoniam illud sacrum est*. For further documentation of this prayer formula, see below, 4.3.2.

use of standardized religious formulae and gestures. The proper observation of such ritual details was perceived to be an essential prerequisite of positive divine response. This punctiliousness over ritual detail, and the importance of verbal precision, created what must be regarded as the basis of a general agreement on the »orthopraxy« of ritual behaviour.¹⁹² The pontifical records preserved compilations of ancient and more recent prayers and ritual formulae by means of which the college, if requested, could provide explanations and precedents, thus giving advice on matters of religious concern to civic bodies like the Senate or to individuals.¹⁹³ The prayers in Cato's *De agricultura* may have been identical to those preserved in the pontifical books.¹⁹⁴

Yet, these written codifications ought to be seen as blueprints which provided information on ritual behaviour rather than served as canonical texts. The actual prayers and gestures performed by religious functionaries in civic cult acts remained largely just as they had been set down in public records or priestly codifications. Prayers used in public religious acts were first read out by scribes from the official records and then repeated by the magistrate who performed the ritual. The prayers uttered by generals before battle and those used by magistrates before *comitia* and *contiones* employed set formulae to ensure divine favour. The same phraseology was used by orators, historians and poets

¹⁹² NORTH 1976, 1-3.

¹⁹³ On the character of these records, see ROHDE 1936.

¹⁹⁴ Serv. Aen. 9,641 claims that the prayer in Cato Agric. 132 derived from the pontifical records.

to good dramatic and rhetorical effect. Prayers to the immortal gods that used formulae *Romano ritu* could be found in *libris sacerdotum populi Romani et in plerisque antiquis orationibus*.¹⁹⁵ But prayer formulae were adaptable to different contexts and occasions. They would be used by orators in the context of emotional appeals to their audiences, or employed in political disputes. The proviso that magistrates had to swear obedience to statutes by Iuppiter and the Penates was apparently deployed as a political instrument by Saturninus and later by Caesar in the case of his *lex agraria* of 59.¹⁹⁶ Over the course of time, prayers on behalf of the state could be altered, as the case of the censor's prayer on performing the *lustratio* and the *suovetaurilia* sacrifice shows. The original prayer expressed a wish for the expansion of Roman power, while the new version was merely praying for its preservation.¹⁹⁷

The flexibility of ritual frameworks, when their accommodation to individual needs was required, is well brought out by the ritual programme of the *Ludi saeculares* of 17, which extended the number of the deities addressed in the ritual sequence. Those responsible for the celebration sacrificed and prayed not only to the *di inferi* traditionally

¹⁹⁵ Gell. 13,23,1.

¹⁹⁶ Saturninus: App. BC 1.131. Caesar: App. BC 2.42; Cass. Dio 38.7.2; Plut. Cat. Min. 32.

¹⁹⁷ Val. Max. 4,1,10 attributed this change to Scipio Aemilianus' public refusal as censor in 142/1 to use the standard phraseology. Given the scrupulousness in ritual procedures, this is an unlikely assertion, whereas the prayer text's alteration prior to a public performance was possible: NORTH 1976, 3. HARRIS 1979, 118-20, believes that alteration of the prayer's text occurred in the Augustan period and was subsequently attributed to the distant past.

associated with the Secular Celebrations, but newly introduced Iuppiter optimus maximus, Iuno Regina and the Palatine Apollo. However, the prayer uttered by Augustus, Agrippa and the Roman matrons was traditional, asking the respective deities in their turn to be propitious *p. R. Quiritibus, XVvirum collegio, mihi, domo, familiae*.¹⁹⁸ In the second century, the Elder Cato advised to use a very similar formula when addressing Mars pater in the context of agrarian ritual. As a matter of fact, in different contexts, both public and domestic, the very same formula could be used in addressing a wide range of individual deities, or in praying to the gods as such.¹⁹⁹

It would be misleading to assume that religious formulae were necessarily normative, or that religious behaviour was characterized by mere scrupulous performance of previously conceived patterns. Due to its formulaic character, there is a tendency among many scholars to overlook that ritual language was routinely accommodated to individual needs in contexts of praying, pleading, praising and expressing one's gratitude towards a deity. Silent prayers or emotional appeals, which could include establishing bodily contact with a divine statue, complemented such religious behaviour. A

¹⁹⁸ FIGHI 1965, 114,96 and 99: *volens propitiusque*. Cf. FIGHI 1965, 157,12. On the Augustan changes, see conveniently PRICE 1996, 834-7.

¹⁹⁹ Cato *Agric.* 141,2; cf. 134,2-3, 139. Cf. Suet. *Div. Aug.* 58,2. *Iuppiter*: Plaut. *Amph.* 935, *Asin.* 781. *Dii*: Serv. *auct. Aen.* 1,730 (at dinner in the context of domestic cult); cf. Cic. *Div. in Caec.* 41, *Verr.* 2,5,37; Petron. *Sat.* 60. *Si(ve) deus, si(ve) dea*: Festus 488 L (the dedication of a *templum* from the *libri pontificis*). Cf., among the *Leges ararum*, the *Lex Narbonensis* of 11-12 CE (*ILS* 112, *numen Caesaris Augusti*) or the *Lex Salonitana* (*ILS* 4907). See APPEL 1909, 122-3; HICKSON 1993, 59-62.

whole range of differentiated, yet at the same time complementary, forms of prayer is attested, whether spontaneous and informal or more formalized. Contingent upon the temple personnel's permission, worshippers would address a deity's statue by formulaic prayer language; or utter silent prayers; or touch and kiss the cult statue; or stand or sit in a sanctuary's *cella* and talk to the deity about their personal problems.²⁰⁰

»Ein Blick auf die private Kultpraxis der Römer am Kultbild und in der *cella* ... könnte geeignet sein, eine schnelle Einordnung der römischen Religion als bloße Kultreligion ... zu modifizieren.«²⁰¹

2.7.3 *Orthopraxy or orthodoxy?*

Only if we assume the logical primacy of civic religion and portray religion as a closed system whose response to input follows the principle of a ›white box‹, then individual religious behaviour merely mirrors the civic. An author like the Elder Pliny, when not describing the domain of civic religion, could routinely disregard any logical distinction between the religious rituals performed on behalf of the city-state and individual cult acts.²⁰² The explanation for

²⁰⁰ Sitting and talking: Prop. 2,28,44-8; LEWY 1928-29. Greeting, touching and kissing of statues: Cic. Verr. 2,4,94; Lucr. 1,316; Varro LL 5,58; Tib. 1,1,11-24; Min. Fel. Oct. 2,4; WEINREICH 1921. Worshippers were apparently prohibited from touching the statues of Virbius in the sanctuary of Diana in Nemi (Serv. Aen. 7,776) and Fortuna muliebris on the Via Latina (Val. Max. 1,8,4; Festus 349 L), but it is unclear whether ritual or administrative considerations lie behind these prohibitions. Silent prayer: WAGENVOORT 1980, 197-209, on insufficient grounds attacked by VAN DER HORST 1994. In general, see VERSNEL 1981; R. FLASCHE, *HrwG* 2 (1990), 456-68.

²⁰¹ GLADIGOW 1994, 15-9, at 17. See further below, 4.2.5.

²⁰² Cf. KÖVES-ZULAUF 1978, 198-9.

this blurring of categories is not that distinctions did not matter. Rather, these different domains of religious practices used a standardized ›orthopraxy‹, thus inviting the beholder to imagine an elusive homogeneity of religiosity as expressed through the stability of ritual. What any notion of religious homogeneity in the ancient city-state does not sufficiently take into account is the absence of a systematic ›orthodoxy‹ in ancient pagan religions. As Robert Phillips and John Scheid have emphasized, this distinction between orthopraxy and orthodoxy is a vital one.²⁰³ What I would wish to stress is that this distinction allows us to conceptualize potential differences in emotional or cognitive behaviour (*doxa*) while accepting similarities in stable ritual forms (*praxis*), when a multitude of different addressees (deities) is concerned.

In Republican society, which lacked systematic legal or moral codes of normative social behaviour, a quintessential corpus of conventional values was orally communicated through telling, retelling, or enacting *exempla* of what was expected to count as right and wrong.²⁰⁴ Élite education introduced young aristocrats to the value system of the aristocracy, as well as to its networking, through practical political instruction or through communal *contubernium* in the service of a military commander.²⁰⁵ By contrast, reli-

²⁰³ PHILLIPS 1986, 2746-52; SCHEID 1992, 122-4; *Id.* 1993a, 116, 124-7.

²⁰⁴ For the importance of moral examples, cf. Hor. Sat. 1,4,105-6; Plut. Cato mai. 4,2 with SALLER 1994, 109-10. Cf. LIND 1979, 11-5 for upper-class *exempla virtutis*.

²⁰⁵ E.g. ILLRP 515, the *consilium* of Cn. Pompeius Strabo in the Social War, with E. BADIEN, *Gnomon* 62 (1990), 28: »It was *contubernium* that ensured the basic homogeneity of the upper class, political and non-political, and

gious socialization was far less homogenized. As Roman religion lacked sacred texts or holy books, religious education, as a means of perpetuating religious tradition, was achieved through the observation of and participation in religious ritual; through the transmission of traditional religious knowledge to younger and unexperienced members of families, societal groups, collegiate associations or the colleges of civic priests;²⁰⁶ through the institutionalisation of religious roles and the creation of cult functionaries; and, to a limited degree, through the written preservation of priestly records of ritual stipulations.²⁰⁷ However, these forms of rigidization, though common to pre-eminently oral cultures, cannot, as research into oral traditions has demonstrated, guarantee the unalterable preservation of religious tradition or its fixed meaning: the chronological frame within which tradition can be preserved more or less unchanged comprises not more than three generations; moreover, even within that limited period the meaning of a ritual can be different for different participants. This is in accordance with recent theorizing among anthropologists, which problematizes the notion of meaning of ritual forms for communal interpretation in society. For it is difficult to define the meaning of ritual as such. The stability of ritual forms may provide the rules and the framework in which participants make sense of their behaviour. But while the active participation in ritual very often engenders or

that made it possible to open the doors of the Curia to Equites and to promote some of them even to the consulship.»

²⁰⁶ VAN DER LEEUW 1939; CANCIK 1973; BREMMER 1995.

²⁰⁷ ROHDE 1936. For the limits of writing in Roman religion, see SCHEID 1990; BEARD 1991.

positively invites a wide range of different (and potentially incompatible) interpretations about the meaning of a rite, the ritual form on its own may well be meaningless.²⁰⁸

It remains important to apply both a diachronic and a synchronic perspective when evaluating the process by means of which religious meaning is created. As we have seen, scholars accept that at a diachronic level the stability of ritual forms does not entail that the ›meaning‹ of rituals in society could not change over time. Conversely, in a synchronic perspective the orthopraxy of ritual behaviour must not disguise that individuals made different sense of ritual even at one and the same point in time. By assuming that in a synchronic perspective rituals and their exegeses constitute a communal, if changing, Roman sense of identity, some recent studies misrepresent this synchronic dimension of contextual meaning.²⁰⁹ When making such an assumption, these scholars fail to take account of the distinction between orthopraxy and orthodoxy. For they imply that ritual performance, exegeses like the Ovidian *Fasti* or mythological narratives, while not constituting orthodoxies, could never-

²⁰⁸ Cf. the discussion in *Religion* 21,3 (1991), 205-34, responding to the thesis of STAAL 1989 that ritual systems are meaningless *per se*. For a cautious application of that discussion to the study of ritual in Roman religion, see, in addition to the studies of Phillips and Scheid, e.g. RÜPKE 1995a, 410-2; Id. 1996b; FEENEY 1998, 119-21, with further references.

²⁰⁹ E.g. BEARD 1987, 1, 7-12, at 12: »[The ritual calendar] offered a pageant of what it was to be Roman ...: to perform the rituals through the year ... was to discover and rediscover that Romanness«; Ead. 1991, 55-6; Ead. 1993, 55-6; WALLACE-HADRILL 1988, esp. 226; HOPKINS 1991, 484-6; EDWARDS 1996, 47. ›Romanness‹, a term that is used time and again among these scholars to circumscribe the native definition of a Roman identity, is criticized below, 3.1.2.

theless be interpreted as the direct expression of communally shared meaning. On such a view, these events operate in the context of religion as a »public symbolic system« in a neo-functionalist or Geertzian sense: they offer interpretations of societal life within a communally accepted context. Ritual and exegesis become parallel symbolic processes which define a Roman religious identity. The problem with such a view is that, despite the methodological awareness of these scholars, orthopraxy and orthodoxy in fact re-emerge as homologous. For the underlying assumption is that a local religious knowledge existed which would provide a communal cognitive frame to determine the meaning of religious rituals as well as their exegeses.

However, these scholars fail to specify to what degree ritual orthopraxy or the playful Ovidian exegesis with its multiple interpretative choices, written for a small educated audience, and presumably unrepresentative of Roman society as a whole, could create, or at least reproduce, accepted and binding interpretations of religious meaning shared by other contemporaries. For instance, it is impossible to construe a direct link between the religious *realia* mentioned in Ovid's *Fasti* and his individual exegesis, since the restrictive communicative code of ritual orthopraxy and the often speculative communication through exegesis are not necessarily synonymous.²¹⁰ For the poet of the *Fasti* did not offer a religious orthodoxy which would interpret one level

²¹⁰ Cf. PHILLIPS 1992; SCHEID 1992, 122-9, at 124: »... the *Fasti* ..., like other exegeses, were profitable if not indispensable for religion and society«; RÜPKE 1994; Id. 1995a, 408-16; FEENEY 1998, 127-31.

of religious meaning, ritual performance, on a complementary level of religious meaning, that of textual exegesis. His portrayal of cultic reality is just as subjective and as biased by conscious or unconscious motives as other interpretations. The poet commented on a ritual performance, which engendered several different cognitive and emotional processes in himself and in his audience. For even in a synchronic perspective, the ›meaning‹ of religious ritual depends on various interpretative operations, it is shifting and shows a ›performative structure‹.

The reason why scholars repeatedly fail to address the unstableness of the meaning of a religious sign is the application of problematic models of how meaning is created in cultural communication. For in assessing the individual's response to visual as well as to religious signs, traditional linguistic models are routinely applied that are based on a linear relationship between signifier and signified. These linguistic models, however, cannot provide much more than a limited analogy, when the response engendered by visual or religious signs is concerned. In the latter case, the relation between signifier and signified is always underdetermined, as the problem of the meaninglessness of ritual forms mentioned above illustrates. This gap of determination is subsequently filled in by a ›meaningful‹ response, whose relation to the signifier is often haphazard.²¹¹ It is now possible to connect this discussion to that of the shortcomings of the civic model. In each case, the exclusion of individual motives that could be deviant from the system of

²¹¹ HARDIN 1983.

public cognition has led to a neo-Durkheimian perspective and to the postulation of a white box. In each case, however, the box is always black rather than white: it is impossible to construe a linear and simple causal relationship between a particular and determinative input, be it that of the political realm, and the religious system's output in the form of the creation of a particular religious meaning solely determined by the political realm. To be sure, most scholars would not disagree with the view that ritual orthodoxy, and not an underlying systematic orthodoxy, at a public level characterizes ancient polytheistic religions. However, as a result of the assumption made about the nature of Roman religion as a collective operation at the public level, they unwittingly reintroduce the notion of dogmatization. Despite an awareness of the polytheistic nature of pagan religious systems, this notion heralds a monosystemic perspective: orthodox local religious knowledge is defined as though it could become constitutive of societal behaviour as a whole within the allegedly normative framework of civic religion.²¹²

2.7.4 Conceptualizing an »open system«

When responding to such a view, several scholars realize, as we have seen, that it is problematic to describe the multiplicity of religious meanings at Rome as though they constituted a defined system of Roman religion. Yet, how can the various processes by means of which religious meaning

²¹² The incompatibility of polytheistic systems with such a monosystemic perspective is discussed below, 4.3.

was created be organized by the native participant and the modern observer, without either embracing a notion of religious collectivity or altogether abandoning a meaningful category of cohesive belief systems at personal or societal levels? In order to meet this methodological problem, I suggest not only abandoning the description of Roman Republican religion in terms of a »closed system«, but also questioning the primacy of the political realm. Instead, I propose a model of the »additive extension of an ›open system‹«. The basic assumption of this model is that religious choices are made with a view to the extension, rather than the replacement, of a religious system. This model tries to explain religious change not as the change of particulars within the limits of a closed system which is determined by the input of the socio-political realm only. Rather, a given religious culture is, I would argue, the result of the constant optimization of a religious system through various inputs of what is communicated as desirable options. In this model, the desirability of choices is not exclusively determined by the civic domain. Rather, we are dealing with an open process in that the individual agents continue to optimize religious configurations within the constraints of their particular environment and of the polytheistic market-place of religious alternatives.²¹³

The notion of an open system of course does not entail that every religious choice would be acceptable or even possible. The idea is not, as scholars often imply, that open-

²¹³ Cf. BENDLIN 1997, esp. 52-4, where this model is used for describing religious behaviour in the Roman Empire.

ness and plurality result in anarchy. As I suggested above, the output of all systems is determined by their input. Even if there is no linear causality as to the relationship of these two parameters, systems receive inputs which are communicated within a framework of cultural and social expectations. In all systems, the constant relationship of input and output entails processes of interaction and exchange between system and environment. Therefore, a system can never be self-sufficient. Systems are open, however, when their output is determined by *different* forms of input. Unlike closed systems, they cannot be described on the basis of linear causal links which solely determine their input. The openness of a system does therefore not imply that the system is entirely self-sufficient. But it is autonomous in so far as it is the system itself, rather than, let us say, a determinant identity situated at the public level, which regulates an input. The difference between the concepts of *absolute self-sufficiency* and *relative autonomy* is crucial, since a system's relative autonomy *a priori* entails processes of integration that are characterized by the *combination* of independence and interdependence rather than by a crude dichotomy of autarky versus complete embeddedness:

»Systemintegration [ist] abhängig von Interdependenz, Differenzierung, relativer Autonomie und reflexiver Abstimmung unterschiedlicher Umwelten. Systemintegration kann dann definiert werden als Kompatibilität relativ autonomer interdependenter Teile, deren Gesamtheit eine spezifische Systemidentität konstituiert.«²¹⁴

This methodological framework allows us to conceptualize the odd blend of independence and interdependence that informs Roman religion's interaction with other realms of Roman so-

²¹⁴ WILLKE 1978, 236-48, at 248.

ciety. Religion's relative autonomy is the reason why the religious choices realized by groups of worshippers or individuals, even if they resemble those of civic religious behaviour, are not necessarily homologous with them. For within the availability of a large number of religious choices, it is the religious system's self-determining capacity which leads to a specific output of religious alternatives at the expense of another one which could find its realization at another time, while a third option may forever remain unrealized. The box is always black rather than white.

However, the replacement of a model which uses the notion of a closed system by one which advocates the concept of an open system is not just a convenient heuristic strategy. Rather, this replacement operationalizes the concept of religion as both an external and an internal affair, which has been formulated above. As the box is black, it is unwarranted to believe that the output of a religious system is *a priori* identical with the input of civic religious expectations. Rather, it must be assumed that the religious system is capable of displaying variability, both in terms of behaviour and cognition or emotion, when further processing the input.²¹⁵ This strategy attempts to make the study of religion in Rome compatible with current interpretative models concerning the organization of personal and social systems. What follows is a theoretical outline of two of these models.

²¹⁵ See above, 1.5 and 1.6.

When developing models of individual and societal behaviour, sociologists must draw on analogies with other disciplines. For instance, biology has contributed to model-building concerning the organization of personal and social systems by pointing out the case of the human brain whose operations do not follow a simplistic hierarchized matrix. The human brain consists of at least three different levels, the reticular system, the limbic system and the neocortex. Rather than forming a stable hierarchical system, the particular control mechanisms of these three levels overlap: sensorial and motorial processes, for which the reticular system is responsible, adaptive learning and cognition, which are directed by the limbic system, and the discursive and reflexive abilities determined by the neocortex - all of these constitute a personal system through constant interchanges between basic sensorial and motorial, affective, and reflexive stimuli.²¹⁶ The human brain, then, is not an entity which could be described as a closed system working on the basis of a hierarchical principle or determined by a linear causality.

In instrumentalizing this insight, sociologists have further drawn on the analogy with another scientific model which seems particularly apt for providing a more nuanced description as to how »open systems« of personal and social behaviour are organized. This is the principle of »nonlinear fluctuating systems«. The notion of »nonlinear fluctuating systems« is adopted from thermodynamics where it designates chemical reactions of fluid and gaseous dissipative struc-

²¹⁶ LEGARE 1980; ROYCE & POWELL 1983.

tures. Fluctuations appear when systems are removed from one of their original states of equilibrium. An orderly transition to a new state of equilibrium is then achieved through the wide dissipation of elementary units and through the creation of flows and anti-flows which, as a consequence of their abundance and regular occurrence, are able to equalize system disorder and recreate a dynamic, though at best temporary, equilibrium. Order and organization are thus not achieved through stable structures which receive the input of a hierarchically organized centre. Rather, the adaptation to different forms of input is achieved through the continuous dissolution of structures, through heterogeneity and dissipation.²¹⁷

In analogy, system theory formulates theories concerning open systems which are based on the assumption that personal and societal behaviour can also be described through models of >nonlinear fluctuating systems<. By using the analogy of the non-hierarchical and multilevel nature of biological and chemical system reactions, system theory replaces the static and hierarchical model of mechanical control systems, on which the neo-functionalist models of closed systems (as advocated by Parsons or Geertz) are based, by a model of nonlinear fluctuation and the deregularization of personal and social systems.²¹⁸ We have seen that a model of closed systems is in constant danger of misapprehending any change either as change within a stable environment or as a process which endangers the stability of a homeostatic system. The

²¹⁷ PRIGOGINE 1976; NICOLIS & PRIGOGINE 1977.

²¹⁸ E.g. BUSCH 1979; BÜHL 1987, 59-87.

alternative model attempts to overcome such a dualistic position: change in the organization of personal and social systems is dealt with through processes of internal fluctuation by means of which a system adjusts its organizing principles to ever changing inputs.

This is the reason why personal or social system fluctuation does not entail the creation of instability, anarchy or chaos. For it would be wrong to assume that >nonlinear fluctuating systems< are in a continuous process of fluctuation. These systems are syntheses of genetically determined or bio-psychological, of symbolic or interactive, and of institutionalized materials.²¹⁹ As they interact with their environment, they must have moments of different fluidity and different stability. Only the organization of these different elements, resulting in a range of temporary organizational structures from entirely open to nearly closed, enables a system to cope with differing forms of input, with change and evolution, while still maintaining internal consistency.²²⁰ In this sense, both personal and social systems always strive for stability. Any kind of stability is achieved through the instrumentalization of recurring codes of fixed meaning(s) and of standardized types of behaviour. We can see that social, cultural or political systems are often stable entities. However, this stability is not a result of the fact that a given system possesses a homoeostatic structure or is determined by central control mecha-

²¹⁹ Cf. above, 1.4.

²²⁰ Cf. SAHLINS 1985, 12-4, drawing on field-work, for an illustration of how prescriptive, or closed, and performative, or fluid, structures coexist simultaneously in a given society.

nisms. Rather, ›macro level stability‹ is achieved through ›micro level variability‹, namely through the interaction of small and ›fuzzy systems‹ in the process of regrouping: local transformations and subsystem changes, rather than central organization, guarantee the overall system's existence.²²¹ When various forms of input are dealt with in the subsystems, when the process of equalization is achieved through the subsystems' fluctuation, then the overall system's structure seems to be virtually unchanged. Only massive dissipation of elements can restructure or even dissolve personal or social systems. Normally, however, social evolution is not achieved through spectacular changes but by means of gradual, and often hidden, transformations of the social world.

2.8 Social complexity and religious differentiation: an introduction

This interpretative model suggests a heuristic shift from a holistic description of society as a »closed system« to its portrayal as an »open system« of differentiated choices, from ›hierarchy‹ to ›autonomy‹, from ›collectivity‹ to ›variability‹, from the mono-causality to the multi-causality of historical situations. At the centre of this shift lie the related concepts of complexity and differentiation. Both categories have received a negative connotation in models of »closed systems« in which, due to the linearity of causal connections, there is no room for the plurality of choices.

²²¹ BÜHL 1987, 68-71.

In a changed methodological perspective, however, these categories denote the norm rather than an exception. Personal and social systems are complex, since the availability of a range of non-linear connections entails that a system can assume more than just one (temporary) condition. This complexity of choices necessitates selection. In order to cope with increasing complexity, personal and social systems create differentiations.²²² Complexity is not dealt with at the macro level, and thus escapes holistic models of closed systems, but assigned to the micro level. The principle of >macro level stability< through >micro level variability< applies here as well.

I believe that this model is not only more adequate for the portrayal of modern societies, but also better suited than current conceptions for describing social, cultural and religious complexity in second and first century Republican Rome. This model can be applied to personal and social behaviour in general. It is a problem of evidence rather than the consequence of a categorical difference in behaviour that the élite in particular can be shown to have utilized the evolution of ideas and developed alternatives of social and cultural behaviour as competitive options in a cultural market place. This was a result of the more dramatic social, economic and cultural changes which took place in the last two hundred years of the Republic, and from which the primacy of the political realm has occasionally distracted our attention. It is one of the paradoxes of the religious his-

²²² Cf. conveniently LUHMANN 1980-89, 1, 9-71; KNEER & NASSEHI 1993, 111-6.

tory of the Roman Republic that the justified emphasis on the vitality and stability of religious institutions and practices in Late Republican Rome (their ›macro level stability‹) had to obfuscate ›micro level fluctuation‹. The reason for this disproportionality in modern scholarship is that no adequate theoretical model has been available which could give a more complete portrait of religious complexity without at the same time reintroducing a hidden notion of dissolution.

2.8.1 ›... *me et Cottam esse et pontificem*‹

One example which addresses the differentiation of cultural choices towards the end of the Republic gives a preliminary illustration of this point. In his *De natura deorum*, set in a private context in the seventies BCE, Cicero has the Academic C. Aurelius Cotta deny the intellectual sufficiency of any proofs concerning the existence and nature of the gods. In the course of the argument, Cotta is reproached by the Stoic interlocutor Q. Lucilius Balbus that Cotta's prominent public position as well as his pontificate ought to prevent him from adopting any form of Academic scepticism concerning such theological questions.²²³ In defense, Cotta argues with regard to theological discourse as well as to philosophical dispute in general that there must be room for rational reasoning as a means of inquiring into the truth on the basis of Academic scepticism. As regards religious cult (*religio* and *cultus deorum*), however, strict adherence to ancestral

²²³ The juxtaposition of both roles in the dialogue emphasizes their differentiation: ND 2,168: *et principem civem et pontificem*; 3,5: *Cottam et pontificem*; 3,6.

custom and pontifical law is obligatory. On such matters, Cotta complies with his predecessors in the office of *pontifex maximus* and with the augur C. Laelius. These men experienced a similar dilemma of allegiance to Cotta's, illustrated by the personality of C. Laelius, augur and *sapiens*, the member of a state priesthood and a philosopher. Nevertheless, the social behaviour of these men was regarded as exemplary.²²⁴ Academic scepticism and the traditional forms of worshipping the gods are thus made philosophically and intellectually compatible.²²⁵

Through the *persona* of the Roman Cotta, Cicero, himself a member of a distinguished Roman priesthood and a consular as well as an Academic inquirer into philosophical truth, presents two options of social and cultural behaviour to his Roman aristocratic audience. These two options, namely religious practice on the one hand and the philosophical critique of religion on the other, are attributed to differentiated domains. Cotta, the politician and pontifex, inhabits the domain of public religious tradition constrained by the *mos maiorum*. Cotta, the sceptic, represents another world where theology and the philosophical inquiry into religion are set apart from the religious life of the Roman Forum. The distinctions between these two options, and the apparent incompatibility of Cotta's two roles, are not dissolved in

²²⁴ ND 3,5. The combination of *pietas* and *scientia*, used by Cicero to distinguish the area of traditional religion on the one hand and these men's interest in philosophy or civil law on the other, is also exploited elsewhere: e.g. *Dom.* 136, 139; *Planc.* 20; *De orat.* 3,134; *Leg.* 2,52; *Amic.* 6-7; ND 1,115, 2,165; *Off.* 2,40.

²²⁵ ND 3,5-6; cf. 3,43, 65, 93. Compatibility: ARDLEY 1973; BURNYEAT 1982. For the consistency of Cicero's academic principles, see GAWLICK & GÖRLER 1994, 1084-125.

the course of the work. Cotta, the sceptic, like the other characters of this dramatic setting, does not give in to Cotta, the pontifex.

Equally, the closure of the dialogue does not establish a clear case for either accepting or refuting the philosophical proofs which are presented concerning the existence and nature of the gods. To the Epicurean Velleius, Cotta's theoretical refutation of the Stoic argument concerning the nature of the gods is most compatible with his own views. To Cicero, the Stoic theology presents a degree of probability which even the Sceptic can (with due caution) accept:

*haec cum essent dicta, ita discessimus ut Velleio Cottae disputatio verior, mihi Balbi ad veritatis similitudinem videretur esse propensior.*²²⁶

Cicero's cautious championing of Stoic theology suggests a concern with the reconciliation of the domains of philosophical theology and ritual practice. After all, among the arguments presented Stoic theology was most easily compatible with traditional religion. Yet, it is important to stress that the division of domains is not resolved but extended by the author beyond the closure of the dialogue.

According to the traditional view held by scholars in the past, such sceptical discourse further contributed to the supposed decline of traditional Roman religion, since it implicitly attacked cult practices. While rebutting this view in its crude form, even the current revaluation of Late Republican religion succumbs to a dualistic perspective when

²²⁶ ND 3,95. Cf. GAWLICK & GÖRLER 1994, 1092-4, at 1094: »Cicero selbst ist fast ängstlich um eine korrekte Formulierung bemüht; der logisch anstössige Komparativ bleibt dem unsensiblen Epikureer vorbehalten.«

it comes to the relationship of traditional religious practices and philosophical speculations about religion.²²⁷ Such a perspective, however, is the logical consequence of a model which implies that the differentiation of cultural choices in first century Rome signifies the fragmentation of Roman society in the Late Republic. As a matter of fact, the link between differentiation and fragmentation is implicitly made, as soon as the theological discourses of that period are perceived as recent manifestations of cultural tensions and of subsequent disintegration, which earlier generations of Roman intellectuals had not imagined. The differentiation of cultural choices is thus connected to the more general theme of the socio-political crisis of the final years of the Roman Republic.²²⁸ This dualistic model no doubt misrepresents the theological efforts of earlier generations. The beginnings of the Roman élite's evaluation of traditional religious practices on the basis of philosophical speculation can be traced back to the early second century.²²⁹ Moreover, this dualistic model utilizes a concept of >structural differentiation< whose *a priori* emphasis on structure sees differentiation as a process of the emergence of new

²²⁷ Dualism: BEAUJEU 1969; ANDRÉ 1975; BRUNT 1989. BEARD 1986, though more cautious, tends to adopt a similar position; 43: »the strategy of appeal to expediency and tradition does not entirely remove the tension«, 45: »[the] cultural clash between different systems of thought«.

²²⁸ E.g. MOMIGLIANO 1984b, 199: »it was in this revolutionary atmosphere [sc. the final upheavals of the Republic] that ... some of the Roman intellectuals began to think in earnest about religion«; RAWSON 1985, 298-300; BEARD 1994a, 755-61; GRIFFIN 1994, 728: »at the end of the Republic«.

²²⁹ E.g. Ennius *Euhemerus*: RÜPKE 1995a, 363-5. Drama: Pacuvius inc. 366-76; CANCIK 1978, 332-4. Theological efforts: RAWSON 1991, 80-101.

structural entities whose relation to other structures is problematic at least.²³⁰ As I suggested above, such a definition, originating from neo-functionalist thinking, is unhelpful, since the concept of structural differentiation views structures as dissociated elements in a closed system in which the primacy of one structure is subsequently endangered by other emerging realms. Instead, the dualism of this traditional model should give way to the idea of functional differentiation in that an open system can develop new functional domains which are no longer congruent with a pre-existing structure, yet prove compatible and so do not endanger that structure's existence.²³¹ As I suggested above, the box is always black, and fluctuation at the level of the respective system need not result in conflict or even dissolution.

2.8.2 Variability and stability in religious behaviour

Any traditional dualism can only misapprehend this logic of societal behaviour. Both individuals and social groups at large are capable of attributing social activity to autonomous subsystems. As the norm rather than an exception, a personal or social agenda is dealt with in the respective subsystem without major interaction with other subsystems, and the balance of the overall system rests on the principle that one area of social activity need by no means compromise or dissolve others. Rather than documenting the fragmenta-

²³⁰ Structural differentiation: HOPKINS 1978, 74-96 (with reference to T. Parsons); NORTH 1979; *Id.* 1992; CORNELL 1991, 59; BEARD 1994a, 755-68.

²³¹ See above, 2.6. Cf. conveniently KNEER & NASSEHI 1993, 35-44, for a theoretical discussion.

tion of Late Republican élite discourse, Cicero's *ND* demonstrates how the complexity of cultural choices, which must have been the norm among Cicero's intended audience, is managed while the tension inherent in the interference of a philosophical critique of religion and the public role of statesman and priest is maintained. The result is a theological construct which attempts to fill in the gap between accepted tradition and the demands of a more sophisticated present. Social complexity is thus dealt with in a dialectic process: similar to Varro's discussion, and critical juxtaposition, of the realms of *theologia naturalis* and *theologia civilis* (suspending any judgement by adopting the argumentative strategy of Academic scepticism), *ND* differentiates these realms into different roles so that the conflict inherent in these choices can be resolved through micro level variability by their attribution to different realms of cultural activity. In addition, with a view to macro level stability the inherent logical contradiction is countered, since the very production of such a theological construct creates a dialogue between distinguished provinces and thus leads to their reconciliation. The process of producing that construct is the moment when the system is in fluctuation. As a result of this indigenous interpretative process, macro level stability remains preserved.

It is one advantage of the model of an open system of social complexity that it can explain how the system works and at the same time account for social and cultural contradictions and tensions. Moreover, such a model does not need to postulate a white box in which the civic domain solely

determines religious behaviour; nor does it have to claim the homology of societal communication and individual attitudes. On the contrary, the Ciceronian example demonstrates that the domain of public *religio* represented only one subsystem in societal communication about religion, as élite communication freely moved between the realms of philosophical critique and the public affirmation of civic religion. At the same time, we are able to replace the traditional notion of ancient Roman religion as a religion of participation in public ritual practice only. For it has become possible to attribute the realm of *religio* and *cultus deorum* to a subsystem in its own right. The functional differentiation of religion in Republican Rome entailed the existence of differentiated domains, of which the domain of public ritual behaviour or that of intellectual abstraction were only two.²³² Existing structuralist models, which view religious evolution in terms of linear differentiation, resulting in the subsequent dissolution of civic religious structures, are therefore based on misleading methodological premises.

What, however, about the opposite extreme? In the past, several studies of Graeco-Roman religion have employed psychological models of »cognitive dissonance« to address the phenomenon that contradictory belief systems are applied in different contexts.²³³ Further developing such models, Denis Feeney provides a post-structuralist perspective when

²³² Cf. CANKIK 1994, 394-404; *Id.* 1996, 112; FEENEY 1998, 140, on the latter being an integral part of »Roman religion«.

²³³ Cf. VEYNE 1983; VERSNEL 1993.

describing the religious system at Rome as fragmented into competitive areas of religious knowledge:

»... [T]here was no one Roman religious system existing essentially, inherently meaningful, waiting to be participated in. Rather, what we call ›Roman religion‹ or the ›Roman religious system‹ was compounded of all kinds of different forms of religious knowledge, from the performative to the philosophical, literary or antiquarian ... [M]eaning was generated in the interaction between the various genres of belief.«²³⁴

Feeney's description, however, is as under-determined as the view against which he reacts is over-determined. For it would be a mistake to rest content with a mere description of inconsistencies which entail the continuous contextualization and fragmentation of meaning on the part of the native participants. A native participant like Cicero, while re-negotiating the boundaries between different belief systems, was nevertheless concerned, as we have seen, with their mutual harmonizing in a structural hierarchy. In a more general sense, to the native agents of communication ›meaning‹ and ›truth‹ are very often substantive, rather than the merely relational categories as which they are presented by the (post-)modern observer. The preceding discussion has attempted to present a model which accounts for both the variability of competing belief systems at a micro level and the desirability of stable beliefs and convictions at a macro level. In that model, utter variability and absolute stability of the religious system are ideal types of organization rather than realistic options. Instead, religious belief systems have moments of different fluidity and different stability, resulting in temporary realizations which

²³⁴ FEENEY 1998, 140-1.

encompass a wide range of system conditions from entirely open to nearly closed.²³⁵

²³⁵ See above, 2.7.4.

3 ROMAN RELIGION : PROBLEMS OF DEFINITION

δοκεῖ γὰρ πλεῖον ἢ ἥμισυ τοῦ παντός
εἶναι ἡ ἀρχή, καὶ πολλὰ συμφανῇ γίνεσθαι
δι' αὐτῆς τῶν ζητουμένων
Aristotle, *EN* 1098b 7-8

In the preceding two chapters, the dissatisfaction with past scholarship stimulated the inquiry into a new framework for the reassessment of religion at Rome. Employing the vocabulary of system theory, I suggested that religion in Late Republican Rome ought to be viewed as an open system characterized by its complexity and internal differentiation. In this and the next chapter, I shall investigate the parameters ruling the organization of that system and determine, to use the metaphor of system theory, its stable as well as its fluid moments. When talking about >Roman religion<, what inferences can one make concerning its constitution and its constituent parts? And is it at all possible to use the notion of >Roman religion<, as if we were presented with a straightforwardly identifiable entity? What does happen to this entity, which materializes as the local religion of the city of Rome, when it is transferred to *coloniae* or *municipia*? These questions entail a problem of definition as to what we mean by talking about Roman religion, which has only insufficiently been taken into account by scholars and which therefore will be addressed in this chapter.

3.1 Rome as an »imagined community«

3.1.1 Ethnicity and citizenship

Rome's foundation stories commemorated how the Roman People was a synthesis of various ethnic groups, continuously extending its citizenship and thereby assimilating foreigners, fugitives or slaves. Archaeological research has supported this picture by pointing out the »multi-ethnicity« of archaic Roman society and its constant adaptation to outside cultural influences. The ideological issue of ethnicity, which suggested to Wissowa or the primitivists that Roman religion was a closed, and ethnically pure, system subsequently diluted by foreign influences, has thus been rebutted more radically than even Altheim and other early critics could have imagined.¹

The Roman custom of extending its citizen body through conferral of citizenship on slaves upon manumission was conspicuous to outsiders already in the mid-Republic. In 214 (the earliest direct evidence for this practice), Philip V. of Macedon (mis-)represented franchise by manumission as a typically Roman strategy of increasing manpower in order to strengthen its military base. However, imputing such a grand strategy to the Romans would be misconceived. Under the Republic, manumission and subsequent conferral of citizenship was left to the slave owner's initiative, but the regularity of manumission of urban and suburban slaves in Republican Rome has often been exaggerated. Moreover, manumission, both

¹ AMPOLO 1981. Cf. MOMIGLIANO 1984a, 379-436; CORNELL 1991, 63-5; *Id.* 1995, 48-80. Cf. above, 2.2.

while the *dominus* was still alive and by testamentary *fidei-commissum*, belonged to the domain of civil law. Apparently, the Republican state did not influence individual decisions or impose restrictions in order to either increase or curtail the creation of Roman manpower. On the contrary, the state's systematic interest in controlling citizenship (which did at any rate not commence prior to the Augustan period) showed in its curtailment of manumission as a prerequisite of enfranchisement.²

That is not to say that admission to Rome's citizen body rested on haphazard principles. The Twelve Tables already specified the legal privileges of a Roman citizen when having commerce with a foreigner (*hostis*). This example suggests an awareness by the mid fifth century that the category of Roman citizenship possessed an element of juridical and political exclusivity, which those with that citizenship would be eager to defend.³ In a most distinctive manner, this definition of the boundary between Roman citizens and those who lacked that privilege became institutionalized when these two status groups were juridically separated by means of introducing the office of *praetor peregrinus* in about 245/44. In the second and first centuries, this office

² SIG³ 543,4,30-5; Dion. Hal. Ant. Rom. 4,22,3-4 with CHANTRAINE 1972; SHERWIN-WHITE 1973, 322-7. Regularity of manumission: WIEDEMANN 1985; CHAMPLIN 1991, 136-8. For the legal requirements of manumission, see Gaius Inst. 1,17 with GARDNER 1993, 7-20. On the Augustan legislation, see Suet. Aug. 40,3-4; Gaius Inst. 1,18-9, 35-47; SHERWIN-WHITE 1973, 327-34. Tullus Hostilius' alleged attempt to curtail enfranchisement upon manumission (Dion. Hal. Ant. Rom. 4,22,5ff.) is an Augustan retrojection.

³ E.g. Tabula 6,4 (RS no. 40, p. 660-1): *adversus hostem aeterna auctoritas <esto>*.

would take responsibility for jurisdiction with regard to the *peregrini* in Rome. It cannot be coincidental that at roughly the same time, in 241, the thirty fifth and last Roman *tribus* was established. Before that time, the extension of territory in which Roman citizens were settled or native peoples received franchise was symbolized by the addition of further *tribus*. In 241, this additive principle was replaced by the decision to include new territory and new citizens in those tribes which already existed. It has been plausibly suggested that one should see this development and the institution of the office of *praetor peregrinus* as parallel processes. The latter, apart from responding to practical necessities, provided the juridical institutionalization of the definition of Romans and non-Romans; the former may have signalled an awareness among the political élite that Rome's immediate territorial expansion had outgrown the narrow confines of the nuclear city-state, and that a merely additive principle of incorporating new territory and new citizens ought to be replaced by the controlled admission to Rome's civic community, whose boundaries became increasingly transparent.⁴

It may not be purely accidental either that it was also in the second half of the third century that a distinct Lat-

⁴ Cf. NOETHLICH 1996, 28. For the office of *praetor peregrinus*, cf. Lyd. Mag. 1,38 (date of introduction); Lex repetundarum (RS no. 1) line 12: *pr(aetor) quei inter peregrinos ius deicet*; Gaius Inst. 1,6, 4,31; Pomp. Dig. 1,2,2,28. In this context, it may be relevant that terms like *imperium* or *provincia* first received a territorial connotation in the second century, that is once a conceptual difference between Rome and her imperial subjects had been defined. For the limits of this conceptualization, see BENDLIN 1997, 36-8.

in literature first emerged, producing what has been described as an autonomous Roman cultural tradition that depended on, yet at the same time stood out against, Mediterranean cultural models.⁵ These processes point to the latter half of the third century as the period in which not only a more restrictive approach towards the admission to Rome's citizen body became manifest, but also a more conspicuous awareness of a Roman socio-political identity was developed.

John North has plausibly suggested that the history of cult transfers to the city of Rome in response to the recommendation of the Sibylline Books provides a roughly contemporary parallel. As North observed, the transfer of the *Mater magna* from Asia minor and her admission to the Roman pantheon in 204 was the last extension of the city's divine citizen body as instituted by the state officials in response to portents, notwithstanding that both the state and individuals continued to introduce to Rome new divinities as the result of a military commander's *vota* or of personal initiative.⁶ Moreover, the dates of introduction of cults to Rome by civic initiative confirm a striking inequality between a large number of temples built in the fourth and

⁵ E.g. RAWSON 1991, 80-1. Cf. GRUEN 1990, 79-157; *Id.* 1992. BREMMER 1993 points out the »need for new myths« which led to the creation of literary aetiologies from the late third century onwards. The Roman dramatic and poetic tradition was initially created by members of the Hellenized Italian cultural élites: WISEMAN 1987, 297-305.

⁶ NORTH 1976, 8-11. For civic cult translations in response to portents, ending with the introduction of the *Mater magna* in 205/4, see SCHMIDT 1909; VAN DOREN 1954-55. RAWSON 1991, 93-101 cautiously discusses the arguments for and against Scipio Africanus' supposed transfer of Iuno Caelestis from Carthage to Rome in 146 and arrives at a negative conclusion.

third centuries and a comparatively small number in the second and first.⁷ It seems that by the beginning of the second century there was a feeling among Rome's socio-political élite that the city's religious system had reached a point of saturation with regard to any further extension of its pantheon.

This is not to say that one should follow North's line of argument too rashly and interpret this development as a process of dichotomization, through which the civic system at Rome marked itself off from differentiated and alternative forms of religious experience that emerged from the second century onward. For whereas the élite undeniably applied the principle of expanding Roman religion by adding external elements with far greater caution from the end of the third century, little caution prevailed as to its expansion from within. On the contrary, the period between the end of the Second Punic War and the year 175 is the time when the principal extension of the number of days of the city's major religious festivals - the *Ludi Romani*, *plebei*, *Ceriales*, *Apollinares*, *Megalenses* and *Florales* - occurred. The principle of proportionality in religious thinking, to which reference has already been made, should be held responsible for this increase: more profuse worship could be paid to the gods once more days were earmarked for religious festivals, thereby attracting more worshippers from outside Rome. This pattern of development suggests that by the beginning of the

⁷ For the dates of introduction of civic cults to Rome, see WISSOWA 1912, 594-6; ORLIN 1997, 199-202, the latter more accurately distinguishing between those cults introduced by civic initiative and those instituted by the state as a result of individual initiative.

second century the civic authorities at Rome took into account that Roman citizenship was no longer definable through residence in the nuclear city-state, and that worship, here primarily defined in quantitative terms, could be maintained only if Roman citizens from farther away were given a realistic chance to visit the Roman festivals.⁸ From Gwyn Morgan's analysis of the proportionality of worship a further implication emerges. At the beginning of the second century the civic domain, while becoming more restrictive with regard to the addition of new deities to its pantheon, was equally concerned about extending the opportunities for worship as such, if they fell within the religious infrastructure of Rome. As I shall argue below, it was partly through such quantitative expansion from within that civic religion stimulated the creation of an increasingly complex market of religious options in the city of Rome under the Late Republic.⁹

With a view to the socio-political identity which became, as far as we can plausibly say, more developed toward the end of the third century, »Roman religion« could be described as the set of religious behaviour shared by all full members of Rome's political community. The criterion for membership in the *res publica* - as the *res populi* (Cic. *Rep.* 1,39,1) in its strict political sense - would be full citizenship and participation in the political and public life of the city of Rome in its military, financial and comitial

⁸ GWYN MORGAN 1990, 26-36. For full documentation, see TAYLOR 1937. On proportionality, see above, 2.7.2.

⁹ See below, 4.1.3.

aspects.¹⁰ In addition to his military and political obligations and privileges of the *civis Romanus*, citizenship would on this view also define his religion. One obvious problem with this position is that it considers the adult male citizen only. By concentrating on one fraction of Roman society, it excludes from its analysis on a *a priori* basis those who were politically and legally disadvantaged: women and children, freedmen, slaves or foreigners who lived at Rome without a full share in the city's political and legal privileges. Political inequality and legal disabilities, however, did not curtail the religious behaviour of these groups. The society in which they lived was characterized by a high degree of social mobility, both upward and downward, and (despite élite ideology to the opposite effect) the absence of clear-cut stratification. These parameters entailed the participation of all status groups of society in societal representation.

For instance, in the case of freedmen Roman civil law restricted the privileges which normally accompanied full citizenship by curtailing their testamentary rights as well as obliging them to perform certain duties for their ex-masters. While *de iure* no statutory limitations to their political rights existed, freedmen were in effect excluded from a number of political functions. The Republican political élite's anxiety about the ever increasing prominence of a substantial group of Roman society which was of servile origin, but whose representational behaviour imitated the

¹⁰ For these aspects, see NICOLET 1976; MILLAR 1995, 237-41. Neither of these authors discusses religious matters.

élite, resulted in the marginalization of the freedmen's political influence. For example, in 168 the censor Tiberius Gracchus proposed to deprive freedmen of their votes; as a compromise, freedmen were restricted from registering in more than one urban tribe. Subsequently, they were limited to the four urban, and thus least prestigious or influential, *tribus* of Rome. And it is probable that during the corn crises in the latter half of the first century newly manumitted slaves, and possibly all freedmen in Rome, were excluded from the *plebs frumentaria* by Caesar and by Augustus, as free-born status (*ingenuitas*) became the criterion which entitled citizens to receive corn doles.¹¹

The political marginalization of freedmen contrasted with, and arguably was an immediate response to, their social upward mobility. This was the indirect result of the Roman expansionist policy in the Mediterranean basin from the early second century onwards. The accumulation of wealth through trade and business in the provinces and business transactions in Italy and Rome on the one hand and the traditional means of acquiring riches, namely landed as well as urban property, on the other encompassed an increasingly heterogeneous group of agents, consisting of the urbanized land-owning Roman aristocracy and equestrians, the Italian (and later municipal) élites, freeborn citizens of lower status as well as a large number of people of servile

¹¹ Tiberius Gracchus: Livy 45,15,1-7; MRR 1,423-4. Freedmen and corn supply: VIRLOUVET 1991, 48-55; see above, 2.1. In general, see TREGGIARI 1969.

origin.¹² For instance, although a significant amount of the economic activities in the Greek East was conducted by Rome's Italian *socii*, the survey of names of traders on Hellenistic Delos points to the presence of a large number of Roman freedmen on the island. For two reasons, this observation has interesting implications. Firstly, this evidence suggests that the non-Greeks who demonstrably participated in the Greek and so-called oriental cults on Delos were Roman citizens. Secondly, the fact that these freedmen bore senatorial *nomina gentilicia* entails that the Roman senatorial élite may have been involved in the trade, for which the island served as a centre. Rather than merely accumulating their wealth through landed property and leaving any commercial activity to equestrians and freedmen, these Roman senators, prohibited by legal regulations from direct involvement in commercial enterprises, organized maritime trade and other lucrative forms of provincial business through freedmen acting as brokers.¹³ However, this is not to deny that from the first century freedmen would establish themselves as *independent* agents of the economies of Rome, Italy and the Empire.¹⁴ The wealth that all these heterogenous status

¹² Sources of senatorial income: SHATZMAN 1975, 47-74, esp. 53-67; JACZYNOWSKA 1976. Upward social mobility of Roman freedmen and their accumulation of wealth: PURCELL 1983 on *apparitores*; RAUH 1989 on auctioneers; cf. WISEMAN 1971, 65-94 on the rise of the nouveaux riches *obscurus loco natus*.

¹³ Roman names on Delos: SOLIN 1982. Economic activity and religious affiliations: BASLEZ 1977; RAUH 1993. On freedmen serving as brokers for senators, see Plut. Cat. mai. 21,5 ff.; Cic. Att. 6,1,19, 5,2 (Cicero's exploitation of Chersonese property through his freedman Philotimus); RAUH 1986. For legal sanctions on senatorial economic activity, see RAWSON 1991, 209-12.

¹⁴ Independent freedmen: e.g. RAUH 1989; GARNSEY 1998, 28-44.

groups accumulated through such activities was re-invested in social representation and intended to generate, to use a phrase of Pierre Bourdieu's, »symbolic capital«. As the representation of freedmen in funerary reliefs, imitating upper class representational values, shows, freedmen in Late Republican and Early Imperial Rome participated in such public display of social status.¹⁵ As we shall see later, in the second and particularly in the first century the representational and religious behaviour of freedmen is an integral aspect of the social and religious history of the Roman Republic as a whole.

Similarly, women in Roman society were unrepresented in the political arena and legally disadvantaged. Yet, one would be wrong in concluding from these disabilities that the social standing of women was such that they did not make distinct contributions to religion at Rome. If one accepted such a conclusion, women like the matron Publicia, the wife of Cn. Cornelius, who restored the sacred precinct and the altar of Hercules in Rome *de suo et virei*, would have to be excluded from one's analysis, and dedications such as that of Iulia Sporis, the wife of the *aedituus* of Diana Planciana, to Silvanus *ex visu* would have to be marginalized.¹⁶ On the contrary, religion at Rome was a cultural system to which different status groups contributed regardless of political or legal differences. A position which attempts to define religion at Rome by recourse to exclusively political criteria is thus ready to conflate interrelated, albeit at

¹⁵ Cf. ZANKER 1975. See below, 4.2.3.

¹⁶ Publicia: CIL 12,981 = ILLRP 126. Iulia Sporis: AE 1971,31 with PANCIERA 1970-71, fig. 6.

the same time differentiated, levels of analysis: society and politics. This instance further illustrates the methodological dilemma of a position which assumes these two domains to be homologous.¹⁷

Investigating the modalities of enfranchisement further confirms that dilemma. Legally speaking, Roman citizenship could be acquired in different ways: by *origo*, *manumissio*, *adlectio* or *adoptio*.¹⁸ Consider the case of *adlectio*: in the later second and first centuries, Roman citizenship was conferred both upon provincial communities *in toto* and groups of foreigners as well as *viritim*. For instance, full citizen rights or Latin status were granted by Caesar to a number of Spanish communities which had remained loyal in the Civil War. Similarly, military commanders could reward groups of foreigners with franchise for their military achievements on the battle field: Marius conferred citizenship on two cohorts of Camertes in the Cimbric War, and Pompeius Strabo granted citizenship to a troop of Spanish horsemen by decree in 89 under the *Lex Iulia* of 90.¹⁹

Virittane franchise was granted to individuals as a reward for their services to Rome. By the time of the Second Punic War, this institution appears to have been unexceptional. In second century historiography, the origin of virittane franchise on merit was projected back into Rome's ear-

¹⁷ See above, 2.5 and 2.6.

¹⁸ *Cod. Iust.* 10,40,7; cf. *Ulpian Dig.* 50,1,1.

¹⁹ Caesar: *Livy Per.* 110; cf. *Cass. Dio* 41,24,1, 48,45,3, 49,16,1. Marius: *Cic. Balb.* 46-51, at 46-7; *Val. Max.* 5,2,8; *Plut. Mar.* 28,3. Pompeius Strabo: *ILS* 8888; *Inscr. It.* 13,1 pp. 85 and 563; *App. BC* 1,209-10. In general, see *WOLFF* 1986.

ly Republican history.²⁰ In the Late Republic, viritalitane enfranchisement was offered under a variety of Roman statutes. Under the provisions of *leges repetundarum*, individuals received citizenship for successfully prosecuting cases of *repetundae*. Furthermore, the phrasing of a preserved Lex repetundarum, which is presumably of Gracchan date, implies that before the Social War Latins who held a local magistracy had the benefits of *provocatio* at Rome and of exemption from military service as well as from compulsory *munera*. It seems very likely that after 90 magistrates in communities with *ius Latii* automatically received Roman citizenship *per magistratum*.²¹ In addition, in the first century enfranchisement occurred through individual generosity. For instance, Caesar granted Roman citizenship to a number of Athenian magnates, Eastern potentates, philosophers and the Greek teachers who settled in Rome.

The >rule< that Roman citizens could not claim dual citizenship, if it really had any binding legal status in the second and first centuries, appears to have fallen into demise by the final years of the Republic. Yet, already in the second and first centuries dual citizenship appears to have been unexceptional to many Romans. In *Pro Balbo*, delivered in 56, Cicero himself acknowledged that *nonnulli imperiti homines*, obtaining Athenian citizenship and sitting in the Areopagus, were unaware of the regulation that a Roman citizen should not hold another citizenship. Whether such a

²⁰ Cato *Orig.* 1,26 Chassignet (= 25 P). Second Punic War: Livy 26,21,10-1; cf. Cic. *Balb.* 51; CORNELL 1991, 63.

²¹ Cf. Cic. *Balb.* 53-4. Lex repetundarum (RS no. 1), lines 76-9; Tarentum fragment (RS no. 8), lines 1-7. Citizenship *per magistratum*: Asconius 2-3 C; BRADEEN 1958-59.

>rule< was acknowledged as normative by Cicero's contemporaries or whether it would have been regarded as a mere anachronism is, however, difficult to assess. On the one hand, it is noteworthy that Cicero could pretend that there was a rhetorical and legal point in insisting on the impossibility of dual citizenship.²² On the other hand, under the Late Republic Romans were initiated in the mysteries in Eleusis or Samothrace, even though local citizenship was not a requirement of initiation. By contrast, the Romans who held religious offices in the Greek city-states in the late second century - for instance as *θεωροδόχοι* in Delphi or as *ἱεροποιοί* in Chalkis -, are most likely to have acquired honorific local franchise in addition to their Roman citizenship. To these Roman citizens, combining dual civic and religious obligations, the Ciceronian >rule< no doubt appeared to be insubstantial.²³ At any rate, by the triumviral period dual citizenship was not only a wide-spread practice, but seems to have become sanctioned on a more systematic basis. For instance, Marcus Antonius was both a Roman and an Athenian citizen; in this latter capacity, he performed the duties required of a gymnasiarch in 39/38. The Romans who held local priesthoods on Cos from 13 BCE onwards presumably had acquired Coan citizenship on a virilitane basis.²⁴

²² Claims concerning the impossibility of dual citizenship: Cic. *Balb.* 27-9, 32; *Caec.* 100; *Nep. Att.* 3,1.

²³ Eleusis: Cic. *Leg.* 2,36 (Cicero and Atticus); Suet. *Aug.* 93 (Augustus). Samothrace: *SIG*³ 3,1053 (L. Sicinius M. f. *Romaio*s, after 90). Delphi: *BCH* 1921, 11 (M. Cornelius M. f., Aulus of Crete, L. Octavius, mid-second century). Chalkis: *SEG* 29 (1979), 806 (M. Marcius M. f., c. 100). Cf. ERRINGTON 1988, esp. 146, 157. I owe this reference to Prof. Hubert Cancik.

²⁴ Plut. *Ant.* 23,33-4, 57, 72. Cos: R. HERZOG, *SB Berlin* 1901, 484ff. no. 4.

At the same time, an unaccountable and ever increasing number of provincials shared Roman franchise while maintaining indigenous citizenship. If enfranchisement was granted without further *immunitas*, local obligations persisted. Sometimes, however, franchise was granted in conjunction with *immunitas* from the burdens of local citizenship, as in the case of Seleucus of Rhodus, who was not only given Roman citizenship, but also permitted by Octavian some time between 42 and 35 to keep his local priesthoods and civic honours. The Roman citizens who held priestly offices in the Eastern Mediterranean under the Late Republic or the Eastern potentate Seleucus serve as paradigmatic confirmation that citizenship and religious affiliation were by no means linked or even regarded to be compatible.²⁵ Saulus of Tarsos, who asserted his Roman citizenship, may provide another illustrative example, although his claim to Roman citizenship has been doubted recently.²⁶ This is not to deny that Roman citizens shared certain cultural expectations as regarded their religious behaviour. These examples demonstrate that making Roman citizenship solely relevant to the study of Roman religion unwittingly treats a political and legal category as if it were an exclusive criterion determinative of religious behaviour.

²⁵ Seleucus: *E-J* 301,2,3. *Immunitas* and local obligations: *FIRA* 1,68,3 = *SEG* 9,8,3, lines 55-62, the Third Augustan Edict to Cyrene. For discussion, see BRUNT 1982; MILLAR 1983; RAWSON 1991, 455-9.

²⁶ Cf. NOETHLICH 1996, 173, for documentation.

3.1.2 On the »Romanness« of Roman religion

In retrospect, it is not hard to see why the attempt to link religion to ethnicity and citizenship must fail. For it derives from the nineteenth century view that the Roman city-state ought to be described as a nation-state whose organization was based on a legal system which reflected its ethnic nature. Clearly, such a position misapprehends religion's cultural role in what these scholars took to be an ethnic community. Yet, I argued above that such a position is seriously under-determined as regards the functions it accords religion in Roman society.²⁷ However, its underlying connection of religious behaviour and communal identity provides a further point of contact with the neo-functionalist (or symbolist) position also encountered above. That position also appears to be under-determined when defining, as we have seen, rituals and their exegeses as symbolic means of representing the way in which the Romans conceptualized their religious system and construed their »Romanness«. For while rightly rejecting a political or ethnic category of Roman identity, that position substitutes a shadowy cultural notion of »Romanness« (often by reference to the allegedly opposing cultural model of Hellenism), but fails to make clear whose »Romanness« this is - the élite author's, the peasant's, or the Roman's of our imagination.²⁸

²⁷ Cf. MOMMSEN 1907, 390: »... fordert die Ordnung der römischen Gemeinde von dem römischen Bürger römischen Glauben und das diesem Glauben entsprechende Verhalten.« For the impact of this position, see further above, 2.2.

²⁸ See above, 2.7.3, for documentation and critique.

At the same time, the neo-functionalist position is seriously flawed methodologically. For the very scholars who assert the cultural alienness of Roman religion nonetheless believe that they are able to determine the motives which underlie the »Romanness« of native behaviour, although these motivations, with their alleged profound difference, should on *a priori* grounds be undeterminable to these scholars.²⁹ Furthermore, the modern theory that native communication about religion ought to be interpreted as if it were a native discussion about »Romanness« conceals the fact that native communication did not use the category of »Roman-ness«. In fact, a Latin linguistic equivalent which could appropriately describe that concept was not available prior to Late Antiquity.³⁰ Considering the absence of such a linguistic category in ancient Rome, a neo-functionalist position that views native communication about religion as if it were a communication about Roman religion is in constant danger of over-interpreting the data. As a heuristic principle, it must no doubt be granted that one cannot exclude the possibility that native ritual behaviour, as well as exegesis, often addressed issues of individual and communal identification with Rome. Yet, one cannot on *a priori* grounds treat any native communication as if it committed itself to making an implicit statement about »Romanness«, when it does not explicitly say so, as these scholars tend to do. Therefore, it seems not entirely unfair to impute to these scholars a tendency to succumb to circular thinking:

²⁹ On this hermeneutic leap, see in general RENFREW 1994b.

³⁰ For the late antique concept of *romanitas*, see IRMSCHER 1986. Cf. FOWDEN 1993, 37-60, on the socio-political context instrumental in creating that cultural category.

the thesis that native religious communication asserted its own Romanness merely is the result of one's initial hypothesis that religious communication may have had that function, as long as that thesis cannot be fully vindicated by the data.³¹

While this symbolist concept of »Romanness« therefore appears to be an unsatisfactory heuristic category, the search continues for a methodological frame for encompassing individual as well as communal native identification with the religious system at Rome. Consider Camillus' speech against abandoning Rome in 390 in Livy's history (presumably published by 25), which famously emphasizes the city of Rome's religious significance for its inhabitants.³² Following the recapture of Rome, destroyed by the Gallic invasion in 390, Livy's Camillus persuades the Roman People not to

³¹ In chapter 1, I determined »religion« as an umbrella term for the native conceptualization of religious behaviour, although there was not a linguistic concept of that term in native communication. While it could be argued that the creation of the category of »Romanness« provides an analogous case, there is in fact a difference. As it is employed by scholars, »Romanness« is not an umbrella term with which to conceptualize several concepts of cultural behaviour, as is the case with »religion«. Instead, »Romanness« is understood to operate at the level of native communication, to be instrumentalized whenever Romans referred to a particular Roman way of self-understanding. The implicit categorical distinction is crucial: »religion« is a category of behaviour which is expressed by a variety of concepts, but which can be conceptualized without one single linguistic concept. »Romanness«, in contrast, is to these scholars a category of communication. Yet, in order to fulfil a communicative function, the category of »Romanness« has to be expressed in linguistic terms (which it is not), or otherwise is only warranted as a modern heuristic device (which is not how it is employed).

³² Livy 5,49,8-55. For valuable discussion, see LUCE 1971; LEVENE 1993, 175-203; EDWARDS 1996, 44-52. Livy's own religious agenda is sensibly discussed by LIEBESCHUETZ 1967.

abandon the city in favour of the site of Veii, which the Romans had destroyed in 396. Throughout his speech, Camillus links Roman religious piety to the physical site of Rome. That the gods approved of Roman piety is shown by their past support of the People's political and military activities. These, however, are inextricably linked to the city of Rome: proper religious rites can take place only within the confines of Rome's urban space (5,52,2, 5-7, 13-7); several ancient myths and rituals, such as the rites of Vesta, are closely associated with the foundation of Rome and cannot be transferred to another place; the spatial dimension of the city's festivals and the ritual duties of the Roman priest-hoods are closely linked to the city's sacred topography; Rome was founded in particular religious terms;³³ the significance of Rome's religious boundary, the *pomerium*, is stressed, for *comitia*, like any other official state acts, must take place *auspicato ... intra pomerium*.³⁴ When abandoning Rome, the *populus* would leave behind its political and religious origins; the gods, both ancient and those who chose to inhabit the city of Rome more recently - the Capitoline hill is referred to as *sedes deorum* - would be deserted; just as their divine presence guaranteed Rome's greatness in the past and would continue to do so in the future, so their divine retreat would leave Rome a place *deserta ...*

³³ Livy 5,52,2: *urbem auspicato inaugurato conditam habemus*. Cf. Ennius *Ann.* 155 Skutsch; Livy 1,6,4-7,2.

³⁴ Cf. Varro *ap. Gell.* 14,7,9 on auspication preceding Senate meetings; LINDERSKI 1986, 2196-8, 2213-4, *passim*. Auguration as a means of constituting a sacred topography regarded the *urbs* with the *pomerium* as the centre of its system of spatial organization: Cic. *ND* 3,94 (on auspication): *diligentiusque urbem religione quam ipsis moenibus cingitis*; CANCIK 1985-86.

ab dis hominibusque; however, this fate of the urban space would merely symbolize the fate of its citizens.

It goes without saying that Livy's narrative is anachronistic. The archaeological record, rather than confirming Livy's assessment of Rome's poor state after the Gallic withdrawal, suggests that Rome was neither materially nor politically too heavily afflicted by the military defeat of 390.³⁵ Rather, Livy's portrait of Camillus as the *diligentissimus religionum cultor* (5,50,1), the second founder of Rome and *pater patriae* (5,49,7), over-stresses the depressing state of Rome in the year 390 for rhetorical effect: the fictitious Camillus' concern with religious and national revival is Livy's contribution to the contemporary revisionist debate about the place of religion and the importance of the city of Rome in the years after the Civil Wars.³⁶

That revisionist debate started, as far as we can say, in the final decades of the Late Republic. The link between religion and the city of Rome was made by Varro in his *Antiquitates rerum divinarum* (presumably published by 47). According to Augustine, Varro explained the religious system of Rome to his fellow citizens to remind them which gods they ought to worship and what the appropriate context for worship was. The normative link between citizenship, religious practice and the physical site of Rome was understood by Cicero, who saw Varro's achievement in the presentation of a traditional, if anachronistic, Rome to his élite au-

³⁵ CORNELL 1995, 313-22. *Contra* Livy 5,55,2-5.

³⁶ For the cultural context, see conveniently PRICE 1996, 812-24.

dience, which was increasingly threatened by social and change.³⁷

Narratives such as the speech of the Livian Camillus have tempted past scholarship to regard the religious traditions inscribed in the stones and rituals of the physical city as an essential part of »Roman religion«; or to reconstrue the meaning of Roman religious rituals and institutions from the Varronian account; or to deduce a core of Roman religious beliefs and sentiments from the pronouncements of the orators who called upon the gods in defense of their causes. *Prima facie*, this approach does not lack plausibility: Livy instrumentalized the religious connotations which the physical site of Rome carried as a rhetorical means of creating *pathos* among his audience. Varro's revaluation of religious institutions and rituals concurred with the cultural expectations of at least one reader, Cicero. The orators made religious propositions to lend weight to their argument; they would not have used such a strategy if they assumed these propositions to be unacceptable to their audiences.³⁸ In order to succeed in performing the desired communicative function of projecting conviction among their respective audiences, these pronouncements had to refer to

³⁷ August. CD 4,22 p. 172,12-30 D-K = Varro RD frg. 3 Cardauns: *pro ingenti beneficio ... praestare se civibus suis, quia non solum commemorat deos quos coli oporteat a Romanis, verum etiam dicit quid ad quemque pertineat*. Cf. Cic. Acad. Post. 9: *nam nos in nostra urbe peregrinantis errantisque tamquam hospites tui libri quasi domum reduxerunt ut possemus aliquando qui et ubi essemus agnoscere*.

³⁸ The way in which religious and cultural symbols, individual monuments or the topography of Rome were used to create *pathos* has been studied extensively; see JAEGER 1997 on Livy, and both PÖSCHL 1983, 17-37 and VASALY 1993 on Cicero. Cf. CANKIK 1985-86.

shared cultural expectations. What constitutes meaningful communication is the existence of »structuring structures«, a horizon of cultural expectations and value systems, cultural systems of »common sense« (to use a helpful Geertzian phrase referred to earlier), which create understanding by constraining a potentially indefinite number of communicative choices. Meaningful communication constantly refers to these »structuring structures«.³⁹

However, the application of a linguistic theory of understanding leaves the degree inexplicable to which the cultural system of »common sense«, which existed at Rome, was definable in terms of a socio-political or cultural »Roman-ness«. In other words, what needs to be investigated is whether religious communication at Rome was in principle able or unable to constitute a coherently defined system of »Roman religion«. Those scholars who believe that religious communication was able to achieve exactly that effect must assume that such communication expressed a binding core of Roman religion, whose propositions were widely shared, or that it defined a normative religious behaviour so as to set Roman religion apart from other religious systems. However, it is highly unlikely that more than few of their Roman contemporaries understood the contributions of Livy, Varro or Cicero as substantive propositions in this sense or indeed as a reflection of a pre-defined Roman religion.

For it is problematic to hold that the urban space of Rome constituted a public forum for »Romanness« or deter-

³⁹ »Common sense«: GEERTZ 1975.

mined a Roman religious identity, when by the end of the Late Republic the *urbs* was not only a focus of political communication - in the form of *comitia*, *contiones* or *quaestiones* - but also a huge and wealthy centre of juridical and economic life, of entertainment, recreation and of religious activity for nearly one million inhabitants. Rarely are the implications of this demographic development considered by historians of Roman religion: during the final two centuries of the Republic, the city of Rome turned into a metropolis whose demographic dimensions were exceptional by any standards. It is not until the period of industrialization in nineteenth century Europe that a similar degree of urban concentration was reached again. Furthermore, it is one of the most important implications of the city of Rome's demographic development that the exact constitution of its population was notoriously hard to determine. This was so because high mortality among the urban population on the one hand and large-scale migration on the other (the latter ensuring the rapid growth of the *urbs* under the Republic) entailed a constant change in the composition of the city populace. Both those who already inhabited the capital and those who migrated to Rome did so because the urban centre not only provided a huge market for various kinds of commodities, but also generated an ever increasing demand for economic and cultural production as well as consumption. They were not primarily attracted by Rome as the political centre of the Roman Empire.⁴⁰

⁴⁰ Cf. MORLEY 1996, 33-54, for the Late Republican demographic development. See above, 2.6.1, on the economic differentiation of Late Republican Rome.

This demographic variability in the structure of the population of Rome found its equivalent in the Roman colonial constitution, which provided for *coloni incolaeque hospites atventoresque*, »(Roman) citizens of the *colonia* and resident outsiders, guests and visitors«; and the euergetism of local notables applied to all of these groups.⁴¹ As was the case in Rome, *incolae* in *coloniae* and *municipia* were expected to obey the respective local statutes. They were subject to the authority of the local magistrates and under local jurisdiction in matters of private law.⁴² In these Italian communities, *cives et incolae* often collaborated in local building activities, sharing resulting honours evenly.⁴³ Yet, the expulsion of foreigners from Rome suggests that the actual cohabitation was not always seen as harmonious. Similarly, in Roman colonies superimposed on existing settlements tensions between the indigenous old and the new Roman élites were not uncommon.⁴⁴ In these cases, demographic variability implied competing political and cultural claims.

In the context of the city of Rome's demographic expansion and its cultural differentiation during the second and the first centuries, claims of »Romanness« as well as

⁴¹ *LUrs* (RS no. 25) ch. 126, line 31. Cf. *ILLRP* 617 (Interamniae): *Q. C. Poppaei Q. f. patron(i) municipi et coloniae municipibus coloneis incoleis hospitibus adventoribus lavationem in perpetuom de sua pecunia dant; sim. ILLRP* 662 (Sassina): ... *municipibus sueis incoleisque loca sepulturae s(ua) p(ecunia)*.

⁴² *LIrn* chs 19, 28-9, 54, 83-4, 94. *LUrs*: chs 95, 98, 103, 133. Cf. *Gaius Dig.* 50,1,29.

⁴³ E.g. *CIL* 1²,1514 (Cora); *Inscr. It.* 3,1,36 no. 51 (Volcei); *PACI* 1980b.

⁴⁴ E.g. *Cic. Sull.* 60-2, describing the conflict between Oscan inhabitants and Sullan colonists in Pompeii; *LOMAS* 1997, 32-3. On expulsion from Rome, see above, 2.7.1.

definite statements about a core of religious and cultural identity would have been constantly challenged by an influx of competing forms of communication. As a matter of fact, from the late third century the city of Rome provided a backdrop to a plethora of different communicative signs, both religious and secular, whose over-abundance in the urban space precluded the emergence of unchangeable orthodoxies. Moreover, in a society whose lack of efficient control mechanisms for scrutinizing the truthfulness of oral or literary propositions corresponded with its neglect of factual accuracy, persuasion rather than ›the historical truth‹ was the aim of forensic oratory or of historiographical and other forms of literary pursuit.⁴⁵ As a corollary, aristocratic self-representation freely used fictitious genealogies or invented its own idiosyncratic ›historical truth‹, which would in its turn be challenged by other propositions concerning a family's political or religious past.⁴⁶ Such was the resulting variability of communication about cultural and religious issues that the *elogia* in the Forum Augu-

⁴⁵ Oratory: e.g. CLASSEN 1985, 5-8, *passim*. Historiography: WISEMAN 1979, 3-53; WOODMAN 1988, esp. 73-4, 81-94; KRAUS & WOODMAN 1997, 1-9.

⁴⁶ See e.g. RÜPKE 1995c, 196-202 on the consular *Fasti* as the secondary products, rather than the sources, of historiography and aristocratic self-display, commencing in c. 173 in the temple of Hercules Musarum; below, 4.1.3. Fictitiousness of genealogies in aristocratic *laudationes*: Cic. *Brut.* 61-2; Livy 8,40,4-5; MILLAR 1989, 140; FLOWER 1996, 133-50. Inventive use of a family's political past: Asconius 12 C. Invention of mythical genealogies in Late Republican and Early Imperial Rome: Serv. *Aen.* 5,704 and 389 on two works *De familiis Troianis* by M. Terentius Varro and Hyginus respectively; Dion. Hal. *Ant. Rom.* 1,85,3; WISEMAN 1987, 207-18. For the unscrupulous creation of fictitious genealogies and pseudo-historical data by political élites in primarily oral societies, cf. the comparative perspective of SCHOTT 1990.

stum, drawing on the Augustan compilation of historical information in the *annales maximi*, painted a picture of Roman history that differed in many details from Livy's.⁴⁷ Varro's interpretation of Roman religion was not an *explicit* exposition of a widely accepted and *internalized* religious system, but entailed a critique of the religious behaviour of his fellow-citizens, thus implying the existence of competing interpretations and of differentiated belief systems.⁴⁸ Finally, when invoking the deities of the city orators did not draw on a theological orthodoxy concerning their nature and character. Rather in the absence of such orthodoxies, theological issues were notoriously debatable. When claims of theological truth were just as fluctuating as the city's population, the character of a deity such as the Bona Dea, her acceptance by Cicero or her refusal by Clodius and his supporters among the city population, could become the subject of public discussion.⁴⁹

Consider for instance, the Mater magna, whose cult had been transferred to Rome in 204, and whose sanctuary on the Palatine, overlooking the Forum Boarium and parts of the Campus Martius, attracted the attention of visitors as soon as they entered the city through the Porta Trigemina. Scholars tend to treat the transfer of the goddess to Rome as an assertion of the city's national identity during the Second

⁴⁷ LUCE 1990. Cf. KRAUS & WOODMAN 1997, 70-4, with further literature. Regarding the sack of Rome in 390, the *elogia* relevant to Livy's narrative are *Inscr. It.* 13,3 nos 11 and 61.

⁴⁸ Cf. FEENEY 1998, 139-40.

⁴⁹ Cf. WISEMAN 1974, 136-7 on the polemics concerning the (un-)chastity of the Bona Dea in the mid first century.

Punic War.⁵⁰ The statuary and coins present the Mater magna as a chaste mother goddess. Cicero describes her games, the *Ludi Megalenses*, as *more institutisque maxime casti, sollemnes, religiosi* (*Har. Resp.* 24). On the other hand, the presence of the *Metragyrtai* and *Galli* in the city suggests an Eastern religion, whose allegedly orgiastic aspects alienated traditional religious sensibilities in Rome.⁵¹ The goddess was associated with agricultural fertility: as early as 204, the exceptionally productive autumn harvest and the fertility of the Italian soil was related to the deity's arrival earlier that year (*Pliny NH* 18,4,16). In Late Republican statuary, dating to the fifties and presumably resembling the (lost) cult statue on the Palatine, the goddess is seated on a throne and wears a belted *tunica*, a mantle and sandals. She is adorned with ears of corn. This iconography of fertility and nutrition has tentatively been linked to Pompey's policy of corn supply. By Stoic allegorization, Varro identified the Mater magna as Iuno, Ceres and Tellus. He stressed the aspects of fertility and portrayed the deity as the bread-winner of mankind.⁵² By way of contrast, among the votives found in the area of the Mater magna's sanctuary figurines of Attis, of inexpensive and poor quality, stand out by their sheer number. They predate the first burning of the temple in 111 and thereby prove that Attis was worshipped on the Palatine as early as the second

⁵⁰ E.g. GRUEN 1990, 33; ALVAR 1994, 154; BEARD 1994b, 27-33. Cf. BURTON 1996.

⁵¹ E.g. Dion. Hal. *Ant. Rom.* 2,19,3; LATTE 1960, 259-60; BEARD 1994b. Cf. Catull. 63,91-3; Varro *Sat. frg.* 142 Cèbe = 133 Astbury; WISEMAN 1985a, 269-72.

⁵² Varro *RD frgs.* 64, 267-69 Cardauns; cf. Strab. 10,3,12, 469. Statuary: FUCHS 1982.

century.⁵³ Attis had been introduced to the Hellenic cult of Cybele in the fourth century, and had been part of the goddess' cult at Pergamum, from where the goddess was transferred to Rome. At Late Republican Rome, however, Attis did not receive public worship by the state's functionaries.⁵⁴ The private worship of Attis on the Palatine thus becomes all the more remarkable. Arguably, the Mater magna and her cult were capable of evoking a wide range of responses from worshippers and observers alike.

Given this over-abundant field of competing forms of meaning, native communication about religion cannot on a *priori* grounds be taken as a factual statement nor can it clearly define an unchanged core of »Romanness«. It is therefore preferable to treat religious communication in such contexts as a performance whose validity is situational at best. What does this notion mean? Religious communication refers to a cultural system of »common sense« which constrains understanding. It is with respect to that cultural system that religious communication may entail substantive claims. But these claims are debatable; they may evoke, as we have seen, different responses in the audience that range from emphatic approval to outright neglect. As I argued above, religious communication does not have a single stable and unshifting meaning which is determined by the meaning that the sender of communication attaches to it, as the received analogy with the linear transmission of meaning

⁵³ ROMANELLI 1963. Date: COARELLI 1977, 10-3.

⁵⁴ Attis is not represented in the Republican coinage. The reverse of a denarius struck by M. Volteius in 76, commonly thought to show Attis, in fact represents Bellona; TURCAN 1983, 13-4.

in linguistic theory might suggest. Rather, it may engender a vast number of different responses in its addressees.⁵⁵

Expanding that suggestion, I would propose that Roman religious communication is performative not only because it is capable of creating various responses. It is performative also because these responses are situational in that they do not entail that in a different situation the addressee has to commit himself to their validity.⁵⁶ This is not to deny that authors like Cicero, Varro or Livy deliberately created the category of political or cultural identification with Rome as one means of meaningful communication with their respective audiences. There is no reason to assume that they doubted the persuasiveness of that category in their respective communicative contexts. However, it is important to realize that their religious communication, just as any other, created only one particular form of communicative input into an over-abundant field of communication. It was a situational construct whose claim to making a binding statement about the true nature of Roman religion was constantly questioned by the input of competing communicative signs.

A focus on the performative, rather than the propositional, role of religious communication in Roman society is therefore more than just a heuristic device. In the absence of a shared orthodoxy concerning religious belief systems, religious discourse, shaping its content according to its

⁵⁵ See above, 2.7.3.

⁵⁶ See above, 2.7.4. For »performative structures« in social behaviour, see the evocative account in SAHLINS 1985. With regard to ritual, cf. H. CANCIK & H. MOHR, *HrwG* 1 (1988), 147.

rhetorical needs, expressed partial truths at best and used single elements of religious reality without ever offering a substantially complete picture. Livy, Varro or the Roman orators created imagined, rather than represented real, audiences. The communities they depicted are >imagined communities<; the Roman society they envisaged is an idealized Roman society that is a matter of ideology, but does not exist in reality or at the level of personal contact. It is only in communication that a meaningful face-to-face-society could be recreated, given the abundance of competing forms of meaning in an urban space which had long outgrown the confines of a nuclear community.⁵⁷ While the imagined community of Roman citizens addressed by Livy's Camillus was set in the past, the response of a late first century audience to his expositions must have been just as fragmented as the reaction of the addressees of Varro's work to his revaluation of Roman religion.

The creation of imagined communities is most conspicuous in the case of political oratory. Although it created the impression of talking to, as well as on behalf of, the Roman People as a whole, its actual addressees were at any time during the second and first centuries only a tiny fraction of the Roman citizen body. Assemblies over-represented the *plebs urbana* to a disproportionate degree, whereas for merely practical reasons citizens from distant voting-districts scarcely attended *contiones* and *comitia*. In the first century, the census was conducted in local communities and the

⁵⁷ For >imagined communities<, see B. ANDERSON 1991, esp. 15-6, used for the study of forensic oratory in fourth century Athens by OBER 1989, 31-3.

results delivered to the censors at Rome, so that Roman citizens did not have to visit Rome in order to get enrolled.⁵⁸ Moreover, the expulsion of *peregrini* from Rome by the *tribunus plebis* M. Iunius Pennus in 126 or by the consul C. Fannius in 122 must not simply be taken as reflective of a more general trend of expulsion in Late Republican and early Imperial Rome. In these specific cases, the measures were presumably intended to address the interference of Latins and Italians in the political *contiones* of the latter half of the second century, at which the issue of Italian franchise was debated.⁵⁹ These incidents elucidate that the orators in the Forum Romanum did not speak in front of a pure citizen body, but addressed an agglomeration of *plebs urbana*, male and female migrants to the capital and short-time visitors with or without citizenship.

3.1.3 Addressing the pantheon of the city of Rome

The variability of religious communication entailed that its scope was open to situational renegotiation. Addresses to Rome's pantheon are a case in point. Its gods were constantly invoked in the course of the city's life: at the beginning of a *contio* the presiding magistrate, before addressing the People, uttered a traditional and formulaic prayer to

⁵⁸ Census: Tabula Heracleensis (RS no. 24), lines 142-56. Overrepresentation of the *plebs urbana*: e.g. PURCELL 1994, 644-6; MILLAR 1995, 240-1. Scarcity of attendance at *contiones* and *comitia*: MACMULLEN 1980.

⁵⁹ Expulsion in 122: Plut. C. Gracch. 8,2-3, 11,2-3, 12,1-2. Cf. E. GABBA, *CAH* 8² (1989), 240-2; A. LINTOTT, *CAH* 9² (1994), 76 and 83. Cic. *Off.* 3,47 is rather unclear about the events of 126.

the gods;⁶⁰ and prayers were topical in other public orations as well, political or juridical.⁶¹ Orators invoked the religious connotations of Rome's sacred topography by drawing their audience's attention to a nearby divinity or by addressing that divinity's potential intervention in the orator's case.⁶²

As noticed above, the oath by Iuppiter optimus maximus and the Di Penates publici was used as a political instrument by Saturninus and Caesar.⁶³ An epigraphic parallel for that oath is provided by the Lex Latina tabulae Bantinae, dating from the very end of the second century. This statute required both present and future Roman magistrates to take an oath

pro aede Castorus palam luci in forum vorsus et eisdem in diebus quinque apud quaestorem ... per Iovem deosque Penateis, sese quae ex hac lege oportebit facturum neque sese advorsum hanc legem facturum scientem dolo malo neque sese facturum intercessurum esse quo haec lex minus setiusue fiat.

Its binding character was emphasized by detailed specification of the consequences which a refusal to take the oath would have for the individual magistrate, amounting to a termination of any future political career. Furthermore, the

⁶⁰ Livy 39,15,1: *consules in rostra escenderunt et contione advocata cum sollemne carmen precationis, quod praefari solent priusquam populum adloquantur magistratus, peregisset consul, ita coepit ...*; 39,18,3. On *carmen precationis*, »ceremonial prayer formula«, see SCHEID & SVENBRO 1989-90. Cf. Cic. *Ad Her.* 4,68; Pliny *Paneg.* 1,1, 63,2; MOMMSEN 1887, 3,390; APPEL 1909, 57.

⁶¹ Serv. *Aen.* 11,301: *nam maiores nullam orationem nisi invocatis numinibus inchoabant, sicut sunt omnes orationes Catonis et Gracchi.* For a sample from the Ciceronian corpus, see p. *Corn. I frgs.* 1, 2; *Verr.* 5.184-9; *Mur.* 1-2; *Dom.* 144-5; *Rab. perd.* 5; *Post red. ad Quir.* 1; *Arch.* 1; cf. *Div. Caec.* 43.

⁶² For a collection of the Ciceronian material, see HEIBGES 1969. Cf. VASALY 1993.

⁶³ Cf. above, 2.7.2.

oath had to be taken on the open platform of the sanctuary of Castor and Pollux, which had been built in front of the backdrop of the temple facade proper and was facing the most crowded and public place of Rome.⁶⁴ The same document required Roman senators to swear *apud quaestorem ad aerarium palam luci per Iovem deosque Penateis*, that is in front of the temple of Saturnus, thereby ensuring similar publicity in the area bordering on the north-west corner of the Forum.⁶⁵

The emotional appeal to »the *di patrii ac penates*« was effectively instrumentalized by Cicero, who no doubt drew on the oath which magistrates had to take by Iuppiter optimus maximus and the Di Penates publici, as if the orator were required to take an oath by those deities that his defendant was innocent. The phrase should probably be taken as a tautology, since the *di patrii* (the ancestral gods rather than the gods of the *patria*) comprised the Di Penates publici that were housed in the *delubrum* of Vesta and therefore became appropriate addressees of an orator delivering his speech in the Forum.⁶⁶ Cicero portrayed the *patrii penates familiaresque* as the guardians of Rome and the *res publica*, and no doubt expected proper emotional response from the

⁶⁴ RS no. 7, lines 14-8. For the architectural design, see ULRICH 1995, 81-107.

⁶⁵ *Ibid.* line 24. Cf. the Tarentum fragment (RS no. 8), lines 20-3 of magistrates required to swear *apud quaestorem Romanum ... per Iovem deosque Penates*; the Lex de provinciis praetoriis (RS no. 12, Delphi copy, block C) lines 10-15.

⁶⁶ E.g. Verr. 4,17, Sull. 86,1, Har. Resp. 37, Sest. 45; Nep. Themist. 7.4. Di Penates publici: LATTE 1960, 89-90. Illustration: TURCAN 1988, 1, nos 107-8. On the link between the Di Penates publici and Vesta, see Tac. Ann. 15,41,1; RADKE 1981.

pontifical college, his élite audience on that occasion.⁶⁷ Similarly, the connection of *patria* and Di Penates in emotional narrative was not sought for the sake of alliteration either. It denoted a core of possible religious identification in a Roman élite context.⁶⁸

However, as my emphasis on the élite context already suggests, even such supposedly straightforward pronouncements should not be regarded as propositional statements about the essence of Roman religion. Rather, these pronouncements are markedly situational. For in creating an audience which identified with the Di Penates of Rome, the orators implicitly took into account that they marginalized a large proportion of the city populace. As they received sacrifices from Roman officials, the Di Penates *publici* became closely associated with the political domain. In the city's domestic cult, the Di Penates were generally, if not invariably, worshipped by the freeborn; and accounts of upper class houses depict an affectionate relationship between house owners and their Di Penates. By contrast, their slave *familiae*, both in urban surroundings and on rural estates, showed a marked preference for worshipping the Lares and the Genius.⁶⁹

⁶⁷ *Dom.* 144. Cf. Verg. *Aen.* 8,678-9.

⁶⁸ *Patria* - *penates*: Livy 22,3,10, 25,18,10, 30,33,11; Curt. 4,14,7, 5,5,20; Tac. *Ann.* 11,16, *Hist.* 3,84; Symm. *Epist.* 6,72.

⁶⁹ The archaeological evidence for this differentiating pattern comes from houses in Pompeii and Herculaneum: FRÖHLICH 1991, 30-1, 40, 178-9, 261; *Id.* 1995, 205; GEORGE 1997, 316-7; below, 4.2.4. Upper class households and the Di Penates: BAKKER 1994, 180; NEVETT 1997, 289-90; cf. SALLER 1994, 88-95. Contrast e.g. Cato *Agr.* 2,1, 143,2; Plaut. *Merc.* 834; Cic. *Att.* 7,7,3, LATTE 1960, 90-2, elucidating the attachment of the slave or rural *familia* to the Lar *familiaris*. Cf. ILLRP 196, the

The *communis opinio*, dating back to the nineteenth century, holds that Vesta, as the goddess of the hearth, was the archetypical Roman deity of domestic worship, whose prominent public representation served to symbolize the inextricable link between the spheres of private and public in Roman religion. Contrary to that view, the archaeological data drawn from the Lararia and the paintings of Pompeian households demonstrate the absence of the cult of Vesta from major realms of private religion and thus corroborate the suspicion that Vesta did not play a significant role in individual or domestic worship during the Late Republican or Early Imperial periods. Vesta was the patron goddess of Roman *pistores*, which makes her omission from other areas of private cult only the more conspicuous.⁷⁰ By contrast, the goddess' cult in her *delubrum* on the south border of the Forum Romanum was inextricably linked, just as her impact was strangely limited, to the political domain; as such, the juxtaposition of Iuppiter optimus maximus, the Di Penates publici and Vesta provided only partial religious identification in a context which was tailored to the politicized discourses of the Late Republic. It is this limited connota-

dedication of an *aedicula* to the Lares familiares by a *magister* called Draco; *ILLRP* 197, a shrine for the Lares by the *vilicus* Philargurus *de sua pecunia*; *ILLRP* 199-201. The Lares publici were the recipients of civic worship: e.g. *CIL* 6,456 (4 CE); Ovid *Fasti* 5,129ff. with BÖMER *ad loc.*; RÜPKE 1995a, 61-2. Yet, the available evidence referring to their prominence in civic cult does not appear to predate the Augustan revival of the cult of the Lares: cf. e.g. Augustus *RG* app. 2.

⁷⁰ See RADKE 1981, 363; FRÖHLICH 1995, 208-9. *Contra* WISSOWA 1912, 156-61. R. L. GORDON, *OCD*³ (1996), 1591, assuming that »in the historical period the state cult ... effectively displaced private cults (sc. of Vesta)«, succumbs to an implausible theory of religious evolution.

tion only which political oratory exploited in a field of religious communication that was, as I have argued above, over-abundant in different meanings by any standards.

However, even in political oratory the spectrum of the pantheon could be extended. To be sure, Cicero humorously attacked those who believed they were well prepared to give a public speech, when they had only memorized the line *Iovem ego optimum maximum ...* (*Div. Caec.* 43). Iuppiter optimus maximus was indeed an essential addressee of public prayer. Furthermore, the second and first century dedications by foreigners on the Capitoline hill to Iuppiter optimus maximus and to the *Populus Romanus* documented the god's central role in the religious definition of the Roman state to outsiders as well as to Romans. Nevertheless, as we shall see below, the Capitoline triad also provided a focus of individual worship that was in striking contrast to civic religion.⁷¹ Yet, public oratory employed a wide range of different deities according to its rhetorical needs. As noted above, in order to create pathos among his pontifical audience Cicero, on his return from exile, exploited those deities who were accommodated in the political centre of Rome: Iuppiter Capitolinus (sic), Iuno Regina, Minerva, the Penates

⁷¹ See below, 4.2.5. For an edition of the dedications on the Capitoline hill, see DEGRASSI 1962-67, 1,415-44; and for their date, LINTOTT 1978; MELLOR 1978. See ERSKINE 1994 for documentation of the evidence for cult of the *Populus Romanus* in the Greek East, which started in the early second century. For the centrality of the Capitoline cult to Romans, see e.g. C. Gracchus *ORF* F 58 Malcovati: *Quo me miser conferam? Quo vertam? In Capitoliumne? At fratris sanguine madet.* In general, see FEARS 1981.

and Vesta.⁷² By way of contrast, the *conclusio* of Cicero's final speech against Verres addressed not only Iuppiter optimus maximus, Iuno Regina and Minerva, but also Latona, Apollo and Diana, Mercurius, Hercules, the Mater magna, Castor and Pollux, Ceres and all the other gods, *omnes di*, including those indigenous deities whose rights had been violated by Verres in Sicily.⁷³ The deities invoked were chosen with the case under consideration in view; but whereas their choice was never merely incidental, the underlying principle of including or excluding deities displayed a high degree of variability, which was constrained by contextual rather than by any unchanging substantive criteria.

A historiographical sample illustrates this contextuality of choices. In Livy's history, it is often one particular deity to whom prayers and queries were made.⁷⁴ Or, depending on the circumstances under which a prayer was uttered, a selection of two or more deities was addressed.⁷⁵ However, it is worth noting, and has already been discussed above, that in most cases it is the gods as such, *di immortales* or *di deaeque*, to whom individuals, the Senate, magistrates or

⁷² Cic. *Dom.* 144-6, effectively placed near the end of the speech as an essential part of the rhetorical *conclusio*.

⁷³ *Verr.* 2,5,184-9.

⁷⁴ Livy 1,16,3, 16,6, 3,17,6 (Romulus); 1,18,9, 4,2,8, 28,28,11 (Iuppiter optimus maximus); 2,10,11 (Tiberinus); 10,18,14 (Hercules); 29,14,13 (Mater magna).

⁷⁵ Livy 5,21,2-3: Apollo Pythicus and Iuno Regina on the occasion of the *evocatio* of Veientine Iuno; 6,20,9: Iuppiter and *di alii* invoked by M. Manlius, the defender of the *Capitolina arx*; 10,24,16: Iuppiter optimus maximus and *di immortales* addressed by P. Decius as consul in a *contio*; 24,38,8: a reference to the local deities Ceres and Proserpina in an address to the troops on Sicily; 34,24,2: Iuppiter optimus maximus and Iuno Regina, a reference to Roman military power and to the tutelary goddess of Argos respectively.

military commanders made prayers.⁷⁶ Livy portrayed Camillus as a *diligentissimus religionum cultor* who took note of the large number of divinities living in Rome and demanded the preservation of their temples and cults. Livy introduced Caesar Augustus as *templorum omnium conditor ac restitutor*, a sentiment which was later echoed in Augustus' own *Res gestae*.⁷⁷ Great individuals, both past and present, could be expected to take responsibility for all gods and goddesses at Rome.

3.1.4 Priesthoods and aristocratic competition

Cicero famously illustrates the link between religious and political authority and thereby seems to support the civic model's thesis that religion was conceptually undifferentiated from the political life of Republican Rome:

*Cum multa divinitus, pontifices, a maioribus nostris inventa atque instituta sunt, tum nihil praeclarius quam quod eosdem et religionibus deorum immortalium et summae rei publicae praeesse voluerunt, ut amplissimi et clarissimi cives rem publicam bene gerendo religiones, religiones sapienter interpretando rem publicam conservarent.*⁷⁸

Yet, since Cicero addresses the pontifical college, it is not surprising that he wants to make such an explicit link between political administration and religious expertise.

⁷⁶ E.g. Livy Praef. 13; 2,6,8; 4,13,14; 4,46,4; 5,18,11-2; 5,21,15; 5,32,9; 6,23,11; 6,29,2; 7,26,4; 7,40,4-5; 9,8,8-10; 10,13,12; 10,35,14; 21,17,4; 27,45,8-9; 28,41,13; 29,22,5; 29,27,2-4 and 9; 31,5,3-4, 31,8,2; 31,7,15 37,36,6; 38,51,10. The very same formula was used by non-Romans: e.g. Livy 6,26,6: dictator from Tusculum; 7,20,3: Caeritean envoys; 23,13,4: Hanno; 26,41,16, 36,7,21: Hannibal; 35,18,7: Alexander of Acarnania; 40,9,5 and 11,5: Perseus; 42,13,12: Eumenes.

⁷⁷ Camillus: 5,49,7-54,7; Augustus: Livy 4,20,7; Augustus RG 20,4-21,1.

⁷⁸ Cic. Dom. 1. See above, 2.4.2.

Yet, there is a more fundamental problem with the civic model's emphasis on the embeddedness of religious expertise in the political realm. As we have seen above, this model presumes that religion had its institutionalized place in politics and public life, and surmises that it was the political realm that determined religion. Such a model unwittingly postulates an abstract ›Roman state‹ represented by ›the Senate and the magistrates‹. The uniformity of the political realm, however, is a problematic concept. Political life in Late Republican Rome was not a stable entity that could be described in terms which resemble the modern concept of institutionalized government. It has repeatedly been stressed that what we call the Roman constitution did not mirror an institutionalized political system, but rather resembled a political life that was characterized by informal power structures based on relationships defined by the exchange of *officia* among the élite. A distinguished *nomen*, dependent on the agnatic lineage of the family, could secure political success and office. Office-holding was of course not hereditary, but *divitiae*, *imagines* and the *memoria praeclara* of one's ancestors were the nobility's assets in élite competition.⁷⁹ However, the practical impact of agnatic lineages on the competition for political office was understood to be short-reaching. The nobility of the Republic was defined through office-holding, and material and symbolic capital had to be re-invested in each generation in order to achieve political success. This is not to deny that some families

⁷⁹ Sall. *Iug.* 85,38. Cf. *ibid.* 85,4: *vetus nobilitas, maiorum fortia facta, cognatorum et adfinium opes, multae clientelae*; WISEMAN 1971, 95-116; HOPKINS 1983, 107-17; FLOWER 1996, 60-90.

held offices over many generations.⁸⁰ But from the second century onwards inheritance of office was increasingly controlled through the elections, and genealogies, *imagines* and the elusive concept of *nobilitas* were social constructs which facilitated, though could not guarantee, succession. Many sons of office-holders are likely to have failed to succeed to the office that their fathers or grandfathers had obtained.⁸¹

Given the fluidity of the political system, the Roman élite should be expected to advertise or commemorate its authority through priesthoods, if religious authority was entirely undifferentiated from other spheres of public life. Such an inextricable link between religion and politics, however, is not corroborated by the political élite's self-representation. Consider the *laudatio funebris* held in 221 by Q. Caecilius Metellus, *pontifex* from 216, in honour of his father L. Caecilius Metellus, the second plebeian *pontifex maximus* (243-21), as transmitted through Pliny:

Q. Metellus in ea oratione quam habuit supremis laudibus patris sui L. Metelli pontificis, bis consulis, dictatoris, magistri equitum, xv viri agris dandis, qui primus elefantos ex primo Punico bello duxit in triumpho, scriptum reliquit decem maximas res optumasque, in quibus quaerendis sapientes aetatem exigent, consummasse eum: voluisse enim primarium bellatorem esse, optimum oratorem, fortissimum imperatorem, auspicio suo maximas res geri, maximo honore uti, summa sapientia esse, summum senatorem haberi, pecuniam magnam bono modo invenire, multos liberos relinquere et clarissimum in civitate

⁸⁰ For this aspect, see BURCKHARDT 1990; JEHNE 1995.

⁸¹ Cf. Cic. *Pro Mur.* 16; Asconius 12 and 23 C; MILLAR 1984; Id. 1986; HÖLKESKAMP 1987, 204-9; YAKOBSON 1992. HOPKINS 1983, 31-119 and SALLER 1994, 12-69 provide an important demographic perspective. For the patterns of office-holding, see WISEMAN 1971, 1-12; BADIAN 1990; MILLAR 1989, 141-4.

*esse. Haec contigisse ei nec ulli alii post Romam conditam.*⁸²

Pliny's own >preface< to this text mentions Metellus' pontificate and political offices. Pliny clearly imitates the Augustan and later imperial structure of a *cursus honorum*, which routinely listed priesthoods as a prominent part of an individual's career in reflection of the emperor's own emphasis on his priestly status.⁸³ By contrast, Metellus' priesthood is missing from the - otherwise very comprehensive - list of his life achievements drawn together by his son, who was to become a pontiff himself. The catalogue of Metellus' virtues employs two complementary patterns of classification: Metellus' *sapientia* was manifest in the realms of *domi militiaeque* and showed in his civic and private responsibilities. Metellus was both a foremost *bellator* and an eminent *orator*; he had *imperium* and held the *auspicium* as magistrate and military commander; his *maximus honor* was the consulship; he embodied the ethos of an active and prudent participation in Roman political life (*summa sapientia* and *summus senator*); his wealth had been acquired by traditional means (through landed property rather than the exploitation of the allies or direct business in the Greek East, one might presume) and he begot sons that were to survive their father. A reference to Metellus' holding the office of *pontifex maximus* is only implicitly contained in the claim that he was *clarissimus in civitate*. This should be taken as referring to Metellus' rescuing the sacred objects

⁸² ORF⁴ no. 6, frg. 2 ap. Pliny NH 7,139-40. Priesthood: SZEMLER 1972, 68-9. The text's competitive ethos is analysed by KIERDORF 1980, 10-21; WISEMAN 1985b, 3-4.

⁸³ Cf. ECK 1984, 148-52.

of Vesta from the goddess' burning *delubrum*, which led to the loss of his eyesight. As an expression of their gratitude, the Roman People bestowed on Metellus the right to use a cart when entering the Curia, an honour never conferred before. Metellus' preservation of the *sacra* of Vesta must presumably be linked to the office of *pontifex maximus*. Nevertheless, he was *clarissimus* due to the bestowal of an extraordinary honour by the People and not because he had held this particular priestly office.

Apparently, in late third century Rome an individual's public fame and the assertion of his virtue were not contingent on religious affiliations or beliefs.⁸⁴ Moreover, the domain of religion, either in its civic forms or in its private manifestations, could be excluded entirely from the domain of societal communication. Its absence is all the more remarkable as Metellus' civic and domestic virtues are otherwise meticulously listed as warfare and civic oratory, military and civic office, public renown and domestic prosperity. It would be rash to suggest that this list represents a catalogue of *secular* virtues in an age of secularization, which began to differentiate secular from sacred domains. However, while Cicero's emphasis on the interrelation of political power and religious expertise suggests that sacred and civic domains remained interdependent, it seems nevertheless misleading to maintain on a *priori* grounds that religious communication was conceptually embedded in, and undifferentiated from, other aspects of life in

⁸⁴ Pliny *NH* 7,141; cf. Dion. Hal. *Ant. Rom.* 2,66,4. See CANKIK 1994, 357-8.

Republican Rome. On the contrary, the expression of the Roman élite's religious activity in the city-state was contingent upon the context of communication. Religious authority did not universally have a place in public communication at Rome. Metellus' *laudatio* was not exceptional in this respect. Livy's praise of Licinius Crassus Dives, the third plebeian *pontifex maximus* (212-183), probably echoes the original *laudatio funebris*:

*Is ... bello quoque bonus habitus ad cetera quibus nemo ea tempestate instructior civis habebatur congestis omnibus humanis ab natura fortunaque bonis. Nobilis idem ac dives erat; forma viribusque corporis excellibat; facundissimus habebatur, seu causa oranda seu in senatu et apud populum suadendi ac dissuadendi locus esset; iuris pontificii peritissimus; super haec bellicae quoque laudis consulatus compotem fecerat.*⁸⁵

Again there is no direct reference to Crassus' pontificate, but rather to his expertise in pontifical law. The preeminently public occasion of the commemoration of the dead strikingly omitted his priesthood. This dissociation of civic and religious roles is also found in Cicero's discussion of eminent Roman public orators: he mentions the eloquence, the consulship and the censorship of P. Scipio Nasica Corculum, but does not refer to Nasica's holding the office of *pontifex maximus* (*Brut.* 79).

To complete this sequence of plebeian pontiffs, the literary epitaph for P. Licinius Crassus Mucianus, the fourth plebeian *pontifex maximus* (132-30) indeed mentions his priestly office:

Is Crassus a Sempronio Asellione et plerisque aliis historiae Romanae scriptoribus traditur habuisse quinque rerum bonarum maxima et praecipua: quod esset ditissi-

⁸⁵ Livy 30,1,4-6. Priesthood: SZEMLER 1972, 105-7.

*mus, quod nobilissimus, quod eloquentissimus, quod iuris consultissimus, quod pontifex maximus.*⁸⁶

This example shows that under certain circumstances members of the élite would publicly document a priesthood.⁸⁷ But these are deliberate contextual choices. For instance, the famous inscription on the sarcophagus of P. Cornelius Scapula, dating to the second half of the fourth century, only gives the office of *pontifex maximus*, but omits any other honours. If this text refers to the consul of 328, the omission is significant. Presumably, the text should be understood as the assertion of superior status by a patrician family in the generation immediately preceding the Lex Ogulnia of 300, which opened the colleges of *pontifices* and *augures* to plebeian families.⁸⁸ Membership in the college of *Xviri sacris faciundis* is included in the *elogium* of Cn. Cornelius Cn. f. Scipio Hispanus, presumably dating to c. 130 (*ILLRP* 316). To the generations immediately preceding the Lex Domitia of 104/3, the issue of electing members of the major Roman priesthoods in the popular assemblies became part of public political controversy;⁸⁹ and priesthoods therefore could become expedient assets in aristocratic self-representation and political competition. It may have been this element of aristocratic ambition in the political arena which led to the inclusion of the office of *pontifex*

⁸⁶ Sempronius Asellio frg. 8 P ap. Gell. 1,13,10. Priesthood: SZEMLER 1972, 121-2.

⁸⁷ Cf. e.g. 'C. Memmius' (tr. pl. 111, *MRR* 3,141) ap. Sall. *Iug.* 31,10: (*nobiles*) *incedunt per ora vostra magnifici sacerdotia et consulatus pars triumphos suos ostentantes*.

⁸⁸ Text and commentary: PISANI SARTORIO & QUILICI GIGLI 1987-88, 259-60: P. Cornelio P. f. Scapola *pontifex maximus*. Date: BLANCK 1966-67; H. SOLIN, *Gnomon* 67 (1995), 613. Lex Ogulnia: HÖLKESKAMP 1988.

⁸⁹ Cf. NORTH 1990, esp. 535-9; below, 3.2.1.

maximus in the *laudatio* of Licinius Crassus. The situational expediency of advertising one's priesthood in élite competition explains why some members of the upper classes would sometimes want to refer to their priestly roles. Q. Cornificius mentioned his membership in the college of augurs, as that priestly office had been bestowed on him in 47 presumably due to Iulius Caesar's intervention (thus foreshadowing the custom of promoting the Roman nobility to priesthoods by imperial patronage).⁹⁰ By contrast, M. Porcius Cato the Elder, for whom a priesthood is not attested, did not think that civic priesthoods would necessarily matter in the public life of a Republican aristocrat:

*Cato primus Porciae gentis tres summas in homine res praestitisse existimatur, ut esset optimus orator optimus imperator optimus senator.*⁹¹

3.2 Cultural self-consciousness and Roman religion

The emphasis on the contextuality of choices rather than on any substantivist parameters does not entail that the creation of meaning in religious communication was haphazard. Yet, the model provided by the Geertzian cultural system of »common sense« is too imprecise to be truly capable of defining one particular input factor which would have determined

⁹⁰ *ILLRP* 439; *RAWSON* 1991, 272. For Cornificius' coinage of 42, showing him veiled and with the *lituus*, and carrying the legend *aug(ur et) imp(erator)*, which linked his augurate to his military victory in Africa, see *RRC* 1,518-9, no. 509 with the discussion by *FEARS* 1975; *RAWSON* 1991, 281-6.

⁹¹ Pliny *NH* 7,100. Cf. Cic. *De or.* 3,135; Livy 39,40,5-6; Corn. Nepos Cato 3,1; Quint. 12,11,23. No priesthood attested: Cic. *Cato mai.* 64 (*in vestro collegio*) with J. G. F. *POWELL* *ad loc.*; contra (wrongly) *MRR* 3,170.

religion at Rome or which could be categorized under the rubric of »Romanness« in a socio-political or cultural sense. As I suggested above, this result is not surprising. For we are not dealing with a closed system characterized by a linear process of one particular input, which for us could determine the ›meaning of Roman religion‹. Rather, the religious system at Rome was open in that its output was determined by *different* forms of input. It is important to note that the religious system itself, rather than a determinant socio-political or cultural identity situated at an ideological level, regulated and processed the input.⁹²

This is not to deny the input which the religious system received from an area which was generated by individual or communal identification with the Roman city-state. Rome's military and political supremacy in the Mediterranean world from the third century onwards and the roughly contemporary formation of a conscious discourse about her cultural past appear to be parallel processes. As mentioned above, the emergence of Latin literature toward the end of the third and the beginning of the second century can be understood as a process in the course of which a conscious attempt was made to create a national cultural tradition. In what was a corollary process, Roman literature from Fabius Pictor onwards provided an ethnographic inquiry into the origins and different meanings of Roman social and religious custom. To the historian of Roman Republican religion, the production of a Roman cultural consciousness with regard to the reli-

⁹² See above, 2.7.4.

gious system is mainly visible in these literary accounts of the second and first centuries.⁹³

However, their epistemological status as a source of direct evidence about Roman religion is compromised, once we realize that the logical organization and classification of the religious data is constrained by the literary sources' ulterior motive of creating a programme of cultural identification. It is therefore methodologically advisable to assume that they did not necessarily provide an undistorted picture of religion in society as a whole. It is a commonplace that in Roman society, as in many traditional societies (and in European society prior to the eighteenth century), the literary reflection on religion was, due to the extremely low degree of literacy, an élite privilege, and that its products were tailored to the cultural expectations and needs of that very élite.⁹⁴ When describing the place of élite literacy in Roman society, the received distinction between the »great tradition« of popular culture and the »little tradition« of upper-class culture is a useful heuristic device. This distinction enables us to conceptualize the relationship of the »great tradition« of religious behaviour in Roman society as a whole and the »little tradition« of élite thought about the cultural meaning of reli-

⁹³ RAWSON 1991, 80-1 outlines the creation of a »new consciousness of the Roman religious tradition« among members of the political élite after the Second Punic War.

⁹⁴ Cf. PHILLIPS 1986, 2690-1. Literacy: HARRIS 1989, 149-267, esp. 248-67.

gion as presented in the literary sources: this relationship need by no means have been characterized by homology.⁹⁵

Moreover, the little tradition of *élite* discourse itself created a multitude of different, and often incompatible, explanations of Roman religion rather than one coherent and meaningful system of *élite* culture. Its precarious status as a literary cultural form implied that it was incapable of providing a cultural system that could have been constitutive for Roman society as a whole. Rather, its relation to the great tradition of societal religious behaviour must be described in terms of the coexistence of differentiated and autonomous areas of cultural production. Roman culture itself was not a monolithic entity with clearly defined boundaries, but a fluid system of different realms of cultural activity, which escapes a substantivist definition as to what its identity was.⁹⁶ And it is far from self-evident that the Republican *élites*, with their contempt for the other strata of Roman society, would have had an interest in consistently imposing their little tradition on society at large.⁹⁷ In what I have described as a communicative field which abounded with different interpretations, »Roman religious culture« was not one stable entity, and its meaning was constantly under-determined. In that field, literary

⁹⁵ Cf. LUHMANN 1980-89, 3,275, with further literature, on that distinction. Other genres of literary production such as drama *did* become part of popular culture by transcending the limits of literacy; cf. GRUEN 1990, 79-157; *Id.* 1992, 183-222; RAWSON 1991, 468-87.

⁹⁶ BÜHL 1987, 66-87 and SHENNAN 1994 provide useful theoretical discussions of the complex issue of »cultural identity«.

⁹⁷ Cf. PHILLIPS 1991b, 263.

assessments of a Roman religious identity could not become determinative of religion as a whole.

3.2.1 *Omnis populi Romani religio*

As it is the little tradition that preserves the linguistic expressions of the élite's identification with its religious culture, the following discussion is primarily concerned with that realm. When outlining the organization of civic cult at Rome, Aurelius Cotta (the persona of Cicero's *De natura deorum*) divides public religion into the provinces of pontiffs, augurs and *quindecimviri* (adding the *haruspices* to the latter) whose respective responsibility lies with *sacra*, *auspicia* and advice on procuration of prodigies. This tripartite scheme is topical: according to Rome's literary tradition, the proper functioning of these three areas guaranteed the flourishing of the city-state since time immemorial. They constituted *omnis populi Romani religio*:

*sed cum de religione agitur, Ti. Coruncanium P. Scipionem P. Scaevolam pontifices maximos ... sequor, habeoque C. Laelium augurem eundemque sapientem quem potius audiam dicentem de religione in illa oratione nobili quam quemquam principem Stoicorum. Cumque omnis populi Romani religio in sacra et in auspicia divisa sit, tertium adiunctum sit si quid praedictionis causa ex portentis et monstris Sibyllae interpretes haruspicesve monuerunt, harum ego religionum nullam contemnendam putavi mihique ita persuasi, Romulum Romulum auspiciis Numam sacris constitutis fundamenta iecisse nostrae civitatis quae numquam profecto sine summa placatione deorum immortalium tanta esse potuisset.*⁹⁸

⁹⁸ Cic. ND 3,5. The tripartite scheme of pontiffs, augurs and *XVviri* and their respective responsibilities is, for instance, also employed in Cic. Har. Resp. 18; Leg. 2,20, 2,30; Varro RD frg. 4 Cardauns.

But how much influence did this little tradition exert on the great tradition of religious behaviour at Rome? The Ciceronian definition of *omnis populi Romani religio* follows immediately after Cotta's reference to the authority of three eminent pontiffs and one augur as regards *religio* - a strategy which allows Cotta to defend his Academic scepticism in philosophy.⁹⁹ The three pontiffs listed by Cotta were all influential in the development of Roman *ius civile*. Ti. Coruncanius (cos 280) was the first to lecture in public on civil law and to issue *memorabilia* and *responsa* on both sacred and civil legal matters under his own name rather than on behalf of the pontifical college. Like Coruncanius and the second pontiff of Cotta's list, P. Cornelius Scipio Nasica Corculum (cos 162 and 153, pont. max. from 150), Publius Mucius Scaevola (cos 133, pont. max. from 130) gave legal *responsa* to the public. He was also the author of ten books *De iure civili*.¹⁰⁰ In the passage cited, however, Cotta refers to their authority in pontifical law, not to *ius civile*; elsewhere Cicero stressed the incompatibility of these two domains of legal science and suggested that the pontiffs ought to be followed in matters of sacred but not necessarily in those of civil law.¹⁰¹

It is pontifical law which links these three pontiffs to C. Laelius. Cotta explicitly alludes to Laelius' speech *De collegiis* of 145, which defeated C. Crassus' proposal that

⁹⁹ See above, 2.8.1.

¹⁰⁰ Cf. WIEACKER 1988, 531-51; O. BEHREND, *ZSS* 107 (1990), 587-99. The historical Aurelius Cotta (cos 75), too, had legal knowledge: Cic. *De orat.* 1,25, 3,31, *Brut.* 183, 201-4; Asconius 14 C.

¹⁰¹ *Leg.* 2,46-53.

all members of the priestly colleges (which I take to be the pontiffs, augurs and *decemviri*) should be elected through the *comitia*.¹⁰² In that speech, Laelius appears to have defended the *status quo* by stressing the traditionalism of civic religion in Rome, and not only dealt with the election of priestly colleges but also discussed proper worship of the gods as laid down by pontifical law, *mos maiorum* and the regulations of Numa.¹⁰³

As noted before, the definition of the phrase *omnis populi Romani religio* employs a tripartite structure, which divides civic religion into the responsibilities of pontiffs, augurs and *XVviri*. This structural principle of classifying civic religion at once points to a literary tradition of systematization as a possible source for both that phrase and its underlying tripartite structure of division. Given Cotta's reference in *De natura deorum* to pontifical law, it is very plausible that it was legal prose which provided such systematization.¹⁰⁴ Furthermore, Cotta's referen-

¹⁰² Although no ancient source lists the colleges associated with C. Crassus' proposal or the Lex Domitia of 104, references to *quattuor amplissima collegia* do not pre-date the Augustan period: e.g. Augustus *RG* 9,1; cf. *ibid.* 7,3. By way of contrast, Republican writers like Cicero routinely employ a tripartite structure listing the pontiffs, augurs and *XVviri*. I am therefore sceptical as to whether one should include the *VIIviri epulones*. Contra MOMMSEN 1887, 2,29³; LATTE 1960, 395-6; SCHEID 1985, 68; BEARD 1990, 44⁶⁹.

¹⁰³ Cic. *ND* 3,43: ... *meliora me didicisse de colendis diis immortalibus iure pontificio et more maiorum capedunculis his quas Numa nobis reliquit, de quibus in illa aureola oratiuncula dicit Laelius*; RAWSON 1991, 82-5. The speech was still read in Cicero's time: *Rep.* 6,2,2.

¹⁰⁴ BEARD 1990, 44-5 and RAWSON 1991, 339-46 discuss the issue of classification (the latter with regard to Latin legal prose); both treat that issue as a phenomenon new to the first century and therefore fail to link it to the much earlier systematization of Roman law from the third century. Cotta's deference to the authority of

ce to the authority of the three *pontifices maximi* suggests that he uses the phrase *omnis populi Romani religio* as it was defined and employed in pontifical law. Moreover, the extent to which Laelius's speech, which used the traditionalism of the organization of civic religion, is used in Cotta's argumentation in the third book of *De natura deorum* lends some probability to the thesis that Cicero found both *omnis populi Romani religio* and its underlying tripartite structure in that speech.

This is not to deny that such systematization could not have reflected nor influenced the great tradition of religious behaviour at Rome. However, as a product of the systematic classification of the religious data through legal texts, and through sacred law in particular, *omnis populi Romani religio* appears to us as part of the little tradition of élite discourse about the interrelation of the political organization of Rome and its upper class religious functionaries. This position, which by implication postulates a centralized system of religious life at Rome, can be acceptable only to those scholars who subscribe to the homology of religion and politics in Republican Rome. Above all, it is noteworthy how rare this phrase is. In the only other explicit instance in Republican or Early Imperial Latin literature that I have been able to find, *contra populi Romani religionem et fidem*, the phrase is significantly altered,

Roman priests as regards religious matters, rather than to the Stoic philosophers, in Cic. *ND* 3,5 conceals the fact that the systematization of sacred law was indebted to Hellenistic, and particularly Stoic, logic.

and its meaning has become different.¹⁰⁵ There is therefore little justification in treating *omnis populi Romani religio* as if it provided a disinterested ›description‹ of Roman religion. The religious system at Rome was not a monolithic entity, and *omnis populi Romani religio*, while representing the interests of the little tradition, may fall short of adequately describing anything but those interests.

3.2.2 ›*Romanus ritus*‹ and related concepts

This is not to say that a conscious feeling of cultural distinctiveness did not exist in the great tradition, or that the great tradition's adaptation to cultural change in Roman society in the second and first centuries was unaccompanied by a feeling of irritation about foreignness. The allusion to this feeling is a recurring theme of Roman comedy in the second century: the derision of *alienus mos* is at least as old as the comic tradition at Rome. This comes close to the little tradition's category of *cultus Romanus*, ›the Roman way of doing things‹, which provided a normative account of Roman, as distinguished from foreign, cultural behaviour.¹⁰⁶

However, the question here is whether the little tradition's assertion of a Roman cultural identity through the

¹⁰⁵ Cic. *Balb.* 10, a tendentious ›comparison‹ of traditional Roman (i.e. pagan) religious custom with the religious behaviour of the Jews. At Livy 42,47,7, a corrupt passage, there is no reason to read *religionis ... Romanae* with J. Vahlen. On *religio*, see further below, 3.3.

¹⁰⁶ Comedy: E.g. Plaut. *Per.* 212; Ter. *Andr.* 152. GRUEN 1990, 124-57 places such passages in the context of the emergence of a Roman national literature in the second century. *Cultus Romanus* as ›Roman custom‹: Pliny *NH* 28,18,6; Tac. *Ann.* 6,32,2; Suet. *Div. Iul.* 24,2; Gell. 10,23,1 (all of imperial date).

category of *cultus Romanus* could consistently determine religious activity. In other words, whereas religious activity may have been accompanied by the assertion of a Roman cultural identity in the little tradition, that mere assertion is not sufficient proof that religious activity was informed by such a criterion. As I suggested above, the search for a link between religious activity and a Roman religious identity is misleading, since the Roman religious culture which the little tradition tried to identify was not a monolithic entity with pre-defined boundaries. As a consequence, native communication, both in the little and the in great tradition, can provide only a relative approximation to the Roman religious system. Scholars often rely on the normative assertions of the little tradition in particular when attempting to determine what the Romans' religious identity was, but such reliance is unwarranted.

The problematic status of several of these assertions will be the subject of the following pages. Consider *patrius ritus*. *Ritus* is akin to *mos* or *lex* and denotes what is customary in religious behaviour.¹⁰⁷ Under the Republic, *patrius ritus* is used in a normative rather than in a descriptive sense and seems to be limited to literature. In *De legibus*, Cicero construed a religion which adhered to ancestral religious custom, the *patrii ritus*. Like Varro, he believed that the best customs were those of the most distant past.¹⁰⁸ Livy saw one reason for the decline of the res

¹⁰⁷ Cf. Livy 24,3,12 *ritus mores legesque*; 29,1,24 *mores ritusque*; DURAND & SCHEID 1994.

¹⁰⁸ *Leg.* 2,27: *quoniam antiquitas proxime accedit ad deos. Patrii ritus: ibid.* 2,19, 22-3, 27, 40. On Varro, see above, 2.4.

publica in the neglect of these traditional religious values. The contamination of ancestral religious custom by foreign rites is one of his hidden *leitmotifs*: the acceptance of *alieni ritus, mores legesque* was a phenomenon of the social and political insecurity of the Second Punic War (24,3,12), just as the Bacchanalian affair of 186 led to the abandonment of *patrii mores ritusque* (39,16,10).¹⁰⁹ We can also trace this moralistic stereotype in the politicized discourses that were inextricably linked to the parameters of élite communication. This stereotype can be found as early as the second century, when Cato the Elder idealized the *mos maiorum* of the past and criticized the decline of moral values among fellow-members of the political élite;¹¹⁰ or when Plautine comedy, through its mock-heroic inversion of this stereotype, parodied the idolization of the *veteres* as well as its underlying discourse about moral decline.¹¹¹

The Roman élite's emphasis on *mos maiorum* and *patrius ritus* forms a sharp contrast to the limited importance which Athenian public oratory attached to the *πάτριος νόμος*. To be sure, appeals to the authority of one's ancestors were made in the Athenian lawcourts, and the *πάτριοι νόμοι* could be

¹⁰⁹ Cf. Livy 1,20,6: *ne quid divini iuris neglegendo patrios ritus peregrinosque adsciscendo turbaretur*; 1,31,3, 35,5; 5,52,9; 25,1,7; 29,1,24.

¹¹⁰ E.g. frg. 235 Malcovati⁴ ap. Cic. *Off.* 3,104: *maiores nostri esse voluerunt*; cf. frgs 18, 58, 144 Malcovati⁴. For the Late Republican élite discoursing about moral decline, see in general LIND 1979, esp. 48-56; HAMPL 1980.

¹¹¹ E.g. Plaut. *Trin.* 1028-9 (put in the mouth of a slave); W. S. ANDERSON 1979; SEGAL 1987, 70-98; GRUEN 1990, 141-4. Cf. GIZEWSKI 1989 on the juxtaposition of the conflicting moral value systems of Cato the Elder on the one hand and comedy on the other in second century Roman society.

invoked when legitimizing policies in the civic assemblies. Yet, in Classical Athens socio-political authority was routinely reinforced by reference to the authority of the Athenian δῆμος rather than by calling upon the normativity of past achievements of a collective or of individuals.¹¹² This principle precluded the prominent instrumentalization of ancestors, which we find in Rome. There, the glorification of the *mos maiorum* was but the corollary of a system of élite competition in which the public display of their ancestors brought social and political power to members of the aristocracy.¹¹³ Since the individual aristocrat's use of his ancestors made sense only if the authority of ancestral tradition as such remained accepted, élite discourse was in constant need of re-creating the kind of normativity which we find attributed to ancestral moral and religious custom in the little tradition. However, while that need may explain the élite's interest in emphasizing the normativity of ancestral religious tradition, it does not prove that the little tradition's assertion of the authority of the *patrius ritus* could determine the religious outlook of the great tradition. If that had been the case, the little tradition's complaints about moral and religious decline would have been superfluous.

As regards *Romanus* and *Graecus ritus*, the distinction between great and little tradition for once does not seem to matter. For it is commonplace that Roman sacrifices were performed *Romano ritu*, that is with one's head veiled,

¹¹² Cf. JOST 1936; OBER 1989, 181-2.

¹¹³ ROLOFF 1938; FLOWER 1996, 60-90.

whereas the *Graecus ritus* entailed sacrificing *capite aperto*.¹¹⁴ Sacrificial reliefs in Rome or Italy and, in the imperial period, throughout the Empire show Republican magistrates or the emperor undertaking sacrifices *capite velato*. These scenes arguably display a paradigmatic religious behaviour as regarded Roman sacrifice in the civic domain.¹¹⁵ Yet, this is not to say that one could classify Roman religion simply according to the category of sacrificing *Romano ritu*, since there were a number of >Roman< deities, such as Honos or Saturnus, to whom sacrifice was explicitly made with one's head unveiled.¹¹⁶

On the other hand, sacrifices like the one described by the Elder Cato or the sacrificial sequence in the acts of the Arval Brothers followed a distinct grammar of prescribed actions and linguistic utterances which allowed Dionysius of Halicarnassus, writing in the Augustan period, to undertake a detailed comparison of the differences between Greek and Roman sacrificial practices.¹¹⁷ However, a descriptive comparison is not the same as a normative account of Roman religion which employs *Romanus ritus* in an explicitly categorical sense. To Varro, the meaning of *Romanus ritus* was not restricted to particular sacrificial or ritual practices. He

¹¹⁴ *Romanus ritus*: Varro LL 5,130; FREIER 1963. Cf. Cato *Orig. frg.* 18 Chassignet: *incincti ritu Sabino, id est togae parte caput velati*, preferred to the mss. variant *ritu Gabino* by A. RUMPF, *Kleiner Pauly* 1 (1975), 1190-1.

¹¹⁵ By way of contrast, military commanders sacrificed *capite aperto*. I owe this information to Dr Valerie Huet who is about to publish a collection of sacrificial reliefs in Roman Italy. For a preliminary visual illustration, see TURCAN 1988, 2, nos 66 and 68.

¹¹⁶ Cf. LATTE 1960, 214⁴.

¹¹⁷ Dion. Hal. *Ant. Rom.* 7,72,15-8. Cf. Cato *Agric.* 134, analysed by CANCIK 1994, 389-94; PHILLIPS 1997. See further above, 2.7.2.

wrote normative theology in the little tradition when linking the well-being of Rome to the performance of all religious ritual *Romano ritu*, as if an undiluted system of true Roman religion could be reconstructed from antiquarian research.¹¹⁸

The phrase *sacra publica populi Romani* is epigraphically attested in Late Republican and Augustan Rome. With reference to the duties of Vestals and Rex sacrorum, it is employed to circumscribe religion's civic organization in Rome in the purely administrative context of Late Republican city administration.¹¹⁹ And two colleges of musicians providing the accompaniment for religious rituals refer to *sacra publica* in the course of their public self-representation. These Roman cult functionaries defined themselves through the involvement in the maintenance of the city's religious infrastructure as organized by the civic authorities rather than through specifically Roman deities or rites.¹²⁰ This technical meaning underlies the legal distinction between the two distinct domains of the *sacra publica* of the Roman People as a whole (as represented by the city's authorities)

¹¹⁸ RD frgs 49-50 Cardauns: *nostro ritu sunt facienda civi libentius quam Graeco castu*. (50) *Et religiones et castus id possunt, ut ex periculo eripiant nostro*. For *nostro ritu*, cf. Varro *Log. Catus* frg. 35 Mueller ap. Nonius 494 L. *Castus* is often, albeit not exclusively, used in conjunction with Greek cults: FUGIER 1963, 24ff.

¹¹⁹ Tabula Heracleensis (RS no. 24), line 62: *sacrorum publicorum p(opuli) R(omani) caussa*; cf. Livy 34,1,3.

¹²⁰ CIL 6,2193 *dis manibus collegio symphoniacorum qui s(acris) p(ublicis) p(raesto) s(unt)*; ILLRP 185: ... *c[ollegiei] teib(icinum) Rom(anorum) qui s(acris) p(ublicis) p(raesto) s(unt)*. See further below, 4.1.2.

and the *sacra privata* of families or individuals.¹²¹ By way of contrast, the phrase *Romana sacra*, introducing ethnic terminology, is used exclusively in the little tradition of élite discourse to provide a normative account of the religious customs of the *populus Romanus* as a whole.¹²² This evaluative use contrasts with that of *Graeca sacra*, which appear to have signified one specific cult at Rome, that of Ceres.¹²³ Later writers use *sacra Romana* in the same generalized way when referring to a collective body of Roman rites. Normally, a specification of what is ›Roman‹ about these rituals is not offered. It is no doubt due to this imprecision that *sacra Romana*, unlike the concrete and non-evaluative phrase *sacra populi Romani*, is only infrequently found in literature before the fourth century CE.¹²⁴

The evaluative meaning of *Romana sacra* in Livy's work forms a stark contrast to the merely descriptive use of *sacra publica* or *sacra populi Romani* in the epigraphic record or in the distinction between civic and private cults. As regards *Romanus ritus*, it is hard to assess to what extent its conscious creation as a normative category in the little tradition caused a revaluation of religious behaviour in the

¹²¹ E.g. Cic. *Har. Resp.* 14: *sacra religionesque et privatas et publicas*; *Leg.* 2,20, 2,22; Livy 1,20,6, 5,52,4; Asconius 21 C; Dion. Hal. *Ant. Rom.* 2,65,1; WISSOWA 1912, 380-408; DUMÉZIL 1970, 553-75; CANCIK 1994, 377-81; below, 4.1.1, 4.2.1 and 4.2.2.

¹²² Cf. Livy 1,31,3 (in opposition to the *sacra Albana* which had been abandoned); 5,40,10; 5,50,3; 7,20,7 (all referring to the *sacra* housed in Caere, the *sacrarium populi Romani*, during the Gallic invasion). For once, Livy is more specific when narrating the Sibylline Books' prescription of human sacrifice after the defeat at Cannae: *minime Romano sacro* (22,57,6).

¹²³ Cic. *Leg.* 2,21; Paulus 86 L.

¹²⁴ E.g. Varro *ap. Gell.* 3,2,8; Pliny *NH* 28,39,5. For fourth century instances, see below, 3.3.

great tradition. A similar problem applies to *Graecus ritus* and to *peregrina sacra*. *Graecus ritus* first appears in Cato the Elder. It is normally assumed that the fragment concerned belongs to the oration in which Cato, in his censorship, justified the decision to deprive L. Veturius of his horse at the *recognitio* (which amounted to the latter's expulsion from the equestrian *ordo*). Apart from charging Veturius with moral debauchery, Cato apparently denounced him for negligence in matters of family cult; he highlighted the sanctity of religious ritual as a foil for Veturius' irresponsible behaviour.¹²⁵ In this rhetorical context, Cato must have regarded *Graecus ritus* as an integral part of Roman religious culture, rather than emphasizing any foreignness. John Scheid has suggested that the concept of *Graecus ritus* was a secondary classification of the origins of some elements of Roman religion. According to Scheid, it was invented when Rome created her cultural consciousness at the beginning of the second century. *Graecus ritus* signified a »typically Roman way of honouring the gods«; it was an attempt to explain with reference to Rome as an open city why its religion was a synthesis of Roman, Hellenic and foreign traditions. As Scheid has again reminded us, the category of *Graecus ritus* was applied to some of those elements of religion that, in religious practice, were hybrids: the Roman consultation of the »Greek« *libri Sibyllini*, the Roman cel-

¹²⁵ Orat. frg. 77 Malcovati⁴: *Graeco ritu fiebantur Saturnalia*. Cf. frg. 72: *quod tu, quod in te fuit, sacra stata sollempnia capite sancta deseruisti*. For further discussion of the latter fragment, see below, 4.1.4. For the Saturnalia, see LATTE 1960, 254-5. Cf. RAWSON 1991, 80-101 who discusses what she sees as a renewed élite interest in ancestral religion during the mid second century.

celebration of the ›Greek‹ *lectisternia* and *supplicationes*, or of the *Ludi saeculares*, whose programme juxtaposed Roman and Greek religious elements.¹²⁶

The category of *peregrina sacra* displays a similar pattern. In the Augustan period, it was defined as comprising those cults

quae aut evocatis dis in oppugnandis urbibus Romam sunt coacta, aut quae ob quasdam religiones per pacem sunt petita, ut ex Phrygia Matris magnae, ex Graecia Cereris, <ex> Epidauro Aesculapi, quae coluntur eorum more a quibus sunt accepta.

The Mater magna had her Phrygian clergy brought from the East, the cult personnel of Aesculapius on the Isola Tiberina included Greek priests, and that of Ceres consisted of Greek priestesses from Velia and Naples. Rituals were performed in Greek.¹²⁷ However, the Mater magna, the former Cybele, received a Roman cult name; and sacrifices to the goddess were made by the urban praetor on behalf of the state ἀνὰ πᾶν ἔτος and κατὰ τοὺς ῥωμαίων νόμους.¹²⁸ The ›Greek‹ cult of Ceres was a recent addition to the deity's ancient Roman cult (documented by the existence of a *flamen Cereris*). But even the first priestess was granted Roman citizenship, whereas later religious functionaries were the daughters of Roman citizens.¹²⁹ These instances of *peregrina sacra* do not document any particular foreignness, but de-

¹²⁶ SCHEID 1998. I am grateful to the author for allowing me to see this article prior to its publication. On the openness of the city of Rome, see above, 3.1.1.

¹²⁷ Mater magna: Dion. Hal. Ant. Rom. 2,19,4-5. Aesculapius and Ceres: Cic. Balb. 55; Dion. Hal. Ant. Rom. 6,17,2; Val. Max. 1,1,1; Pliny NH 35,154; Festus 86 and 268 L; LE BONNIEC 1958, 379-400.

¹²⁸ Dion. Hal. Ant. Rom. 2,19,4-5, 52,19. See further above, 3.1.2.

¹²⁹ ILLRP 61; ILS 3343; cf. Cic. Balb. 55.

monstrate that these cults were acknowledged hybrids characteristic of a synthetic religious culture.

Although I am in general agreement with Scheid, I think one ought to date the cultural process through which such conscious classifications were first introduced to the third rather than to the second century, as he does; and unlike Scheid, I believe that the little tradition involved in that process was redefining the boundaries of religion at Rome rather than simply affirming its openness.¹³⁰ Above all, it is important to stress that when we encounter a phraseology which provides us with categories for pigeonholing Roman religion it is through the little tradition of élite writing. Unfortunately, it is hard to assess to what extent such classifications in the little tradition determined the religious system at Rome. However, whereas to many scholars it may be a matter of convenience to apply *Graecus ritus* or *Romanus ritus* when categorizing the entirety of Roman religion,¹³¹ I would suggest that it is problematic to invest these categories with more significance than they originally had. They were artificial classifications of the religious data in the little tradition, which could be superimposed to provide exegesis and theological speculation. This tendency is most clearly expressed in the acts of the Augustan and the Severan Secular Games of 17 BCE and 204 CE respectively. In the acts of the Augustan Ludi, carefully composed under the auspices of the emperor and the XVviri, Roman sacrifi-

¹³⁰ See above, 3.1.1.

¹³¹ E.g. KIRSOPP LAKE 1937; GAGÉ 1960, *passim*; LATTE 1960, 242-63; DUMÉZIL 1970, 567-70; GRUEN 1992, 228-9; CANKIK 1994, 351-2.

cial terminology (*immolare*) is juxtaposed with the prescription to conduct the sacrifice of the victim *Achivo ritu*. The Severan acts adopt this juxtaposition, but link Roman terminology (*immolatio*) to a classification which is linguistically over-determined (*Graecus Achivus ritus*). These acts represent a self-conscious theological re-creation of the tradition of the Secular Games.¹³²

For instance, the *X(V)viri* were said to perform religious rites in accord with the *Graecus ritus*.¹³³ As regards their function in the civic religious system, however, that description is misleading: technically speaking, the *X(V)viri* were in charge of the Sibylline Books and therefore involved only in those cults and rituals that resulted from the college's interpretation of the Sibylline verses.¹³⁴ In the imperial period, the *XVviri*'s supervision of the cult of Mater magna in Italy and Rome is attested. Since many other cults were transferred to Rome from Magna Graecia which were not supervised by that priestly college, it is unlikely that quindecimviral authority over cults resulted from the category of *Graecus ritus*. Rather, the college's link with the cult of Mater magna resulted from the fact that the goddess

¹³² PIGHI 1965, 113-4, 90-1 and 155-6, iv, lines 4ff., cited by SCHEID 1998. On the inventiveness of the >theology< of these acts, see CANCIK 1996, 100-3, 109-10.

¹³³ Varro LL 7,88: *et nos dicimus XVviros Graeco ritu sacra, non Romano facere*; Livy 1,7,3, 25,12,10-3; PIGHI 1965, 125.

¹³⁴ Cf. Cic. Leg. 2,20 *alterum* [sc. *genus publicorum sacerdotum*] *quod interpretetur fatidicorum et vatium ecclata incognita quorum senatus populusque asciverit*; DIELS 1890, *passim*; RADKE 1959, esp. 217-8; Id. 1980, 119-20.

had been brought to Rome after consultation of the *libri Sibyllini*.¹³⁵

The religious rituals which the *X(V)viri* recommended after consultation of these Greek books often employed Roman rather than Greek ritual means of procuration. Moreover, from the third century ›Greek‹ *supplicationes* were proposed not only by the *X(V)viri* after consulting the Sibylline Books but also by the pontiffs or the *haruspices*. Yet, ultimately the Roman Senate was in charge of ordering supplications to take place.¹³⁶ As one would expect from a synthetic religion, the organized system of religious reality constantly blurred the categorical distinctions that the little tradition made. Therefore, *Graecus ritus* can be understood as a native exegetical category which explained religious behaviour in Republican Rome. As a distinct descriptive category of Roman religion, it is unhelpful.

3.3 *Excursus: ›Romana religio‹*

The function of the following excursus, which makes no claim to comprehensiveness, is to suggest that the peculiar relationship of the great and the little tradition in Late Republican and, for that matter, Imperial Rome can be better understood when it is compared with the period of conflict between paganism and Christianity in the later third and

¹³⁵ Cf. BENDLIN 1997, 52 for the imperial supervision of the cult of Mater magna by the *XVviri*.

¹³⁶ *Ex decreto pontificum*: Livy 27,4,15; 37,4; 39,22,4. *Ex haruspicum responso*: Livy 32,1,14; 41,13,3. Cf. LATTE 1960, 245-6; DUMÉZIL 1970, 569.

fourth centuries CE. For it is toward the end of that period that a *direct and immediate* influence of normative categories of Roman religion on the pagan great tradition can be observed. A discussion of the phrase *Romana religio* will help to demonstrate that point. That phrase has often been thought to represent a Latin equivalent to the modern notion of 'Roman religion'; as we have seen, that assumption rests on spurious grounds.¹³⁷ Judging from the available evidence, the exact phrase *Romana religio* does not occur prior to the very end of the second century CE; and the qualification of *religio* by the addition of an adjective connoting ethnic affiliations is a new development.¹³⁸ This is one reason why it is methodically misleading to take *religio Romana* as a descriptive denomination for the Roman religious system.¹³⁹ It is first used by the Christian Tertullian in the allegedly legal phrase *crimen laesae Romanae religionis*, which is built on and imitates the legal charge of *crimen laesae maiestatis*. Tertullian's legal phraseology insinuates that the Roman authorities charged Christians on a systematic basis for their neglect of Roman religious cult activities:

¹³⁷ See above, 1.1.

¹³⁸ Contrast the various uses of *religio* in e.g. Cic. Rep. 1,23: *perturbare exercitum nostrum religione et metu*; Livy 42,3,1-11: *obstringere religione populum Romanum* ('religious scruples'). *Religio*, as *cultus deorum*, is not limited to the Romans: e.g. Cic. ND 2,8; Div. 1,93 and 96, whereas *communis religio* (Cic. Div. 2,28) is once employed when justifying cult practice as politically expedient. For *religio sepulcrorum* and *religio privata* denoting private cult at the tomb, see Cic. Leg. 2,55-8; below, 4.2.1.

¹³⁹ E.g. KOEP 1962, 46: »In jener Zeit, da das Christentum dem römischen Reich und damit der offiziellen *religio Romana* begegnet, sind *religio* ... und *ritus* engstens miteinander verbunden, wenn nicht nahezu identisch: die *religio Romana* äußert sich in ihren Riten, in ihren Zeremonien«; WLOSOK 1970. For further critique, see FEIL 1986, 77-82.

*Omnis ista confessio illorum, qua se deos negant esse quaque non alium deum respondent praeter unum, cui nos mancipamur, satis idonea est ad depellendum crimen laesae maxime Romanae religionis. Si enim non sunt dei pro certo, nec religio pro certo est; si religio non est, quia nec dei, pro certo, nec nos pro certo rei sumus laesae religionis.*¹⁴⁰

If this claim were true, a strong case could be made for a systematic Roman religious policy in the Roman Empire, which inflicted capital punishment on Christians for disobedience to a clearly defined system of Roman religious activity.¹⁴¹

The problem with such a claim is that there existed no legal body of regulations to that effect, just as a comprehensive persecution of Christians did not occur until the mid third century. Prior to that period, the suppression of Christians was motivated by socio-political considerations which occurred mainly at the level of local communities. Roman officials, when persecuting Christians, would merely respond to local popular pressure, which was channelled into short-lived pogroms and thus provided an outlet for communal pagan unrest.¹⁴² Therefore, no supposed Roman religious policy can be reconstructed on the basis of Tertullian's remark. His pseudo-legalistic phraseology must rather be explained by the striving for rhetorical effect.¹⁴³ What some scholars since Mommsen have unwittingly accepted as an expression of legal authenticity, is a contextual phrase in-

¹⁴⁰ *Apol.* 24,1.

¹⁴¹ Cf. MOMMSEN 1907, 394-416, at 395: »... eine strengere [Auffassung der *maiestas populi Romani*] ..., welche auch die Verletzung der *dii populi Romani* auffasste als Beleidigung der herrschenden Nation und die Anwendung der Capitalstrafe also auch hier erforderte.«

¹⁴² Cf. STE CROIX 1974; MOLTHAGEN 1991, esp. 42-3, 73-5; NIPPEL 1995, 107-8. Cf. PHILLIPS 1991b, 268-9, for the absence of exact legislation that could have dealt with any kind of »unsanctioned religious activity«.

¹⁴³ Cf. RIVES 1995, 243-4.

vented in order to juxtapose the *Romana religio* and the *vera religio veri dei* of the Christians, and to turn back on pagans the charge of atheism by construing the dichotomy of *crimen laesae Romanae religionis* and the *verum crimen verae irreligiositatis*: in Rome, any god could be worshipped - except the one true god.¹⁴⁴

Further on in the same chapter, Tertullian defines *Romana religio* as the worship of the deities of the city of Rome (*Apol.* 24,8). Whereas other peoples throughout the Roman Empire were permitted to worship their own gods, that right was denied to Christians, who were instead forced to worship the gods of the Romans.¹⁴⁵ Above, Tertullian portrayed Rome as the exponent of paganism capable of incorporating any national deity except the Christian god. Now, Tertullian expanded that argument through the metaphor of ethnic affiliation: the various pagan *nationes* throughout the Roman Empire followed their ethnic beliefs and worshipped their native gods. Why then should the Christians not be permitted to follow their belief and worship their god? This argument comes close to defining Christianity in terms of ethnicity (*Apol.* 24,7-9). Moreover, it accords with the use of ethnic phraseology in the Christian apologists in general: ethnic terms for pagans such as *gentes* or *nationes* were employed prior to the non-ethnic term *paganus*, and Christian authors used the denomination *Christiana gens* for themselves.¹⁴⁶

¹⁴⁴ *Apol.* 24,1-2; cf. *ibid* 24,10.

¹⁴⁵ *Apol.* 24,9: *sed nos soli arcemur a religionis proprietate. laedimus Romanos nec Romani habemur, quia non Romanorum deum colimus.*

¹⁴⁶ E.g. Arnob. *Adv. Nat.* 1,1; FREDOUILLE 1986.

Tertullian's phrase *Romana religio* must be understood as a conscious invention in the context of the definition of religious affiliations in terms of ethnic affiliations. Once Christianity had been defined in ethnic terms in opposition to pagan national religions, an alleged Roman ethnicity became the prime target of the apologists. For in their teleological scheme, it was Rome, the fifth and last of the worldly empires - and its national religion - which while resisting the Christians' missionary zeal would ultimately be replaced by the *civitas dei*.¹⁴⁷ Yet, ethnicity, as we have seen, is an unsuitable category for defining pagan religious affiliations. The notion of *Romana religio* therefore fails to provide a common ground that would have been shared by Roman pagans and Christians in the second century.

The phrase *Romana religio* reappears in the martyr-acts of Cyprian.¹⁴⁸ Summoned before the proconsul Paternus at Carthage on 30 August 257, Cyprian was ordered to *recognoscere Romanas caerimonias*, for *qui non Romanam religionem colunt, debere Romanas caerimonias recognoscere*. When Cyprian refused to comply, he was sent into exile. At a second summoning in 258, Cyprian was again compelled to *recognoscere Romanas caerimonias*; at his renewed refusal, he was sentenced to death.¹⁴⁹ The evaluation of the phrase *Romanas caerimonias recognoscere* has proved difficult to modern scholars. It was Heberlein's thorough philological analysis which established the phrase's exact meaning in the context

¹⁴⁷ Tert. Nat. 2,17,18-19; cf. Min. Fel. Oct. 25,12; Lact. Div. Inst. 7,15-7.

¹⁴⁸ Acta Cypr. 1,1.

¹⁴⁹ For the chronology of the events of 257/58, see conveniently SCHWARTE 1989.

of the Latin literature of the third century. *Recognoscere Romanas caerimonias* means »to perform Roman ritual activities«. Therefore, according to the martyr-acts Cyprian was not expected to observe the entire system of religious observances as it was practiced by Romans (*Romana religio*), but merely forced to perform a ritual activity before the proconsul. Whereas *religio* entailed a more systematic concept of cult practice, *caerimonia* denoted the behavioural element of ritual performance.¹⁵⁰

In the past, scholars have doubted whether the martyr-acts of Cyprian represent the authentic wording of the proconsular proceedings. Accepting the received view that Roman religion ought to be defined as a ritualistic affair, with *religio*, *ritus* or *caerimoniae* being homonyms, they have taken issue with the idea that an official Roman differentiation between Roman religion (as which they translated *religio*) and the mere performance of cult (*caerimoniae* or *ritus*) would have been possible. The same scholars have succumbed to the view that the Roman state actively promoted the acknowledgement of its religion by the inhabitants of the Empire and therefore could not issue a phrasing which in effect undermined such an acknowledgement.¹⁵¹ However, the

¹⁵⁰ HEBERLEIN 1988. Incorrect translations still persist, invalidating modern interpretations of the Christian persecutions under Valerian. Cf. most recently RIVES 1995, 252: »to acknowledge Roman rites«. On the distinction between *religio* and *caerimoniae*, cf. ROLOFF 1953.

¹⁵¹ E.g. KOEP 1962, 51-2; M. SORDI, *ANRW* 2,23,1 (1979), 369-70. Agreeing that a differentiation between *religio* and *caerimoniae* should not be attributed to the martyr-acts, SCHWARTE 1989, 123-7 tries to defend the text against the charge of inauthenticity by following a textual variant and reading *qui Romanam religionem colunt*.

performance of *caerimoniae*, rather than the observance of *religio*, is exactly what Roman officials expected from Christians on a number of similar occasions.¹⁵² As far as the dichotomy of *religio* and *caerimoniae* is concerned, the text of the martyr-acts is unproblematic.

This is not to say that the martyr-acts should be read as an official document of undisputable authenticity. For despite their stylistic matter-of-factness and seeming factual accuracy, and despite the fact that the name *acta proconsularia* is sometimes attached to them, they very clearly represent a Christian rather than an official Roman document. Their style is informed by the internal organization and titulature of the church and coloured by a partisan description of the martyr Cyprian. Their tone suggests that they refer to the official questioning of Cyprian before the proconsul, but rephrase the material to hand for homiletic purposes and for a Christian audience, probably the church of Carthage after the events of 257/58.¹⁵³ How does this observation influence the evaluation of the phrases *Romana religio* and *Romanas caerimonias recognoscere*? Heberlein pointed out that the latter phrase, in the sense of »to perform *caerimoniae*«, is the earliest extant example of the linguistic paradigm *functiones recognoscere*.¹⁵⁴ Although earlier evidence may simply be lost, it is thus certainly

¹⁵² E.g. *Acta Scillit.* 3; cf. WLOSOK 1970, 45-6.

¹⁵³ Cf. *Acta Cypr.* 1,2: *Cyprianus episcopus dixit*; 2, (1), 1: *Cyprianus sanctus martyr electus a deo*; A. A. R. BASTIA-ENSEN (ed.), *Atti e passioni dei martiri*² (1990), esp. xxviii-xxxvi, 202-4, noting that other martyr-acts are also very likely to have been Christian redactions of the official proceedings, reshaping the text for the purposes of a Christian audience.

¹⁵⁴ HEBERLEIN 1988, 97.

worth pointing out that the phrases *Romana religio* and *Romanae caerimoniae* are, to our knowledge, first used by Christians. Whereas Cicero could employ *omnis populi Romani religio* in the little tradition, phrases such as *Romana religio* received prominent treatment from Christians like Tertullian or the authors of the martyr-acts.

The Christian persecutions of 257/58 were an immediate response to the emperors' *litterae* which had been distributed to provincial governors.¹⁵⁵ There can be no doubt that both Valerian's orations in the Roman Senate and the resulting *litterae* were directed specifically at the Christian clergy.¹⁵⁶ However, they were most probably phrased so as to demand the recognition of the pagan gods in general terms. A sacrificial offering to any god would do, although this could in some local instances entail a sacrifice *pro salute imperatoris* or might involve worship of the genius of the emperor.¹⁵⁷ At a parallel hearing before the prefect of Egypt, which resulted from the same *libellae* that led to the summoning of Cyprian in Carthage, Dionysios, the bishop of Alexandria, was told to worship the gods who preserve the Empire and who were worthy of respect rather than the useless Christian god.¹⁵⁸ As we have seen above, worshipping the gods as such was not an unusual requirement. As these deities were not specified to the sacrificer, their choice

¹⁵⁵ These letters originated from imperial orations to the Roman Senate. They were orations rather than *rescripta*, since the latter were not issued to the Roman Senate: NÖRR 1981. Contra MILLAR 1992, 277, 569-71.

¹⁵⁶ SCHWARTE 1989, 109-19.

¹⁵⁷ Cf. MILLAR 1973.

¹⁵⁸ Euseb. *Hist. eccl.* 7,11,7-9; cf. Rufin. *Hist. eccl.* 7,11,6-7. Cf. *Acta Scillit.* 3; Orig. *Exhort. Mart.* 7,1, 40, 17,32.

must have been dictated with a view to regional preferences, the availability of specific gods in a local pantheon, or the pressure exerted by individual Roman officials.¹⁵⁹

This pagan background lends strong support to the thesis that the phrasing of the *acta Cypriani* must be inauthentic. It is therefore very likely that *Romana religio* and *Romanae caerimoniae* were introduced by the Christian redactor who produced the martyr-acts of Cyprian. As has already been observed in the case of Tertullian's use of *Romana religio*, the phraseology of the *Acta Cypriani* construes the category of Roman ethnicity with regard to religion.¹⁶⁰ This is a consciously Christian discourse, which defines its own religion in opposition to Rome and her religious system. It is in this process of Christian self-definition that Christian writers developed concepts for ›their‹ and for ›our‹ religion - *Romana religio* or *Romanae caerimoniae* on the one hand and *religio nostra* or *religio Christiana* on the other - well before Constantine. Yet, I do not know of a case in which a pagan would have used a phrase such as, let us say, *religio Isiaca* with a similar meaning.¹⁶¹

The contrast with a pagan environment whose self-consciousness was based on religious traditionalism exemplified by obedience to the *mos maiorum*, rather than on ethnic definitions, is worth emphasizing. For ethnic peculiarities ap-

¹⁵⁹ Cf. SELINGER 1994, 77-140. See above, 2.7.2.

¹⁶⁰ For further instances in the *Acta Cypr.*, see 3,(1),4: *diis Romanis*, 3,(2),4; 3,(1),5: *Romana mente*. Cf. the *Passio Crispinae* of 304 CE, 1,4: *sacra deorum Romanorum*; 2,4: *cole religionem Romanam*; Lact. *Div. Inst.* 1,20: *religiones Romanorum*.

¹⁶¹ *Religio nostra*: e.g. Min. Fel. 29,2. *Religio Christiana*: e.g. Arnob. *Adv. Nat.* 1,3, 3,1.

pear to have been marginal, as long as innovations could be incorporated into a traditional framework. Political, military and social prosperity still rested, so it could be argued, on scrupulous observance of the religion of one's ancestors.¹⁶² For instance, the Roman *equites* who made dedications to the combined *dii patrii* and *dii Mauri hospites* in the second half of the third century stressed the reconciliation of their ancestral and of the local gods following the oppression of local revolts, rather than dichotomizing between different ethnicities.¹⁶³ In the context of the synthetic religious systems of ancient paganism, ethnic diversity could be overcome by conceptual assimilation. However, although the Latin Christian apologists might wish to define their religion through the issue of ethnicity, when defending Christianity against the charge of disobedience to the traditional deities, they employed non-ethnic terms like *religio vera* or *religio Dei*, as well as their opposites, *religio(nes) deorum* or *falsa(e)* and *vana(e) religio(nes)*, rather more frequently.¹⁶⁴

This is not to deny the possibility that the pre-Constantinian Christian apologists stood for a little tradition which was not only predominantly representative of the Christian literary élite, but whose literature was mainly written for a Christian élite audience.¹⁶⁵ However, I am not

¹⁶² Cf. most recently STROBEL 1993, 324-40.

¹⁶³ CIL 8,8435, 21486; FENTRESS 1978.

¹⁶⁴ *Religio vera*: e.g. Min. Fel. 38,7; Tert. Apol. 24,2, 35. *Religio Dei*: e.g. the Latin translation in Iren. Adv. Haer. 1,16,3. Cf. FEIL 1986, 50-82, esp. 80-1.

¹⁶⁵ Cf. MACMULLEN 1984, 20-1, 131¹⁴. CAMERON 1991, 22-3 allows for a wider dissemination of Christian literature at least among upper-class pagans.

concerned with the interrelation of two little traditions, Christian and pagan, in the first and second centuries CE. Nor do I wish to determine the impact of Christianity on pagan perceptions of their religion in the great tradition during that period. Rather, I would tentatively suggest that a trend can be established concerning the pagan great tradition's response to Christianity in the third and fourth centuries. In a third century inscription, dating to 251, the emperor Decius is celebrated as *restitutor sacrorum et libertatis* by the *res publica Cosanorum*. The reference may well be, as the first editor suggested, to Decius' victory over his predecessor Philip, who was accused of being attached to Christianity.¹⁶⁶ Other known instances of the phrase *restitutor sacrorum* refer to the emperor Julian as the defender of pagan religious tradition in the fourth century.¹⁶⁷ Whereas in these instances it was unnecessary to specify which *sacra* were meant - they were no doubt the traditional pagan ones -, the phrasing of an inscription which was set up between 361 and 363 in the province of Numidia is noteworthy for its explicitness. It praised the emperor Julian for the restoration of freedom and of Roman religious practices: *restitutori libertatis et Romanarum religionum*.¹⁶⁸ I say 'noteworthy' because this is a rare instance which illustrates how the phrase *Romanae religiones*, pre-

¹⁶⁶ AE 1973,235. For Philipp's alleged philo-christianism, cf. Euseb. *Hist. eccl.* 6,29,1.

¹⁶⁷ *Rec. de Constantine* 27 (1892) 255 = ILS 8946, alluding to Julian's oppression of Christian religion. Cf. AE 1907,191: *recreator sacrorum et exstinctor superstitionis*.

¹⁶⁸ MEFRA 14 (1894), 77-8 no. 130. Both CIL 8,4326 and ILS 752 print *Romanae religionis*, but on epigraphic grounds the plural is clearly preferable.

viously used by Christian writers, was adapted by a pagan great tradition in the fourth century.

I would suggest that this adaptation of Christian terminology must be seen as a pagan adjustment to societal communication about religion, which by the latter half of the fourth century had not only been shaped by but was also increasingly dominated by Christians.¹⁶⁹ In this climate of marked Christianization, pagans who defined their religious behaviour in opposition to Christianity employed an ethnic terminology which the Christian writers had provided. This process may be described as the creation of a non-Christian religious consciousness which did not simply imply the reassertion of traditional pagan values; rather, *Romana religio* had come very close to becoming a metaphor for pagan religious practices as such. Similarly, the evaluative re-use of the phrase *sacra Romana* in fourth century pagan literature must be seen as the pagan recollection of a lost heritage rather than as a faithful reproduction of the precise sacred terminology of an earlier age.¹⁷⁰ Arguably, the time when both the great and the little pagan traditions displayed an distinct »Romanness« with regard to religious behaviour seems to have been the fourth century CE. Comparing the Late Republic and the fourth century CE entails problems of methodology. Yet, I believe that the juxtaposition of these

¹⁶⁹ The influence of upper-class Christians in society in the early fourth century is often under-estimated. BARNES 1995 plausibly suggests that the Christian aristocracy occupied a majority of public positions in the city of Rome as early as the 320s.

¹⁷⁰ For *sacra Romana*, see SHA Hadr. 22,10; SHA Did. Iul. 7,10; Nonius 834 L; Serv. Aen. 2,116, 8,698. Cf. above, 3.2.2.

two periods is illustrative. The analysis in terms of *longue durée* shows how socio-political changes began to affect the religious self-definition of the pagan great tradition in the fourth century. The peculiar parameters of these changes by implication re-inforce the thesis that similar forms of self-definition did not apply in the great tradition in Late Republican or Early Imperial Rome.

3.4 Roman religion and Late Republican Italy

Returning to the second and first centuries BCE, during that period the scope of what could be meant by the notion of ›Roman religion‹ was increasingly widening. First of all, ›Roman religion‹ would denote the local religious system of the city of Rome. But should the phrase also be employed when comprising the religious behaviour of Roman citizens in Roman *coloniae* or *viritim* in Italy and abroad as well as, following the Social War, the religions of the entire Italian peninsula and, since 49, of Transpadane Gaul? As pointed out above, with such geographical and cultural heterogeneity Roman citizenship proves an insufficient category when determining cultural and religious behaviour. What further aggravates the problem: even with reference to the city of Rome the identity of Roman religion has been shown to defy a categorical classification.¹⁷¹ After the foregoing discussion it would be hard to maintain that Republican Roman colonization or the municipalization of Italy in the early first century simply represented the imposition of a defined

¹⁷¹ See above, 2.1, 3.1 and 3.2.

system of Roman religion on the provincial or Italian landscape. Rather, the interaction of religious structures - Roman, Italian and provincial -, which were by themselves highly variable, will be the subject of the following pages.

3.4.1 Intervention and *laissez-faire*

In one form or the other, Roman intervention in the life of Italian communities is copiously attested. By the latter half of the second century, public works such as road-building or water-supplies, documented from the late fourth century, had transformed the geography of many parts of peninsular Italy. These public works were under the responsibility of Roman magistrates, normally the censors, and the literary sources (usually historiography) make clear that already in the third century these magistrates undertook road-building *in agro peregrino*. However, the legal basis on which road-building was conducted in areas without Roman status are frustratingly unclear; and even the extent to which the creation of an Italian road-system might have followed a grand strategy of imposing Roman control on Italy is hard to assess. Moreover, it is noteworthy that such large-scale public works are most frequently attested in Latium and Campania but less so in other parts of Italy. In the period under consideration, from the early second century onwards, the main Roman roads served the needs of the city of Rome: supported by road-building on a much grander scale than previously, they supplied the links between the metropolis and its more immediate hinterland. In the second and particularly in the first century, their most important eco-

nomic function was to facilitate the transport of commodities to Rome in order to satisfy the demands of the city population.¹⁷²

By way of contrast, the intervention of Roman magistrates in public building outside Rome appears to have been restricted to those communities with Roman legal status. For instance, the building programme supervised by Q. Fulvius Flaccus in 170, the year of his censorship, was not limited to Rome but extended to other Roman communities, involving the construction of Capitolia for Pisaurum and Fundi and road-building, water-supply as well as fortifications for Potentia and Sinuessa. It is worth pointing out that Fulvius' use of public money which had been earmarked for censorial building activity was welcomed by these communities, but met with criticism from his fellow-censor.¹⁷³ Yet, when Fulvius interfered in an allied community by removing the marble tiles from the temple of Iuno Lacinia at Croton to embellish his temple of Fortuna Equestris at Rome, the senate forced him to return them and commanded an expiatory sacrifice to the goddess. The censor had not only encroached on an allied city, but also violated the rights of Iuno. By virtue of his command, Fulvius represented the *populus Romanus*; therefore, expiating his sacrilegious action became the responsibility of the Roman People as a whole.¹⁷⁴

¹⁷² Road-building: WISEMAN 1987, 144 (chronology), 152-3 (second century building activities). Distribution in Italy: LOMAS 1997, 26-9. Economic function: MORLEY 1996, esp. 173, 177-80.

¹⁷³ Livy 41,27,11-3: *cum magna gratia colonorum*.

¹⁷⁴ Livy 42,3,1-11: [*Fulvium*] ... *obstringere religione populum Romanum*; cf. Val. Max. 1,1,20.

This is not to deny that Rome assumed the right to encroach upon the juridical affairs of local communities in Italy. The *SC de Bacchanalibus* of 186 extended the legal force of the Roman Senate's ruling concerning the worshippers of Bacchus to the Italian allies. The extent of immediate and direct Roman intervention in the affairs of the Italian communities has often been over-stated: for whereas violators of the Senate's provisions in Rome and in *fora et conciliabula* were instantly prosecuted, the distribution of the *SC* throughout Italy did not entail similar Roman juridical action in the allied communities. Italians who wished to perform the rites were advised to seek the permission of the Roman Senate through the urban praetor. In the ensuing years, it seems, the Bacchanalian affair was occasionally instrumentalized to interfere with some frequency in the juridical proceedings of the allies. For instance, *quaestiones* were conducted by Roman magistrates in Southern Italy in 184 and 181.¹⁷⁵ Yet, by the standards of the second century encroachment of this sort was exceptional rather than displaying a consistent or systematic Roman strategy of interference with Italian affairs. Furthermore, the extent to which the Roman Senate's provision of 186 directly affected the juridical and religious life of the allied communities is hard to quantify. Similarly, the extent to which Roman regulations concerning the expulsion of undesirables from Rome and Italy in the second and first centuries were re-

¹⁷⁵ *ILLRP* 511, 2-9: *foederatei, Latini, socii*; Livy 39,14,7: *non Romae modo sed per omina fora et conciliabula conquiri ... edici praeterea in urbe Roma et per totam Italiam edicta mitti*. Cf. Livy 39,41,6-7; 40,19,9-10; GRUEN 1990, 36-45; below, 4.2.3.

garded as technically binding in the Italian communities is difficult to assess. Nor is quantification possible as regards the Roman Senate's religious regulations which occurred with increased frequency in the triumviral and Augustan periods, such as the stipulation to erect statues of Divus Iulius in Rome and Italy.¹⁷⁶ In these cases, action must have depended largely on the Italian élites' initiative. As will be shown below, it is in the course of the first century that these élites would become *increasingly* more willing to comply with the centre's demands.

A change in Roman attitudes toward Italy is perceivable in the period following the enfranchisement of the peninsula in the early first century. By the imperial period, *ager Italicus* or *solum Italicum* had acquired complementarity in status with *ager Romanus*. Both were distinguished from *solum provinciale* in pontifical law with regard to their superior religious status (Gaius *Inst.* 2,3-9). I believe that this Roman classification of Italian territory originated in the final years of the Republic. Between 82 and 78, Sulla was the first Roman to extend the *pomerium* at Rome. Only those who increased the size of Roman territory were entitled to do so; and Sulla met this requirement by moving the boundary between Italy and Cisalpine Gaul. Referring to Sulla's action, the younger Seneca reports a dispute as to whether the addition of Italian or of provincial soil entitled a Roman to extending the *pomerium* at Rome. Allegedly, it was *mos apud antiquos* which held that the extension of the *pomerium*

¹⁷⁶ ILS 73, 73a; AE 1982,149; ALFÖLDY 1991, 305.

was warranted only if *ager Italicus* had been added to Roman territory.

Seneca's authority for this assertion is an antiquarian, whom he had recently heard lecturing on that very topic. The contemporary debate which Seneca represents was occasioned by the extension of the *pomerium* under Claudius in 49/50 CE. Claudius, however, like Iulius Caesar before him, added provincial rather than Italian soil to Roman territory. Therefore, when affirming the supposed legality of Sulla's extension, Seneca's antiquarian, without further specification, implicitly denied the legality of Caesar's and Claudius'. Yet, Seneca's *mos apud antiquos* is likely to go back to a Republican discussion of the *modus operandi* of extending the *pomerium*: that discussion started when the need for an exegesis first arose. The work *De auspiciis* by M. Valerius Messalla Rufus (cos 53, augur 82/1) was used in Gellius' discussion of the Roman *pomerium*; and there are points of contact between the arguments presented in Seneca and in Gellius. It is thus possible that Seneca's antiquarian referred back to a controversy to which Messalla Rufus had contributed in the aftermath of Caesar's extension of the *pomerium* in 45/4.¹⁷⁷ It is noteworthy that the antiquarian debate made the extension of the *pomerium* conditional on the acquisition of *ager Italicus*. That debate must have been

¹⁷⁷ Sen. *Dial.* 10,13,8: *Sullam ultimum Romanorum protulisse imperium, quod numquam provinciali sed Italico agro adquisito proferre moris apud antiquos fuit*; Gell. 13,14,1-4; GRIFFIN 1962, 107-11. Caesar: Gell. 13,14,4; Cass. Dio 43,50,1. Claudius: CIL 6,1231; Tac. *Ann.* 12,23,5. Nothing warrants the view of RAWSON 1985, 93 that Messalla, who survived into the Twenties, wrote his work before the Civil War between Caesar and Pompey.

inspired by a new Roman consciousness as concerns the status of Italian territory in the aftermath of the enfranchisement of peninsular Italy:¹⁷⁸ *ager Italicus* could now be regarded as belonging to the *populus Romanus*, whose territory was expanded by extending the size of Italy. By way of contrast, both the antiquarian discussion and the testimony of Gaius referred to above confirm that with regard to the status of provincial territory an uneasiness prevailed at Rome long into the imperial period.

Yet, the Roman revaluation of Italian territory in the first century did not entail that Roman and Italian religious practices had become identical. The Augustan formulation that the *sacra* of *municipia* ought to be observed in accordance with local custom reflects Late Republican Roman, rather than merely Augustan, attitudes towards municipal religion; as regards the involvement of the pontifical college at Rome, the past tense is used:

*municipalia sacra vocantur quae ab initio habuerunt ante civitatem Romanam acceptam. Quae observare eos voluerunt pontifices, et eo more facere quo adsuessent antiquitus.*¹⁷⁹

Yet, the preservation of local religious custom, as well as of local sacred law, implied that municipal religion differed from the religious system of the city of Rome, as was the case with the rules concerning the inheritance of family *sacra* in Arpinum observed by the Elder Cato, or burying the dead within the physical boundaries of Italian towns, which

¹⁷⁸ Cf. RUPKE 1990, 35.

¹⁷⁹ Festus 146 L = Ateius Capito frg. suppl. 69 Strzelecki.

would be impossible at Rome.¹⁸⁰ The Roman acknowledgement of municipal religion no doubt reflected the compatibility of the respective religious cultures at Rome and in the Italian *municipia*. I shall return to the reasons for that compatibility below. But it is also noteworthy that the relevant category on the basis of which religious behaviour was authorized is *antiquitas*. The *mos maiorum* was, as we have seen above, an extremely flexible category which did not necessarily entail the definition of a binding core of religious behaviour.

In the case of *municipalia sacra*, the Augustan author's specification concerning the involvement of the Roman *pontifices* is significant. However, the extent to which the pontifical college, through the application of pontifical law, *de facto* encroached upon local Italian tradition is hard to assess. It is routinely held that, following the enfranchisement of the peninsula, pontifical law and pontifical authority applied to Italy as a whole.¹⁸¹ But given the *de iure* preservation of local religious structures, such a view would entail a clash between Roman and local sacred law, which is difficult to prove. Furthermore, we simply do not know to what extent the pontifical college at Rome was consulted during the Late Republic when the repair of tombs

¹⁸⁰ Cato *Orig.* frg. 2,31 Chassignet = 61 P: *si quis mortuus est Arpinatis, eius heredem sacra non secuntur*. As the discussion of the inheritance of family *sacra* at Rome in Cic. *Leg.* 2,48-53 (referring to pontifical law) suggests, this local custom ought to be taken as belonging to sacred law rather than to the law of persons. For the survival of local religious custom, see conveniently CRAWFORD 1996, 426-30.

¹⁸¹ For this thesis, based on a legalistic understanding of the diffusion of Roman religion, see WISSOWA 1912, 408.

or the transferral of corpses, which fell under the province of pontifical law, occurred in Italy. For the imperial period, the consultation of the college on these matters is mainly attested in the city of Rome itself but rarely in other Italian communities. Pliny, when writing to the emperor, as the official head of the pontifical college, in order to inquire about the applicability of pontifical law to provincial tombs, assumes that consultation on this matter by the pontifical college is customary in the city of Rome rather than in Italy as a whole. Trajan's reply suggests that Pliny follow the established provincial *modus operandi*. His practical reasoning - *durum est iniungere necessitatem provincialibus pontificum adeundorum* - may also have applied to Italians.¹⁸² The comparatively scarce evidence for Italian consultation of the Roman *pontifices* under the Empire may thus have been the result of individual or local initiative: an inscription which recorded local religious behaviour as approved by the pontifical college, whose official head was the emperor, could be used to improve a community's or an individual's social standing in a local or an Italian context. Yet, given the evidence it would be wrong to imply that such accumulation of >symbolic capital< occurred on a regular basis in the first century BCE.

It is noteworthy that Ulpian, in a discussion of the burial of the dead and the transferral of corpses, recommended that imperial legislation, that is the imperial re-

¹⁸² Ep. 10,68-9. Rome: e.g. ILS 1792, 7947, 8226-9, 8282, 8380, 8382-3, 8386, 8292; AE 1909,92, 1926,48. Italy: ILS 8110 (Beneventum), 8381 (Tarracina), 8390 (Sabine territory). Cf. MILLAR 1992, 359-61.

scripta, supersede municipal law.¹⁸³ It is likely that these *rescripta*, responding to individual claims and queries, were formulated on an *ad hoc* basis. This is what seems to have been the case with the regulation that sacred groves were in the legal possession of the *populus Romanus* as represented by the authorities of the capital rather than of a *colonia* or *municipium*, even if these groves were situated within the latter's boundaries. In Ulpian, this particular regulation follows the imperial *legati*'s responsibility for sacred places in the provinces as laid down in the emperors' *mandata*; and it is very likely that by issuing such a regulation the emperors tried to protect sacred land against the economic interests of private *possessores*.¹⁸⁴ As regards Italian religion, in 22 CE the Roman Senate established that all ceremonies, temples and divine images in Italian towns were under Roman jurisdiction and command. This comes very close to the view that in (*provinciali*) *solo dominium populi Romani est vel Caesaris*, held by *plerique* according to Gaius (*Inst.* 2,7). Yet, on closer examination the Senate's stipulation turns out to be another *ad hoc* regulation constructed in the capital: since the *equites Romani* vowed a statue on behalf of the well-being of Julia to Fortuna Equestris, and since (to everyone's embarrassment) no temple of that goddess could be found at Rome, the jurists declared Italian sanctuaries to be under Roman jurisdiction, as a result of which

¹⁸³ Ulpian *Dig.* 47,12,3,3-5.

¹⁸⁴ Front. 48 Thulin (= 56 Lachmann): *in Italia autem densitas possessorum multum improbe facit, et lucos sacros occupant quorum solum indubitate p. R. est, etiam si in finibus coloniarum aut municipiorum.* Cf. MILLAR 1992, 314-5, for *mandata*. See further below, 4.1.1.

the statue could properly be dedicated in the temple of Fortuna Equestris at Antium.¹⁸⁵

By way of contrast, it is unlikely that such interventionist imperial views concerning religion would have prevailed in the Late Republic. The Tabula Alcantarensis, documenting the *deditio* of an unknown Spanish town to the *imperator* L. Caesius in 104, establishes the self-imposed limits of Roman encroachment upon non-Roman communities; provided that the *populus senatusque Romanus* authorized the decision of that Roman official, the community in question would be free to live according to its customary laws and habits:

[L. Caesius] ... *imperav[it ut omnes] captivos equos equas quas cepissent [traderent. Haec] omnia dederunt. Deinde eos ... [liberos] esse iussit. Agros et aedificia leges cete[ra omnia] quae sua fuissent pridie quam se dedid[issent quae tum] extarent eis redidit dum populus [senatusque] Roomanus vellet.*¹⁸⁶

In contrast to the imperial readiness to impose Roman rules in an Italian religious context, the scarcity of active Roman encroachment upon provincial or Italian religion during the second and first centuries is remarkable. In particular, following the Social War Roman Republican officials displayed a striking indifference to the regulation of the

¹⁸⁵ Tac. Ann. 3,71,1: *reperitum est ... cunctas ... caerimonias Italicas in oppidis templaque et numinum effigies iuris atque imperii Romani esse*. Was Ateius Capito, *humani divinique iuris sciens* and a loyal servant of Tiberius, involved? Note his presence in Ann. 3,70,1-3. A Roman temple to Fortuna Equestris had been dedicated by Fulvius in 173 (Livy 42,10,5). It still existed in 92 BCE (Obseq. 53) and under Augustus (Vitr. 3,3,2). A dedication to Fortuna was an apt choice of indirect divinisation, for the iconographic representation of female members of the imperial family resembled the divine iconography of goddesses like Fortuna: ZANKER 1987, 236-7.

¹⁸⁶ For a text of this important inscription, see J. S. RICHARDSON, *Hispaniae* (Cambridge 1986), 199-201. Cf. CRAWFORD 1989, 97.

religious habits of what had become a significant part of the *populus Romanus*. As will be shown in what follows, this Roman indifference to *religious* matters becomes even more noteworthy if compared with the imposition of a Romanizing municipal or colonial administrative structure, which affected the *juridical and administrative* autonomy of the Italian peninsula and of provincial communities with colonial or Latin status.

3.4.2 *Coloniae and municipia*

The municipalization of Roman Italy in the first century was achieved on the basis of an equilibrium between the new communities' relative autonomy and their adoption of Roman administrative and juridical structures. To judge from the surviving fragments of the municipal charters of the first century, a significant number of institutions, practices and constitutional elements were common to the *municipia* as a whole. It is therefore likely that a Roman model charter established minimal expectations and thus imposed a minimal administrative framework on these new Roman communities. On the other hand, notwithstanding the temptation to reconstruct an ›ideal charter‹ from the fragmentary evidence, such a charter may not have existed in the first century. For instance, the surviving parts of the Lex Tarentina, dating to the forties of the first century, relate exclusively to the *municipium* of Tarentum, thus suggesting that the municipal charters were solely relevant to their respective communities, which adapted a Roman matrix law to their par-

ticular needs.¹⁸⁷ The notion of Romanization in this context entailed the adoption of Roman administrative thinking. Yet, this process of acculturation was not causally determined by enfranchisement or by direct Roman intervention. This is documented by the Lex Osca tabulae Bantinae, a charter of the Oscan community of Bantia, which presumably dates to the Nineties (RS no. 13). This document was written in Oscan, but used Latin script. Moreover, though composed before the enfranchisement of the peninsula, this statute was ›Romanized‹ in character in that it employed a Roman administrative nomenclature and Roman institutional practices. Nevertheless, the statute outlined the organization of the administrative life of the Oscan community of Bantia.

The Lex Osca is a forerunner of the municipal constitutions of the period after 90. While marking an important step towards administrative unification, this statute also exemplifies the complex process of Italian adaptation and choice. Furthermore, the Lex Osca is illustrative of the fact that there was no straightforward connection between (political) enfranchisement and (administrative) municipalization. To be sure, the *municipia* were Roman communities through the conferral of Roman citizenship and the municipal law(s) of the 80s; the *municipales* were Roman citizens by affiliation to the census list and to a tribus at Rome. This status remained unaffected by the individual municipal charter, which was non-political in so far as it was concerned with the administrative demands of the communal life of one particular *municipium*. It was individuals who constituted

¹⁸⁷ Lex Tarentina: RS no. 15, lines 1, 7-8, 11, 18-20, 26-9, 43-4, *passim*.

the *municipium*. These no doubt used Roman matrix laws when providing the respective *municipia* with their constitutions. By way of contrast, Roman authorization, while resting with the popular assembly at Rome, must have been a pure formality. This constitutional process again reveals the capital's relative indifference to its new citizens.¹⁸⁸

How did these municipal charters affect the religious life of the newly enfranchised? Due to the charters' fragmented state, this question is difficult to answer. Therefore, the information they contain may profitably, if with caution, be augmented by a closely related and much more comprehensive group of statutes from the imperial period, the Flavian municipal laws of individual Spanish *municipia* (*LFlav*) issued under Domitian. Arguably, this strategy is not unproblematic: firstly, the *LFlav* imposes Imperial regulations, but does not necessarily reflect Late Republican conventions. Secondly, the comprehensiveness of the *LFlav* is due to the fact that the Roman imperial lawyers who drew up the charters intended to provide the Spanish towns with a Roman ideal of municipal life rather than with a charter that could be implemented instantly or that would truly represent the actual administrative structure of these new *municipia*.¹⁸⁹ Nevertheless, it will become clear that the *LFlav* preserves some rules and expectations which applied in the context of Late Republican city administration as well. By way of contrast, the colonial charter of the Caesarian *colonia* of Urso in Baetica (*LUrs*), preserved in a

¹⁸⁸ See conveniently LINTOTT 1993, 132-45; BISPHAM 1994, esp. 52-64, 256-63. Cf. CRAWFORD 1996, 421-4.

¹⁸⁹ Cf. FEAR 1996, 131-69.

form which is contemporary with the *LFlav*, preserves the Late Republican religious regulations in a Roman colony. Like the municipal charters, it was ›given‹ by an individual founder and formally passed in Rome. Yet, already the Roman sources commented on the difference between a Roman *colonia* and a *municipium*: the colonial constitution was supposed to follow the capital's administrative organization, whereas *municipales* had the privilege to issue their own local statutes and use their particular legal systems.¹⁹⁰

The distinction between colonial dependence on the capital and municipal autonomy ought to be taken *cum grano salis*. The *LURS* requires the *scribae* responsible for the financial records of the *colonia* to take an oath »in a *contio*, openly, before the light of day, on a market day, <facing> the forum, by Iuppiter and the Dei Penates«. The phrasing of this provision is directly adopted from Roman Republican political life: there, as we have seen, magistrates had to swear obedience to Roman statutes by Iuppiter and the Dei Penates.¹⁹¹ When this Roman oath reappears in the *LFlav*, it is significantly enlarged:

... in contione per Iovem et divom Augustum et divom Claudium et divom Vespasianum Augustum et divom Titum Augustum et genium imperatoris Caesaris Domitiani Augusti deosque Penates.¹⁹²

The text of the *LFlav* represents a vision of paradigmatic Roman municipal life. In that context, the phrasing of the

¹⁹⁰ E.g. Gell. 16,13,6-9: *Municipes ergo sunt cives Romani ex municipiis legibus suis et suo iure utentes ... populi Romani istae coloniae quasi effigies parvae simulacraque esse quaedam videntur.*

¹⁹¹ *LURS* (RS no. 25) ch. 81, lines 17-9: *in contione palam luci nundinis in forum <verso> ius iurandum ... per Iovem deosque Penates.* See above, 3.1.3.

¹⁹² *LIRn* ch. 26, IIIB, lines 40-3.

oath by Iuppiter, the Di Penates and various divinized emperors (including the Genius of Domitian) formulates straightforward imperial expectations concerning the adoption of Roman religious practices in those *municipia* that were covered by this municipal statute. One can only speculate as to how the capital's expectations would have been realized in a remote town in Roman Spain. However, since the *LFlav* establishes a framework of implicit imperial expectations put together in the Roman capital, and since the oath by Iuppiter, the Di Penates, the living emperor and his divinized predecessors was presumably used in the city of Rome, the different phrasing of the *LUrs* is noteworthy. This colonial statute, being republished around the time when the *LFlav* was composed by Roman lawyers, apparently uses the Republican version of the oath, rather than complying with imperial expectations. This instance suggests a significant degree of colonial autonomy with respect to administrative matters towards the end of the first century CE.

The Republican oath by Iuppiter and the Di Penates was, as I suggested above, tailored to the religious infrastructure of the city of Rome. While oaths were no doubt employed in the administrative life of the Italian *municipia* following the municipalization of the first century BCE, it is unclear which deities were invoked in these communities. Yet, it is most likely that choices were, as in Rome, constrained by the local pantheon to hand, just as the new municipal constitutions were geared to local needs. It is possible that the new *municipia* would wish to implement a phrasing which closely followed Roman usage; but unlike the

imperial authors of the *LFlav*, Republican Rome did not suggest to its Italian *municipales* a particular Roman oath by Iuppiter and the Penates, or demand that these deities should be incorporated in the pantheons of these communities. To put it in a slightly different way, the founding charter of a Roman *colonia* in a new environment not surprisingly formulated matters of political and religious administration in terms which closely resembled the capital, whereas the constitution of a new *municipium*, with a pre-Roman administrative structure already in place, would be inclined to use the model provided by Rome much more flexibly.

This distinction between *coloniae* and *municipia* became operative with respect to the constitution of the local pantheon. The *Lurs* prescribed the institution of the cults and games in honour of the Capitoline triad and of Venus Genetrix.¹⁹³ The choice of the Capitoline triad is explicable by the statute's desire to transfer a central religious element from Rome to the provincial periphery. Venus Genetrix, on the other hand, was a deity whose Roman cult had been favoured by Iulius Caesar, the founder and first *patronus* of the *colonia*.¹⁹⁴ It is worth noting that the colonial adoption of that goddess did not entail that her cult attained a disproportionate importance in the new colony. For instance, Venus Genetrix was not included in the scribes' oath. At the same time, the *Lurs* specified the prerogative of the colonial *ordo decurionum* to re-establish the calendar of the

¹⁹³ *Lurs* (RS no. 25) chs 70-1.

¹⁹⁴ WEINSTOCK 1971, 84-7.

colonia whenever new *Iiviri* entered office. The *ordo* was thus able to revise the colonial choice of public *dies festi* and *sacra* every year, even though in practice the decurial class was likely to endorse already existing regulations on a routine basis.¹⁹⁵ But it is worth stressing that the *LURs* imposed only minimal religious obligations upon the new colonists. As regarded the pantheon of the *colonia*, its foundation charter entailed only very limited requirements; the actual text implies that any further development was at the discretion of the local *ordo decurionum*.¹⁹⁶

By contrast, our knowledge is limited as concerns the immediate impact of enfranchisement and municipalization on the pantheons in the new Italian *municipia* of the first century. It is clear that responses to the political Romanization of the peninsula differed from community to community. Moreover, the changes to the municipal religious landscape largely seem to have been self-regulated, depending on the respective communities' traditions and resources as well as on the eagerness of individual members of the local élites to publicize overtly Romanizing strategies. A preliminary pattern can be reconstructed from the Late Republican dedications that individual magistrates in the Italian *municipia* made to a number of different deities.¹⁹⁷ Municipal dedications to Iuppiter optimus maximus at first sight seem

¹⁹⁵ Ch. 64. This is the implication of *quicumque* (line 9): SCHEID 1992, 130¹²; RÜPKE 1995a, 535.

¹⁹⁶ Cf. ch. 70, lines 8-9: *ludi scaenici* for the Capitoline triad and yet unspecified *dei deaeque*; ch. 72, ll. 32-4 *quae sacra ... ei deo deaeue cuius ea aedes erit facta fuerint*.

¹⁹⁷ For an updated corpus of the inscriptions by municipal magistrates, including dedications to deities, see the catalogue compiled by BISPHAM 1994.

to display the Romanization of the Italian landscape at its most extreme. In Vitruvius' normative account of a paradigmatic Roman town, the Capitoline triad occupies the most prominent site of the urban centre. To be sure, Capitolia became an important feature of many Roman *coloniae* as a visual means of asserting their Roman status in a non-Roman environment. The reference to the Capitoline triad in the *LURS*, mentioned above, can easily be supplemented by archaeological evidence concerning the construction or renovation of colonial Capitolia in second and first century Italy.¹⁹⁸ Generally, if not invariably, however, the Italian communities acquiring Capitolia in the second and first centuries appear to have been Roman *coloniae* rather than the new *municipia*. Moreover, the extent to which the dedication to a deity of the Capitoline triad by the magistrate of a *municipium* is tantamount to the municipal acceptance of the Roman concept and organization of the cult is impossible to assess.¹⁹⁹ This is not to deny that municipal choices were seriously indebted to the example of Rome. For instance, at Canusium, a community previously exposed to Hellenic culture and language, individual magistrates chose to make dedications to deities that must have been borrowed from Rome.²⁰⁰ Dedications to Apollo and Victoria in Marsian territory, which was previously not exposed to any Hellenizing influ-

¹⁹⁸ Vit. 1,7,1. Capitolia in *coloniae* under the Late Republic: TODD 1985, 56-62. At Urso itself, the actual site of the Capitolium has not been identified.

¹⁹⁹ Iuppiter optimus maximus: e.g. *CIL* 10,1572 (Puteoli), *CIL* 12,3164 (Petelia). Minerva: *Arch. Class.* 1969, 15 (Bantia).

²⁰⁰ Mars: *CIL* 12,3182; Vesta: *CIL* 12,3183; Vortumnus: *CIL* 12,3184; Concordia: *CIL* 10,5159. Hellenization: Hor. Sat. 1,10,30.

ences, also betrays a high degree of borrowing from the Roman pantheon.²⁰¹

This picture becomes more Italianized when one focuses on dedications from a wider social range in the Italian context of rural *pagi* and *vici*. There, outside the direct impact of the urbanized centres of central Italy, the epigraphic record points to a diminishing influence of Romanizing strategies on the choices made by worshippers, who addressed native, or rather ›nativized‹ divinities from a traditional Italian background.²⁰² By way of contrast, the continuing prominence of Hercules Victor in Tibur or of Fortuna Primi-genia in Praeneste betrays the local loyalty to deities with a long-standing tradition. The wide variety of choices made in an Italian context - on the one hand the borrowing from the Roman pantheon at Canusium or in Marsian territory and on the other hand the worship of deities with a strong local identity - shows that these choices were not dictated by an active Roman religious policy. Rather, they must have been constrained by the degree to which religious infrastructures were firmly established and by the Romanizing ambitions of local élites. These choices illustrate the only partial adaptation of the Roman pantheon when transferred to the supra-local context of peninsular Italy, and document the limits of the universalization of ›Roman religion‹. While

²⁰¹ Marsi: CRAWFORD 1981, 158. For similar processes of local acculturation, cf. e.g. *CIL* 1².3167: Minerva Victrix in Tarentum; *AE* 1990,303: Victoria in Trea.

²⁰² LETTA 1992, 117-24, who draws attention to dedications made to Iuppiter, Hercules, Feronia (*CIL* 9,4321, 3602) or Vacuna (*CIL* 9,4636, 4751-2; *AE* 1979,199). Cf. the dedications to local divinities such as Mefitis in Potentia (*CIL* 1²,3163a) or Gemina in Cales (*AE* 1989,176).

Roman citizenship provides a unifying category for the description of first century Italy, >Roman religion< fails to do so. Rather, local adaptation of the Roman pantheon entails that the Roman gods and goddesses themselves altered their identities, thus elucidating the process of the >additive extension of an open system< outlined above.²⁰³

One final example serves to illustrate that a complete transferral of the Roman religious system to a colonial or municipal context was not at issue. The *LUs* specifies the appointment of colonial *pontifices* and *augures* as well as their privileges: the exemption from military service and *munera*, the attribution of military campaigns and privileged seating arrangements at games and gladiatorial shows. These priestly privileges were closely modelled on those of the respective priests at Rome.²⁰⁴ Pontiffs, augurs, as well as *flamines*, are also attested in municipal contexts. Yet, it is unlikely that municipal priestly offices of the first century closely resembled the organization of priesthoods at Rome. Rather, whereas Roman nomenclature was imposed on local religious roles, the nature of these roles was probably left unchanged. The fact that Roman nomenclature can be found in *coloniae* and *municipia* is not surprising, given the character and composition of colonial and municipal constitutions. In the case of the latter, however, priesthoods and religious administration existed prior to municipalization.

²⁰³ See above, 2.7.2.

²⁰⁴ *LUs* (RS no. 25) chs 66-8; SCHEID 1984, 258-9. It is questionable whether the exemption of Roman priests from military service dates back to a statute of the early fourth century, as Plut. *Camill.* 41,7, *Marcell.* 3,4 and App. *BC* 2,627 maintain; cf. FLACH 1994, 270-1.

As we have seen, the municipal administration in general adapted Roman matrix laws to its particular local needs. It is therefore highly plausible that the organization of municipal priesthoods as well rephrased the local *status quo* in a new Roman format. Indirect confirmation of this thesis comes from the *Lurs*. For I would suggest that, whereas the specifications concerning the privileges of pontiffs and augurs in that colonial statute follow a Roman model, this Romanizing tendency does not entail that the functions of these priests would necessarily have resembled those of pontiffs and augurs at Rome.

To be sure, as far as the organization of public cult was concerned, there are several similarities between Rome and its *coloniae* or *municipia*. Colonial magistrates and priests were provided with a number of *apparitores*, who (like their counterparts at Rome) were paid from public funds: the *Lurs* mentions a *haruspex* and a *tibicen*, respectively responsible for divination and the musical accompaniment of sacrifices (ch. 62). In Urso, these *apparitores* were apparently free citizens of the *colonia*. In analogy to the city of Rome, public slaves, including those who performed the actual sacrifice, were also made available.²⁰⁵ In addition, the *Lurs* prescribes the appointment of *magistri ad fana templa delubra*, who have a further responsibility for the organization of the circus games, of sacrifices and the setting up of *pulvinaria* (*Lurs* ch. 128). However, as this particular institution does not directly resemble a Roman

²⁰⁵ *Lirn* chs 19-20. For *apparitores* at Rome, see the Lex Cornelia (RS no. 14) col. I, lines 1-6 and the Tabula Heracleensis (RS no. 24) lines 80-1.

organizational model, the status of these *magistri* is not entirely clear. For the overall administrative and financial responsibility for the maintenance of temples in the city of Rome, in Roman *coloniae* and in *municipia* rested with the aediles.²⁰⁶ On the other hand, these *magistri* are unlikely to have been religious functionaries of lower social standing. The procedure outlined in the *Lurs - magistris creandis* (ch. 128, line 19) - implies that the election of persons of considerable social status was concerned. The nomenclature suggests comparison with the office of *magister municipi*, involved in various civic and religious duties at a municipal level and drawing on members of the local upper classes; or with the office of *curator templi*, which implied personal and financial liability for the upkeep of shrines by individuals of high social status performing a *munus*.²⁰⁷

Another close non-Roman parallel is provided by the *magistri fanorum* of individual deities in Republican Capua before its transformation under Caesar in 59. As Martin Frederiksen has shown, these boards of *magistri*, persons of social standing and sufficient wealth to pay a *summa honoraria* and contribute to public expenses from their own funds, were responsible for the maintenance and administration of Capua and its territory. Supervised by the central *pagus* of

²⁰⁶ E.g. *Lirn* ch. 19. Cf. Cic. *Fam.* 13,11,1, discussing the aedilician administration of *sacra ... et sarta tecta aedium sacrarum locorumque communium* in the *municipium* of Arpinum. There, the maintenance of temples, supervised by the local board of aediles, was financed from the rents that the community received from property let to tenants in Cisalpine Gaul. See further below, 4.1.

²⁰⁷ *Magister municipi*: PACI 1980. *Curator templi*: RIVES 1995, 36-7. For a *curator templi* of the temple of Iuppiter Dolichenus at Rome, see *CIL* 6,30758 = *ILS* 4316.

Capua, these boards of *magistri*, comprising free-born and freedmen, financed the building and repair of civic sacred and secular buildings, either on their own or in collaboration with their colleagues. It is worth noting that this form of organizing the maintenance of Capua's sanctuaries was necessitated by the exceptional lack of a decurional class in the local community.²⁰⁸ A similar rationale must account for the introduction of *magistri ad fana templa delubra* in the Roman colony of Urso. At Rome, members of the aristocracy were expected to contribute to the building, rebuilding, refurbishing and maintenance of the city's sanctuaries. The existence of such an ethos of élite behaviour could not be taken for granted in a recently established *colonia*, where a new colonial decurional élite still had to be formed. In the absence of the deeply rooted aristocratic euergetism which informed the political life of the capital, the office of *magister* would therefore offer a means of promotion to the new colonists and at the same time guarantee the emergence of individual munificence at a colonial level. Moving on to another striking feature, it is illuminating to see how the existence of *magistri* in colonial and municipal constitutions entails a functional differentiation of religion's administration in these communities. A similar juxtaposition of *de iure* aedilician authority and the *de facto* diffusion of administrative responsibilities characterized the system of civic religion at Rome.²⁰⁹

²⁰⁸ CIL 10,3918, 10,3924; 10,4620; FREDERIKSEN 1984, 264-84 and 286-7.

²⁰⁹ See further below, 4.1.2.

In contrast to the detailed system of organizational, administrative and financial regulations provided, the *LUs* gives only minimal specifications concerning the actual religious duties of the two priestly colleges of *pontifices* and augurs in the *colonia* of Urso: *pontific(es) augures sacra publica ... facient* (ch. 66). In the capital, the civic system of religious functionaries - *pontifices*, augurs, *XVviri*, *VIIviri*, *fetiales* and Vestal virgins (to name but the most important functional groupings) - was characterized by the specialization of ritual as well as other obligations of religious administration.²¹⁰ The increase in the number of members of these priestly colleges can be seen as a response to the demands of representing civic religion in a metropolis that outgrew the confines of the nuclear city-state. Turning to the *LUs*, a noteworthy discrepancy becomes evident between the degree of specialization at Rome and in the colonial statute. In particular, there is a disproportionality regarding the sophisticated responsibilities of the pontifical college at Rome as laid down by Roman sacred law and the obligation of *sacra facere* in the case of their colonial colleagues. As we have seen above, Pliny when inquiring into the applicability of pontifical law to provincial communities sent his query to the head of the pontifical college at Rome. It was the capital where a certain

²¹⁰ Cf. WISSOWA 1912, 479-566. BEARD 1990, 19-43 and RÜPKE 1996a, 252-5 stress the diffusion of religious authority as a result of the division of responsibilities and the lack of internal hierarchization; cf. above, 2.4.2. On >specialization<, see RÜPKE 1996a, 255: »[S]pecialization is a useful term ... it was only the membership within the colleges that defined the religious function: political position and social prestige ... did not suffice to establish the special religious and functional competence«.

local knowledge about matters of sacred law existed, and where pontifical law could be expected to apply.²¹¹ By contrast, it is unclear whether the pontifical law of the city of Rome would have applied in colonial or municipal communities, or whether Pliny would have been able to receive an equally authoritative answer from the colonial or municipal *pontifices*. This instance illustrates that despite the colonial and municipal willingness to adopt Roman administrative models the religion of the city of Rome to a significant extent remained a local religion, which did not easily >travel<. Only its administrative epitome was imposed on the colonial charters or transferred to the municipal constitutions.

²¹¹ Cf. above, 3.4.1.

4 RELIGION AND SOCIETY IN LATE REPUBLICAN ROME

ἄνθρωποι γάρ που πόλις ἐστίν, ἀλλ' οὐκ
οἰκίαι οὐδὲ στοαὶ οὐδ' ἀγοραί ἀνδρῶν
κεναί

>Augustus< ap. Cass. Dio 56,5,3, allud-
ing to >Nicias< ap. Thuc. 7,77,7

The previous chapter illustrated the difficulty of adequately outlining the system of beliefs, deities and cults that we unwittingly tend to see as a stable entity called >Roman religion<. Whereas the result may seem largely negative, it suggests that progress cannot be made by applying traditional models of socio-political or cultural identity. This chapter will therefore reevaluate the organization of the city of Rome's religious system beyond these models. Instead, it will suggest more complex parameters that constituted the differentiated local religion of Rome.

4.1 Organizing local religion at Rome

The ancient city-state was responsible for providing a religious administrative infrastructure for its citizens, regarding the financing and maintenance of civic temples, festivals, rituals and sacrifices. At Rome, this civic responsibility was retrojected to the >foundation< of state reli-

gion by Numa;¹ and this civic obligation persisted until the later fourth and early fifth centuries CE, when the Christianization of the agents of organized religion resulted in the demise of paganism in its civic form.²

4.1.1 ›*Sacrum*‹ and ›*publicum*‹

According to Roman sacred law, through its dedication a temple (like any other object) became *sacer* and thus the property of the deity in question; it no longer belonged to the *populus Romanus* or to private individuals.³ Yet, the provision and maintenance of property that was *sacrum*, rather than being left to the divine realm itself, operated in the framework of *publicum* as managed by the civic authorities. Following pontifical decision, a dedication in *loco publico* which had not been authorized by the city-state was not *sacrum*; and tombs could not be placed in *loco publico*, as they were *religiosa*, belonging to the realm of private religion.⁴ The civic administration of public religion entailed that in terms of the Roman law of property *sacrum* and *publicum* were closely related. As concerns building activities in the city of Rome, the Tabula Heracleensis, presumably dating to 45,

¹ Livy 1,20,5: *quibus hostiis, quibus diebus, ad quae templa sacra fierent, atque unde in eas sumptus pecunia erogaretur*. Cf. Fest. 284 L = Ateius Capito suppl. frg. 70 Strzelecki: *publica sacra quae publico sumpto pro populo fiunt*.

² METZLER 1981. See BARNES 1995 on the Christianization of the Roman élite in the early 320s; and SALZMAN 1993 for the Christianization of élites in response to imperial pressure. CANCIK 1995 discusses the ensuing transformation of paganism.

³ E.g. Trebatius Testa ap. Macrobius Sat. 3,3,2. Cf. Aelius Gallus ap. Festus 348-50 L; Gaius Inst. 2,4-8.

⁴ Dedications: Cic. Dom. 127-37; LINDERSKI 1986, 2249⁴⁰⁷, 2272-9; TATUM 1993. Tombs: Cic. Leg. 2,58; cf. Paulus Dig. 47,12,4.

specified the aedile's responsibility for repairing that part of a road which ran beside *aedis sacra seive aedificium publicum seive locus publicus*, whereas the repair of parts adjacent to private property was left to those who owned that property. Similarly, transport relating to building activity at sacred sites as well as to civic building would be permitted by the city's authorities during those times of the day when public transport was otherwise banned from Rome.⁵

It is such juxtaposition of the realms of *sacrum* and *publicum* which has led scholars to assume the conceptual embeddedness of religion in the public realm. To be sure, these scholars are prepared to accept that in the Late Republic Roman legal and administrative texts conceptualized three kinds of domains, sacred, public, and private.

»But it is also clear that throughout the Republic the domain of the sacred and the domain of the public were very close to each other and that the essential boundary did not lie between the divine and the human.«⁶

As outlined above, the problem with such a modern view is that its understanding of the native Roman conceptualization of religion depends on the definition of Roman religion as an external and largely public affair. The now disreputable dichotomy of ›sacred‹ and ›secular‹ has thus been replaced by the dichotomy of ›public‹ and ›private‹; and the view that the sacred domain belonged to the *publicum* is supposed-

⁵ RS 24, lines 29-31, 56-61. Note lines 62-5, whose phrasing is echoed by Livy 34,1,3, outlining that the ban on vehicles in the city of Rome did not apply to the Vestal virgins and the Rex sacrorum, when acting *sacrorum publicorum p(opuli) R(omani) caussa*, or to generals during their triumph.

⁶ CRAWFORD 1989, 94. For further documentation of this view, see above, 2.4.2.

ly reinforced by the testimony of legal and administrative texts or the interpretations of the élite administrators of Roman religion, priests and magistrates. The danger of circular thinking is apparent, since these Roman textual genres address only the external aspect of religious behaviour, and therefore are *a priori* incapable of falsifying the underlying modern proposition concerning the external character of Roman religion. Below, I will demonstrate that we will have to go beyond these dichotomies, if we wish to reassess the religious behaviour of the agents of Roman religion. However, on internal grounds alone the close interrelation of *sacrum* and *publicum* as postulated in scholarship is not an unproblematic proposition.

For the Roman administrative and legal texts could conceptualize *sacrum* and *publicum* as different domains, if (and only if) the distinction mattered. Still with the administration of property, financial funds that were not private were divided into *pecunia publica sacra religiosa*. The municipal Lex Tarentina, when dealing with the embezzlement of these funds, treats them as belonging to the *municipium*, without further discriminating the legal terms of ownership. Yet, the Lex Tarentina seems to present an altogether simplified version of a Roman model, expedient as regards the municipal administration but not a truthful conceptualization of the interrelation of *sacrum* and *publicum*. At Tarentum, the embezzlement of money was covered by civil law. A fourfold fine applied, modelled on legislation on *peculatus* at Rome, yet a local magistrate exacted the penalty, which had to be paid to the *municipium*. By contrast, at Rome *pecu-*

latus, the misuse of public money, and *sacrilegium*, the misappropriation of sacred money or objects, were distinct offences, even though both were part of public criminal law, and although *sacrilegium* appears to have been subsumed under *peculatus*. And whereas at Tarentum *pecunia religiosa*, money presumably relating to tombs and the cult of the Di Manes, belonged to the same category as public and sacred money, it was a *res religiosa* and thus private rather than public according to Roman sacred law. At Rome, the pontifical college had the right to fine persons desecrating graves, but this particular offence could be prosecuted by any Roman citizen.⁷ In the absence of an organizational structure which allowed for temple jurisdiction and policing, it was a practical concern for the protection of the sacred domain which prevailed, when Ulpian (*Dig.* 48,13,1), referring to the *Lex Iulia de peculatu*, suggested that in terms of criminal law *sacrilegium* was subsumed under the offence of *peculatus*. In the case of loss, damage or embezzlement of temple property, which was *divini iuris*, capital punishment could thus be inflicted on temple personnel (Pliny *NH* 34,38).

The Roman anxiety over preserving the boundary between public and private domains is responsible for the frequent juxtaposition of *sacrum* and *publicum* in legal or administrative contexts. At the very beginning of his *De architectura*,

⁷ *Lex Tarentina* (*RS* no. 15), lines 1-6, with the editors' commentary. Rome: [Cic.] *Ad Her.* 1,12,22 (*peculatus*); Cic. *Invent.* 1,11, 2,55 (*sacrilegium*). For the nature of *pecunia religiosa*, cf. the definition of *religiosum* in Aelius Gallus ap. Festus 348-50 L; Gaius *Inst.* 2,6, and the discussion of GNOLI 1979, 71-132. Desecration of graves: *FIRA* ch. 15; Ulpian *Dig.* 47,12,3; BEHREND 1978. See further below, 4.2.

Vitruvius divided building activity into public and private, and public buildings into fortifications, *fana* and sanctuaries, and civic buildings like baths, theatres and porticos (1,3,1). To Vitruvius, this was a contextual choice: what mattered in this context was the distinction between public and private buildings, whereas the further sub-division of public buildings mirrored the structure of the first five books of his work on architecture. Similarly, the distinction between public and private was of fundamental importance in relation to the status of land. A document such as the Lex agraria of 111 or the Republican practice of surveying land illustrate the Roman concern over private rights of usufruct and property. In such contexts, the grouping together of *sacrum* and *publicum* is of minor significance, since their situational juxtaposition entails only an unsystematic conceptualization on the part of the authors of these texts. Rather, treating sacred land as if it constituted a category similar to that of *ager publicus* was an expedient protection of the *sacrum* against private misappropriation.⁸

However, the contextual relationship of sacred and civic domains was redefined as soon as the internal administration of the sacred domain became an issue. As regarded the policing of temple regulations, a sanctuary's maintenance was organized with a view to the involvement of the civic authorities. The Lex templi of the temple of Iuppiter at Furfo in Sabine territory, laid down by the sanctuary's two dedica-

⁸ Lex agraria: RS no. 2. Cf. CIL 1²,402-3: *censuere aut sacrom aut poublicom ese* with CRAWFORD 1989, 95.

tors in 58,⁹ placed the sale of the donations and dedications received (*venditio*) as well as the usufruct of any resulting income (*locatio*) at the discretion of the local aedile (lines 8-9). Furthermore, the prosecution of embezzlement or theft of sacred property was under the control of the aedile and the *vicus Furfensis*. Since they fixed the resulting fine, penal money was presumably paid to the local community (14-6).

The adaptation of Roman legal and sacred terminology suggests that this statute drew on the model of Roman sacred and pontifical law. If so, the boundary that the Lex Furfonensis draws between sacred and civic realms copies Roman conceptions. For the statute's intention concerning *venditio* and *locatio* was to enhance the temple's prosperity in that any income resulting from the aedile's transactions had to be spent on the temple itself.¹⁰ This was achieved by a process whose complexity underlines the distinction between *sacrum* and *publicum*. The sanctuary's property was a *res sacra*. Since the temple's prosperity demanded that this property was made available for the aedile's financial transaction and usufruct, and since in that process the aedile had to be protected against the charge of *sacrilegium*, the property was transferred into a *res profana*:

(7-8) *Sei quod ad eam aedem donum datum, donatum dedicatumque erit, ut ei liceat oeti, venum dare; ubi venum datum erit, id profanum esto ...* (11-2) *Quae pecunia ad eas re data erit, profana esto, quod dolo malo non erit factum.*

⁹ ILLRP 508 with DÜLL 1972, 288-93.

¹⁰ Lines 10-1: *Quae pecunia recepta erit, ea pecunia emere conducere locare dare, quo id templum melius honestius seit.* For the economic importance of such temple property, see below, 4.1.2.

The validity, and the frequency, of the transfer of property from the sacred domain to the domain of human usufruct, implying their conceptual differentiation, is attested by Trebatius Testa's paraphrase of the meaning of *profanum*:

*profanum ... quod ex religioso vel sacro in hominum usum proprietatemque conversum est ... proprie profanatum quod ex sacro promiscuum humanis actibus commodatum est*¹¹

In a further step, however, the Lex Furfonensis ruled that any acquisition resulting from the aedile's transactions on behalf of the temple of Iuppiter took the character of a *res sacra*, thus moving back from the human domain to the domain of the sacred:

(12-4) *Quod emptum erit aere aut argento ea pecunia, quae pecunia ad id templum data erit, quod emptum erit, eis rebus eadem lex esto quaei sei dedicatum sit.*

Through these detailed specifications the temple of Iuppiter protected its property, which had again become a *res sacra*, against misappropriation. Although the temple's rights were safeguarded by the civic authorities, the Lex sacra nevertheless managed to shield the temple of Iuppiter against civic encroachment. For its classification of temple property as a *res sacra* prevented the domain of the *publicum* from having unauthorized usufruct of the temple's resources.

The interaction of the two separable domains of *publicum* and *sacrum* also informs the content of the so-called *Leges sacrae*. Consider the inscription from Cignoli in Macerata, datable to 6 CE:

M(arco) Lepido L(ucio) Arrunti(o)
co(n)s(ulibus) d(ecreto) d(ecurionum) posit(us)
Qui intra stercus

¹¹ Ap. Macrobian. Sat. 3,3,4. Cf. DÜLL 1972, 284.

fuderit multae a(sses) IIII d(abit)¹²

Prima facie, it is inviting to link the intended preservation of cleanliness within the boundaries of this sacred place to wide-ranging theological concerns about sacred pollution. At the same time, practical considerations concerning general hygienic and administrative aspects must have played an important role, since a sanctuary's functioning and financial income would have been compromised by pollution and obstruction. Arguably, such practical considerations prevailed, as this and parallel texts do not openly address the theological issue of sacred purity.¹³ Nor do these *Leges sacrae* deal with particular religious or theological concerns such as the exclusion of individuals on grounds of gender or ethnic origin.¹⁴

As was the case with the *Lex templi* from Furfo, the Italian *Leges sacrae* refer to the authority of magistrates for protection and policing; and the local civic authorities exacted the fine resulting from the overstepping of the

¹² PACI 1987, for text and commentary.

¹³ For parallel texts, see e.g. *ILLRP* 485: *neiquis intra terminos propius urbem ustrinam fecisse velit neve stercus cadaver iniecisse velit. Stercus longe aufer ne malum habeas; ibid.* 504-8. Cf. NÉMETH 1994, who argues that practical, rather than religious considerations, prevailed in the case of similar temple regulations in the Hellenic world.

¹⁴ Contrast the *Lex sacra* on the fifth century Corcelle altar, which appears to have limited access to the sanctuary by certain groups of women on religious grounds: MOREAU 1988 who, at 319-20, gives further regulations, thought to date back to the archaic period, concerning the exclusion of certain categories of women - *paelices*, virgins or remarried women - from specific cults of female deities.

statutes' prescriptions.¹⁵ In the case of the sacred groves addressed in *ILLRP* 504-7, the *Leges sacrae* propose a twofold fine, consisting of an offering of expiation, taking the form of an ox to be sacrificed to Iuppiter, and a *multa* in cash. The receiver of the *multa* must have been the local community protecting the sacred grove. The public domain invariably employed such fines for civic and religious communal activities alike. The *LURs* ruled that fines exacted in connection with the raising of *vectigalia* should be used for the colony's *sacra* (ch. 65). According to the municipal *Lex Tarentina*, a magistrate could spend part of the fine resulting from deceitful maintenance of public property on public building and games (*RS* 15, lines 27, 32-8). The Roman *aediles* employed fines as a means of financing the construction and decoration of the city's temples.¹⁶

However, it is noteworthy that the specification of a twofold fine in these *Leges sacrae* positively established a distinction between the *sacrum* and the *publicum*. If an offence was committed within the boundaries of sacred groves, a sacrifice to Iuppiter as the instance dealing with offences against the divine realm applied. But only if the offence was committed wittingly and with evil intent, it became

¹⁵ Civic authority: e.g. *PACI* 1987, line 2: *decreto decurionum*; *ILLRP* 485, line 1: *L. Sentius C. f. praetor de sen(atus) sententia*. Civic involvement: e.g. *ILLRP* 505, lines 8-10 and 506, lines 11-2: *dicator[ei] exactio est[od]*; *ibid.* 508, lines 14-5: *aedilis multatio esto*.

¹⁶ E.g. Pliny *NH* 33,19 (Concordia in 304); Livy 10,23,11-13 (games and golden *paterae* dedicated to *Ceres); 10,31,9 (Venus in 295); 10,33,9 (Victoria in 294); Pliny *NH* 18,286 (Flora in 241 or 238); Livy 24,16,19 (Libertas in the 230s); 33,42,10 (Faunus in 194).

an issue of human law as well, for which a complementary fine in cash was levied:

*Sequis advorsum ead violasit, Iovei bovid piaculum dato; seiquis scies violasit dolo malo, et Iovei bovid piaculum dato et a(sses) CCC mo[ltai sunt].*¹⁷

The twofold fine, addressing two distinct instances, conceptualized the domains of *sacrum* and *publicum* as two distinct entities, to which different kinds of legal understanding applied.¹⁸

The major Roman priesthoods had the usufruct of, as well as owned, landed or urban property. In exceptional cases of monetary crisis, this property could be appropriated by the state. Unfortunately, it is unclear whether property or the equivalent value in cash was later restored to the priests. Roman civil law accounted for the possibility of testators bequeathing legacies to priests and temple personnel.¹⁹ By contrast, only a few respected deities could be nominated as heirs or recipients of legacies (Ulpian frg. 22,6). But whereas it is not infrequently assumed that temples in Italy, unlike the sanctuaries of Greece and Asia minor, did not own land, this was not universally true. The office of *vilicus Dianae*, the bailiff of (the temple of) Diana Tifatina at Capua, or that of *salutarius Virtutis*, attested at a temple of Virtus near modern Ferrara, suggest that at least some temples in Roman Italy possessed and administered

¹⁷ ILLRP 506, col. 2,2-10 = ILLRP 505, col. 1,10-col. 2,7.

¹⁸ Cf. Tac. Ann. 1,73,4: *deorum iniuriae dis curae*; Cic. Leg. 2,22: *periurii poena divina exitium, humana dedecus*, 2,43-4; WISSOWA 1912, 388.

¹⁹ Property: e.g. Sic. Flaccus 162 L; Festus 204 L. Appropriation: Oros. 5,18,27; App. Mithr. 22,84, referring to the years 91-88. Cf. BODEI GIGLIONI 1977, 33-45; RÜPKE 1995b, 281-2. Legacies: Scaevola Dig. 33,1,20.

landed property of their own, which in legal terms would have been sacred land belonging to the respective deity, but whose estates were maintained as private land by an organizational structure resembling *Villae rusticae*.²⁰

This observation raises a final question with respect to the Roman conception of temple property. During the Civil Wars of the Late Republic and the triumviral period, Roman generals not only pillaged private money, for which a number of Roman and Italian sanctuaries served as depositories,²¹ but also used the property of the temples of Roman Italy itself as a means of financing their military campaigns. In the self-representation of the Late Republican *condottieri*, the appropriation of sacred money was portrayed as a temporary borrowing of divine property, which would subsequently be restored to its rightful owners. By contrast, Caesar presented his opponents as sacrilegious and deliberately negligent of the boundary between the respective domains of human and divine law:

*Tota Italia dilectus habentur, arma imperantur, pecuniae a municipiis exiguntur, e fanis tolluntur, omnia divina humanaque iura permiscentur.*²²

²⁰ *Vilicus*: CIL 10,8217 = ILS 3523. *Saltuarius*: CIL 5,2383 = ILS 3524. Cf. BODEI GIGLIONI 1977, 41-2; CARLSEN 1994. Sulla donated land to Diana Tifatina in gratitude for his victory over the consul C. Norbanus in 83: Vell. Pat. 2,25,4; DE FRANCISCIS 1966. Cf. Cic. ND 3,49 and Livy 24,3,4-6 for landed property belonging to Greek sanctuaries and to the temple of Iuno Lacinia at Croton respectively.

²¹ BROMBERG 1939-40.

²² Caes. BCiv 1,6,8. Despoiling of temple property: e.g. Pliny NH 33,16 and Diod. 38-9, frg. 14 (Marius and Sulla); Suet. Iul. 54,3 (Caesar); Caes. BCiv 3,33,1; Cass. Dio 48,12,4: καὶ χρήματα ἀπανταχόθεν καὶ ἐκ τῶν ἱερῶν ἤθροισαν; App. BCiv 5,24,97, 5,27,106 (Octavian and Marc Antony). Rhetoric of *restitutio*: Caes. BCiv 2,21,3; Augustus RG 24; Suet. Aug. 18; Cass. Dio 51,16,3. For the

Furthermore, the *restitutio* named the deity as the owner of the sacred property that had been misappropriated. In terms of the law of property, these Roman generals made a distinction between the public domain, to which sacred resources had temporarily been transferred, and the domain of the deity, to which these resources belonged.²³

Moving to a more general observation, official Roman nomenclature mirrored this conceptual distinction between *sacrum* and *publicum*. The estate managed by the *vilicus Dianae* mentioned above bore the name of *p(raedia) D(ianae) T(ifatinae)* (CIL 10,3828): both the office and the land documented the ownership of the goddess. Similarly, the phrase *aedituus Dianae Plancianae* (AE 1971,31) referred to the temple warden in terms of an office obliged to one particular deity, rather than suggesting that the office merely represented a functionary appointed by the Roman state, whose responsibility it was to supervise public property. At the same time, however, these offices, as well as the sphere of their activity, were placed in the framework of civic authority. As a consequence, we find ourselves in a situation in which any attempt to define the relationship of the two domains of *sacrum* and *publicum* through the received dichotomies of >sacred< and >secular< or of >public< and >private< is *a priori* compromised.²⁴ One way of avoiding the trap of these dichotomies is to apprehend how this relationship ful-

religious propaganda of the generals of the first century in general, see JAL 1961; Id. 1962.

²³ E.g. U. LAFFI, *Athenaeum* 49 (1971), 45: *e(go) v(olo) vos c(urare) ... utei Lusias ... restituat deo fa[num e]t in eo inscribeatur Imp. Caesar Deivei f. Augustus re[stituit]*.

²⁴ Cf. e.g. SCHEID 1984, 259.

files the criteria of the interaction of ›open systems‹. We can fully assess the relationship of these two domains only when applying a model that allows us to understand them as entities which are closely interrelated, yet which at the same time preserve their internal autonomy marked by boundaries.²⁵ As we shall see, the conceptualization of the realm of religion as an autonomous area characterized the organization of religion at Rome.

4.1.2 The diffusion of religious administrative authority

The name *aedilis* was etymologically linked to *aedes*, and the *aedium sacrarum procuratio* was only one of the numerous aspects of the aedilician *cura urbis* under the Republic. Yet, contrasting the minute administrative apparatus available to the aediles and their vast administrative obligations in the Late Republican capital, the practical efficiency of their actions must remain doubtful.²⁶ In order to meet the administrative demands of the city of Rome, there existed a clear territorial division of aedilician responsibilities in the later forties of the first century. By contrast, Cicero in 70 seems to imply that his duties as future aedile, differentiated into the domains of organizing the Ludi, of up-keeping the *sacrae aedes*, and of administering secular business, covers the entire city. In this context, however, Cicero intends to magnify the office of aedile before the Roman People, rather than detailing the functions of one

²⁵ For the methodological framework, see above, 2.7.4.

²⁶ Cf. ROBINSON 1992, 59-82; KUNKEL & WITTMANN 1995, 487-8; NIPPEL 1995, 17. Etymology: Varro LL 5,81; Paulus Festus 12 L; Dion. Hal. Ant. Rom. 6,90,3.

particular aedile. Therefore, it is unwarranted to believe on the basis of this passage only that the territorial division in the competence of aediles postdates the year 70.²⁷

The aediles' *procuratio sacrarum aedium* involved the administrative organization of the restoration of civic temples, shrines and altars. This did not necessarily entail the use of public money. The aedilician involvement in the refurbishment of the mosaic floor in the temple of Asclepius on the Isola Tiberina in the early second century is an example of the interaction of two autonomous domains. For the aediles' contribution was restricted to the *locatio*, which was entirely paid for from donations and fees that the temple had received and administered as its own (sacred) property.²⁸

The aedilician *procuratio* extended, it seems, to the regular annual supervision of the physical state of temples, of *aeditui*, and of the property of civic temples. The *aedituus* of Varro's *De re rustica* is unable to welcome the guests he had invited to celebrate the *Feriae Sementivae* in the temple of Tellus because he has been summoned to see the aedile.²⁹ In general, *aeditui* were subject to the directions of Roman magistrates (Livy 30,17,6). At the same time, how-

²⁷ Cic. *Verr.* 2,5,36. Forties: Tabula Heracleensis (RS no. 24), lines 24-31. Cf. Varro *RR* 1,2,2: (*aedilis*) *cuius procuratio huius templi est*. The dramatic date of *RR* book 1 is 45-37 rather than 59-56, as is traditionally assumed; see FLACH 1996, 7-15, 38-9.

²⁸ *CIL* 1².800 = *ILLRP* 39: ... *aed(iles) d(e) stipe Aesculapi faciundum locavere, eidem pr(aetores) probavere*; LATTE 1960, 277. Cf. *CIL* 1²,807; *CIL* 6,36807, for aedilician involvement; *ILLRP* 186 and 191, for *stipes* spent on small-scale sacred building.

²⁹ *RR* 1,2,2. Cf. the aediles' *cura annua* mentioned in [Asconius] 251 St.

ever, the office of *aedituus* serves to illustrate the precarious interaction of the domains of *sacrum* and *publicum*. As we have seen, these *aeditui* documented their obligation to the temple and to the deity rather than to civic authority. They commemorated the social fact that they stood at the head of a civic temple with a distinct legal status and socio-economic function, supported by its own administrative apparatus and internal hierarchy. Men like Varro's *aedituus*, who was freeborn and in a position to manumit slaves (RR 1,69,2), were no doubt eager to enhance their social position by seizing the administrative responsibilities that the aediles delegated. This process contributed to the decentralization and diffusion of civic authority in matters of religious administration.

The providers of the basic means of daily cult routine in the city constituted one particular group over which public control could have been exerted in the final years of the Late Republic. For the senatorial legislation *de collegiis* of the sixties and fifties also extended to those *collegia* without whom the smooth running of the *sacra publica* would have been impossible. In the Augustan period, the restrictive reorganization of collegiate life in Rome entailed that a *collegium symphonicorum* would resort to advertising in public that its *raison d'être* was its participation in the city's *sacra publica*, and that this *raison d'être* was contingent upon the authority of the Senate and that of Augustus.³⁰ The prescriptive phrasing that shines through this

³⁰ CIL 6,2193: *dis manibus collegio symphonicorum qui sacris publicis praesunt ... quibus senatus c(oire) c(onvocari) c(ogi) permisit e lege Iulia ex auctoritate*

act of collegiate self-representation reflects the centralizing control over *collegia* and suggests a regulative approach towards the organization of civic religion in Augustan Rome. By contrast, Late Republican evidence for the monitoring of these collegiate providers of cult services is lacking - or seriously fragmented.³¹ In any case, systematic legislation concerning *collegia* did not exist prior to the Caesarian and Augustan *Leges Iuliae de collegiis*. The Imperial attitude towards *collegia*, which informs the respective positions of the *LFlav* and of Trajan and Pliny, rested on the principle that the public usefulness of a *collegium* had to be proved to the civic authorities before its legal acknowledgement could take place. Without that civic permission, a collegiate organization would incur the legal charge of illegally assembling (*coetus causa*). While this legal situation presumably provoked the Augustan *symphoniaci* into asserting their utility as the providers of services for the realm of civic religion *ludorum causa*, and caused them to affirm the centrality of the domain of civic religion, a comparable form of centralization does not seem to have been achieved, nor indeed intended, by the Late Republican Roman Senate.³²

Aug(usti) ludorum causa. SC de *collegiis* of 64: Asconius 7 C. *Leges Iuliae de collegiis*: Suet. *Iul.* 42,3; Joseph. *Ant. Iud.* 14,215; *Aug.* 32,1. Cf. LINDERSKI 1995, 217-23. On *collegia*, see further below, 4.2.3.

³¹ *ILLRP* 185, referring to a college *teib(icinum) Rom(ano-rum) qui s(acris) p(ublicis) p(raesto) s(unt) e[x ?s(enatus) c(onsulto)]*, could be a Republican example. But the restoration is uncertain, and dating rests on speculation.

³² *LFlav* ch. 74; Pliny *Ep.* 10,33-4. Cf. Gaius *Dig.* 3,4,1. Since *LUrs* ch. 106: *coetum conventum coniu[r]ationem ...*, dealing with illegal gatherings, is fragmentary, we cannot rule out the possibility that this chapter of the

The diffusion of civic administrative and financial responsibilities would also take the form of public spending on the remuneration of private contractors, who provided for those things *quae ad sacra resque divinas opus erunt* (L^Urs ch. 69). Civic sacred buildings subject to censorial *locatio* would be let to private entrepreneurs by auction for a limited period of five years. The person acquiring the maintenance (*tuitio*) of a sacred building for a set amount of money, paid out of the public treasury, obliged himself to undertake its upkeep and repair.³³ The *tuitio* of private entrepreneurs included the regular maintenance of sacred objects, catered for painting the cult statue of Iuppiter Capitolinus, organized the feeding of the sacred geese on the Capitoline hill, rendered the horses for the annual Ludi circenses, or provided the trombonists who served to announce the *comitia centuriata*.³⁴ In addition, private maintenance covered the nonregular refurbishment of sacred statues that had been damaged. The inefficiency of this practice is illuminated by a famous incident from the years leading up to Cicero's consulship. In 65, lightning struck the Capitoline hill, liquefying bronze tablets inscribed with laws and damaging honorific statues, a statue group of the she-wolf

Caesarian charter already included *collegia*. In general, cf. BEHREND 1981, 174-8; below, 4.2.3.

³³ E.g. Cic. Verr. 1,129-134; Festus 428, 254 L; Paulus Festus 429 L; Tertull. Apol. 13,5; KUNKEL & WITTMANN 1995, 446-61. The sacred buildings on offer were displayed in the *tabulae censoriae*: Gell. 2,10,1 (*censoris libri*). The *tabulae censoriae* listing the private *sacellum* that formed part of Clodius' house on the Palatine (Cic. Har. resp. 30) presumably were censorial records of private property; cf. LENAGHAN *ad loc.*.

³⁴ Capitoline hill: Cic. Sext. Rosc. 56; Pliny NH 10,51; Plut. Quaest. Rom. 98. Ludi: Livy 24,18,10; Paulus Festus 8 L. Trombonists: Varro LL 6,92.

with the twins as well as a Iuppiter on a column. After consultation with the *haruspices*, the consuls of that year negotiated the respective *locationes*. In the event, work on the statue of Iuppiter could not commence prior to 63, due presumably to the heavy demands which deterred potential contractors, since as a result of the recommendation of the *haruspices* the *locatio* entailed replacement by a larger statue and its subsequent relocation.³⁵

In effect, the Republican system of religious organization transferred public control over routine administration to private individuals. The ›state‹ entered into an economic contract with an equal partner: this legal arrangement limited the control of the public domain. The absence of systematic state control and its corollary, the decentralization of religious authority, are striking features of the Roman Republic, which the advocates of the civic religion model do not sufficiently take into account. Partly as a response to the inefficiency of the Republican system, and partly with the intention of increasing control, Augustus created the office of *curatores aedium sacrarum et operum locorumque publicorum*. The Augustan reorganization of the maintenance of sacred and civic buildings meant that private contractors would still be involved, but that civic super-

³⁵ Cic. *Div.* 2,46; *Obsequens* 61; Cass. Dio 37,9,2, 34,3-4. Cicero preferred to portray the ensuing delay of two years as an act of divine providence, since the statue's eventual replacement in December 63 coincided with his exposure of the Catilinarian conspiracy: *Cat.* 3,20-21; *De consulatu suo* frg. 10 *FLP*, 33-65.

vision, though nominally still a senatorial prerogative, and financing became subject to the emperor's direct control.³⁶

It is commonplace that the administrative organization of the major religious festivals of the city of Rome relied on public money. According to the *Fasti Antiates ministorum*, dating to the Tiberian period, between 380,000 and 760,000 HS of public money were spent on the *Ludi Romani*, the *Ludi plebei* and the *Ludi Apollini* respectively. However, to a very considerable extent these public funds were supplemented by the magistrate organizing the games, since the actual costs could amount to up to 3,000,000 HS.³⁷ On such an occasion, popular sentiment expected the display of public munificence from the magistrate, who exploited the opportunity for self-representation provided by the office and festival.³⁸ On a smaller scale, the *LURs* expected *IIViri* and aediles to spend no less than 2000 HS of their own money on *Ludi* for the Capitoline triad and Venus as well as for gladiatorial shows as *summae honorariae*, although public funds could be accessed for supplementing the expenses if the money was spent on civic sacrifices (chs 70-1). The *Lex Tarentina* legally obliged municipal magistrates to spend on public building and games, but accounted for the possibility that a magistrate would wish to fulfil his *summa honoraria*

³⁶ Suet. *Aug.* 36-7; ECK 1992; KOLB 1993. Private contractors: *CIL* 6,31338a; 15,7241. See e.g. *CIL* 6,8478, 9078; 10,529; 11,3860, for the combination of public and the *princeps'* private funds.

³⁷ *Fasti Antiates ministorum*: *Inscr. It.* 13,2,26 p. 208-9; Cass. Dio 54,17,4; RÜPKE 1995b, 274-6.

³⁸ E.g. Cic. *Har. Resp.* 22-9, on Clodius organizing the *Ludi Megalenses* as aedile in 56; WISEMAN 1974, 159-169; *Id.* 1985a, 36. Aedilician munificence did not necessarily lead to political success: GRUEN 1992, 188-95.

by using half of the money received from fines exacted on illegitimate handling of public property.³⁹ Such a juxtaposition of the public treasury's contribution and private munificence, of civic funds and individual *summae honorariae*, served to diffuse financial responsibilities.

In the city of Rome, it was the emperor's control of civic munificence that began to undermine the Republican system of decentralized financial and administrative authority in the organization of civic religion. The organization of temple building and repair illuminates this change. For instance, throughout the Late Republic individual aristocrats could be expected to repair religious shrines built by their ancestors, an expectation still applying in the years after Actium and either continued or revived under Tiberius.⁴⁰ Cicero in 55-54 was commissioned to rebuild the temple of Tellus, whose *magmentarium* had been incorporated in the adjacent house of Cicero's neighbours Clodius and Appius Claudius. The refurbished shrine contained a statue of Q. Cicero and, very likely, references to the consular himself and his achievements.⁴¹ Such practice continued in the year immediately after Actium. Munatius Plancus restored the temple of Saturn *ex manib(iis)*, as the inscription, carrying the restorer's name, reported (*CIL* 6,316 = *ILS* 41). The temple of Apollo on the border of the Campus Martius, restored

³⁹ *RS* 15, lines 27 and 35-8. Cf. *ILLRP* 648 (Pompeii): *ex ea pecunia quod eos (sc. IIviros) e lege in ludos aut in monumento consumere oportuit*; LOMAS 1997, 32-6.

⁴⁰ E.g. Cic. *Verr.* 2,4,79-80; Cass. Dio 53,2,4; Tac. *Ann.* 3,72,1-2.

⁴¹ Cic. *Quint. Fr.* 3,1,14; cf. Har. *Resp.* 31: *aedes Telluris est curationis meae* with E. COURTNEY, *CR* (1960), 198-200.

by C. Sosius, was hence known as that of Apollo Sosianus, and the temple of Diana on the Aventine, restored by L. Cornificius after his triumph in 33, was subsequently referred to as that of Diana Cornificia.⁴² By contrast, with the rise of autocracy the restoration of temples, just as public building in the city of Rome in general, increasingly became the prerogative of the *princeps*. When referring to his restoration of eighty-two temples in the city of Rome, Augustus' use of Republican constitutional formality (*ex auctoritate senatus*) misrepresented the facts of realpolitik: now the *princeps* could even afford to restore the Capitoline theatre and the theatre of Pompey *sine ulla inscriptione mei*.⁴³

4.1.3 Decentralizing financial responsibilities

It has often been assumed that under the Republic victorious generals fulfilled their vows to the gods by building temples *ex manubiis* on return from their military campaigns.⁴⁴ The view that these generals themselves financed the construction of their temples could be taken as entailing that with respect to the particular category of Roman votive shrines the Senate's influence was marginalized. In this crude form, such a view is untenable, since it underestimates the Roman Senate's participation in the construction

⁴² Apollo Sosianus: Pliny NH 13,53; 36,28. Diana Cornificia: Suet. Aug. 29,5; CIL 6,29844,2; CIL 6,4395 = ILS 1732; ECK 1984, 139-40.

⁴³ Augustus RG 19,1-2, 20,1, 20,4; Suet. Aug. 30; Cass. Dio 53,2,4; ECK 1984, esp. 139-142. The Republican pattern of financial decentralization persisted in Italy and in the provinces; cf. RIVES 1995, 28-39.

⁴⁴ E.g. SHATZMAN 1975, 90-1, *passim*; PIETILÄ-CASTRÉN 1987, 26-7, *passim*.

of temples vowed before or during military campaigns. The Senate was not only responsible for the allocation of space to the new sanctuary, but also provided the administrative framework relating to the foundation and dedication of the temple concerned.⁴⁵ Furthermore, only very few Republican temples are known to have been financed from the general's *manubiae*, whereas a significant number of temples vowed by a general were financed from public funds. In most cases, however, the actual means of financing remain obscure.⁴⁶ At the same time, the generals possessed *carte blanche* as to the use to which they would put their booty. In effect, part of the manubial money was spent on the decoration of the temples vowed while on campaign. Rather than finding its expression in the financing of the sacred site itself, the self-representation of a successful commander in the temple took the form of displaying spoils, of art objects or honor-

⁴⁵ See ORLIN 1997, 139-87, drawing attention to the internal delegation of senatorial responsibility to the respective committees of *duumviri aedi locandae* and *duumviri aedi dedicandae*, subject to the Senate's authority. Cf. the Senate's appointment of *IIIviri* for the maintenance of temples, also operating under the Senate's supervision: Livy 24,47,15-6.

⁴⁶ ORLIN 1997, 117-35, 199-202, drawing up a list whose most prominent feature is the frequency of the entry '>not recorded<'. The temples securely attested as having been financed from manubial money are (1) Fors Fortuna, financed by the consul Sp. Carvilius Maximus in 293 (Livy 10,46,14); (2) Mars Invictus, by D. Iunius Brutus, consul in 138 (Val. Max. 8,14,2); (3) Honos and Virtus, by Marius *de manubiis Cimbris et Teuton<ibus>* (ILS 59). ORLIN 1997, 130-1, 194 adds three further temples, namely (4) Fons ex Corsica (Cic. ND 3,52); (5) Felicitas ἐκ τοῦ Ἰβερικοῦ πολέμου (Cass. Dio 22, frg. 76,2); (6) Hercules Victor (CIL 1²,626 = ILLRP 122). Unfortunately, the evidence for (4) and (5) is inconclusive, while (6), the triumphal inscription, positively fails to mention financing from manubial money.

ific statues and paintings, including self-portraits, which commemorated the exploits of their dedicators.⁴⁷

The Senate's financial and administrative participation in founding temples vowed by individual generals could be interpreted as the state's encroachment upon individual religious choices and the subordination of personal interests to a system of state religion. That view would be a variant of the modern model of civic religion, which perceives individual religious activity in Rome as fundamentally embedded in the civic domain. However, as we have seen, public administrative and financial involvement as such did not *a priori* constitute a case of civic encroachment. By contrast, it is noteworthy that the commanders' choices concerning the divine addressees of their vows were unconstrained by interference from the Senate. On the contrary, by erecting sacred shrines for deities chosen by individuals the Senate promoted individual religious predilections to the status of communally supported cults.⁴⁸ Moreover, the modern concept of >the state<, which informs the notion of a unified senatorial body administering >state religion< against the interests of individual aristocrats, is problematic. The Roman Senate must not be judged on the basis of a modernizing conceptualization of organized state control over society, but could only be as unified as the interests of its individual members would permit. And whereas the civic model construes a development from senatorial authority in religious matters

⁴⁷ Cf. HÖLSCHER 1978, 340-6, 344-5; WISEMAN 1994, 99-100; ORLIN 1997, 132, 135-9. For the generals' authority over manubial money, see SHATZMAN 1972.

⁴⁸ For the wide range of deities chosen by the generals, see PIETILÄ-CASTRÉN 1987.

to individualization and fragmentation, the evidence available suggests that from the fourth century onwards the members of a competitive Roman political élite were concerned with their self-representation rather than with the upholding of a consensus among the upper classes.⁴⁹ The idea of senatorial unity, if such a unity existed, has to be located in an even earlier period, where evaluation of the data is based on speculation rather than on sound historical principles.

The temple of Hercules Musarum *in circo Flaminio* elucidates the interplay of senatorial participation and individual independence from senatorial authority. M. Fulvius Nobilior added a portico to an already existing temple of Hercules and, introducing a statuary group of the nine Muses of Ambracia, rededicated the sanctuary to Hercules Musarum. Fulvius' building at the sanctuary seems to belong to the period of his censorship (179-73), and was financed *ex pecunia censoria*. At the same time, Fulvius' building activity is an instance of the aristocratic self-aggrandizement of the second century: the temple was turned into a Museion serving to display permanently the booty seized by Fulvius during and after his siege of the town of Ambracia in

⁴⁹ E.g. HÖLSCHER 1978, 1980, 1982, for the artistic representation of individuals from the fourth century onwards. Cf. *ILLRP* 310; Cic. *Cato mai.* 61; Livy 8,8,17, 9,1,2; Pliny *NH* 7,139-40; WISEMAN 1985b, 3-4; MILLAR 1989, 148-9, for the third century rhetoric of competition. FLOWER 1996 discusses the use made of ancestors in this process. On the »Selbstverständnis und Selbstdarstellung der Nobilität«, see HÖLKESKAMP 1987, 204-40, overrating the political élite's homogeneity. See above, 3.1.4.

189-87.⁵⁰ In addition, Fulvius had Fasti painted on the walls of the sanctuary, which not only included a traditional dedicatory inscription and a list of Roman consuls, but also introduced a selection of the *dies natales* of temples in the city of Rome compiled by the poet Ennius. No doubt these Ennian Fasti had their chronological culmination in Fulvius's consulship and in his rededication of the temple of Hercules Musarum: the wall-painting in the sanctuary must be seen as a display of individual ambition in the framework of the politicized culture of the second century.⁵¹ Fulvius' temple of Hercules Musarum illustrates the form which the interplay of public authority and individual independence could take. The generals' priorities lay with self-representation through temple decoration and not with temple financing, because the financial and administrative involvement of a fragmented Senate provided a welcome framework of support, rather than impinged upon, individual aristocratic interests.

The notion held by some scholars that individual magistrates mediated between gods and men as proxies of the Roman state is also problematic. Through the holding of *auspicium*, magistrates and generals took the auspices as representa-

⁵⁰ RÜPKE 1995a, 332-41. Temple: Eumen. *Paneg.* 9,7,3; Serv. auct. *Aen.* 1,8. Booty: Livy 39,5,14; Pliny NH 35,66. Games: Livy 39,22,1-2; GRUEN 1992, 195-6.

⁵¹ Macrob. *Sat.* 1,12,6; RÜPKE 1995a, 341-68. Invention of consular Fasti: RÜPKE 1995c, 199-202. For Ennius as the likely author of Fulvius' Fasti, see SKUTSCH on Enn. *Ann.*, pp. 144-6, 313-4. Ennius and Fulvius: Enn. *Ann.* 268-86 Skutsch; L. Aelius Stilo fr. 51 Funaioli ap. Gell. 12,4,5; Cic. *Tusc.* 1,3. Ennius' Fasti became a source of Iunius Gracchanus' commentary *De Fastis*: frgs 1-2 Funaioli ap. Varro *LL* 6,33-4; cf. Macrob. *Sat.* 1,12,6. On the genre of *Libri fastorum*, >commentaries about Fasti<, see RÜPKE 1994, 125-31.

tives of the People and the Senate. Nevertheless, we should not be thinking in terms of an abstract category of religious charisma: *auspicium* showed in the magistrate's or the general's taking of individual *auspicia publica*; and political or military success, linked to scrupulous ritual performance, enhanced the political authority of the respective magistrate or general. The *laudatio funebris* for L. Caecilius Metellus or the votive inscription of L. Mummius stress this relationship between religious obligation and individual authority: *auspicio suo maximas res geri, duct(u) auspicio imperioque eius*.⁵² Whereas the Roman Senate accepted the financial and administrative responsibility for constructing votive temples, the actual *dedicatio* was generally, if not invariably, performed by the respective commander or his relatives. And it seems that this special relationship between the family of the person that had undertaken the vow and the deity addressed played a decisive role.

Moreover, it was the individual's achievement that the votive inscription over the temple doors publicized. For example, M. Aemilius Lepidus, Fulvius' colleague as censor in 179, dedicated the temple of the Lares marini *in campo*, vowed by L. Aemilius Regillus eleven years earlier and apparently financed from public money. Nevertheless, the votive inscription *supra valvas templi* publicized Regillus' military achievements.⁵³ Apparently, the association of a

⁵² Pliny NH 7,139-40, discussed above, 3.1.4; ILLRP 122. Cf. RÜPKE 1990, 44-5; KUNKEL & WITTMANN 1995, 28-37.

⁵³ Livy 40,52,4-7: a copy was placed *in aede Iovis in Capitolio supra valvas*. Cf. CIL 1²,626 = ILLRP 122, the votive inscription of the temple of Hercules Victor near the Tiber bank, dedicated by L. Mummius in c. 142. That text does not corroborate the view that Mummius erected

temple foundation with the self-representation of a particular individual preceded the Late Republic. Such evidence invalidates the view that this association of votive temple and individual was a sign of the erosion of state authority in the wake of increasing individualization.⁵⁴ Instead, from the early second century onwards these sacred shrines were linked to individuals, rather than to an abstract Roman state, thus seemingly disregarding financial responsibilities. For instance, the temple of Hercules in *Foro Boario*, vowed and dedicated by P. Cornelius Scipio Aemilianus, was known as the *aedes Aemiliana*.⁵⁵ Whereas that temple was presumably constructed from public money, the temple of Honos and Virtus, referred to as the *aedes Mariana*, was financed *ex manubiis* by the *homo novus* Marius.⁵⁶ That latter temple has its own revealing history: Marius' choice of Honos and Virtus clearly imitated the undertaking of M. Claudius Marcellus (cos 222, 215, 214, 210, 208), who restored Q. Fabius Cunctator's temple to Honos and added the cult of Virtus. In Marcellus' new dual temple exactly the same pair of deities as in Marius' *aedes* was worshipped. The earlier temple was duly dedicated by Marcellus' son, the consul of 196, outside the *Porta Capena* in 205. The tomb of the elder Marcellus, situated *ad Honoris et Virtutis*, provided a visual link between the two deities in question and that particular ari-

the temple from manubial money, as e.g. ZIOLKOWSKI 1988, 309 or ORLIN 1997, 193-4 assume. But the temple could have been a private *aedicula*: LATTE 1960, 219-20; PIETRILÀ-CASTRÉN 1987, 143.

⁵⁴ For this view, see e.g. ORLIN 1997, 192-8.

⁵⁵ PIETRILÀ-CASTRÉN 1987, 134-8; ZIOLKOWSKI 1988, 311-4.

⁵⁶ ILS 59; Cic. *Sest.* 116; *Planc.* 78; *Div.* 1,59; *Vitr.* 3,2,5; Val. Max. 1,7,5; D. PALOMBI, *LTUR* 3 (1996), 33-5.

stocratic family.⁵⁷ Elizabeth Rawson has tentatively suggested that through his choice Marius insinuated that he wanted to be regarded as a successor to Marcellus in terms of his military success and political prestige, appropriately expressed by the qualities of *virtus* and *honos*.⁵⁸ More likely, by choosing Honos and Virtus Marius made a more general *political* claim. The two deities in question belonged to those deified abstractions that embodied on a divine plane the competitive value system of individual excellence which was instrumentalized by Rome's aristocratic élite.⁵⁹ The abstract constituents of that value system received civic worship (though of course instituted by individual initiative) from the late fourth and the third century onwards.⁶⁰ By making his choice the *homo novus* Marius demanded recognition as a member of that very élite. Furthermore, the construction of his temple from manubial money may document some opposition from the political establishment as well as defiance on the part of Marius.

The displacement of state authority onto the level of individual responsibility in matters of sacred building was the result of the notion that the erection or restoration of public *monumenta* would enhance an individual's *honos* and

⁵⁷ *Monumenta*: Asconius 12 C. For the deities, see WISSOWA 1912, 149-50, and for the temple D. PALOMBI, *LTUR* 3 (1996), 31-3.

⁵⁸ RAWSON 1991, 158-63, at 161-2.

⁵⁹ Cf. HÖLKESKAMP 1987, 208-21 with further literature. That is not to say that the shared communication about this value system created a homogenous élite: see above, 2.5, 3.1.4 and *passim*.

⁶⁰ Cf. HÖLSCHER 1978, 348-50; HÖLKESKAMP 1987, 238-40.

memoria.⁶¹ This decentralization of the state's responsibilities in the final century of the Late Republic, the corollary of the euergetism of a competitive aristocratic élite, as well as the subsequent reversal of that process under autocratic rule is well documented. A famous example is Pompey's theatre-temple in the Campus Martius, dedicated to Venus Victrix in 55, whose architectural design included a statue of Pompey which carried a globe and was surrounded by fourteen *nationes*, thus portraying Pompey's conquest of these regions and the promotion of the *imperium populi Romani* to the margins of the *orbis terrarum*. The theatre was known as the *theatrum Pompei*.⁶² Similarly, the temple of Venus Genetrix, the ancestral goddess of the Aeneadae Iulii, was the centre-piece of the architectural design of Caesar's Forum Iulium.⁶³ On a less conspicuous plane, there existed many more instances of a deity or temple being linked to the building activities of individuals.⁶⁴

⁶¹ Paulus Festus 123 L: *monumentum est ... quicquid ob memoriam alicuius factum est, ut fana, porticus*. Cf. Cic. Verr. 2,4,69; WISEMAN 1985a, 20-1.

⁶² Tac. Ann. 3,72,2; Pliny NH 36,41; Suet. Nero 46,1; SHATZMAN 1975, 392; COARELLI 1996, 360-81. In Pompey's triumph of 61, statues of the οἰκουμένη and the conquered regions had been displayed: Cass. Dio 37,21,2; Pliny NH 7,98, Plut. Pomp. 45,2; App. Mithr. 116,568; WEINSTOCK 1971, 35-59.

⁶³ WEINSTOCK 1971, 80-90; ULRICH 1994, 117-55.

⁶⁴ E.g. Porticus Metelli, constructed by Metellus Macedonicus (praetor 148) and renamed as Porticus Octaviae following its Augustan restoration: Cic. Verr. 4,126; Vell. 1,11,3; PIETILÄ-CASTRÉN 1987, 129-34. Diana Planciana, presumably relating to the aedile of 54: PANCIERA 1970-71, 125-34; SHATZMAN 1975, 388; BEARD 1994a, 737; L. CHIOFFI, LTUR 2 (1995), 15. Delubrum Domitii, erected by Domitius Ahenobarbus in 49: Pliny NH 36,26. Hercules Pompeianus in the aedes Pompei Magni, the restored temple of Hercules Invictus ad Circum Maximum: Pliny NH 36,26; Vitr. Arch. 3,3,5; ZIOLKOWSKI 1988, 313; F. COARELLI, LTUR 3 (1996), 20-1. Hercules Sullanus: D. PALOMBI, LTUR 3 (1996), 21-2.

It would be disproportionate to the realities of financing temples and cults in the city of Rome to believe that their maintenance ever relied solely on the civic domain or on élite euergetism. Wishing to set an example to his fellow-citizens, Augustus used the *stipes* collected among the city population to restore Roman temples.⁶⁵ By contrast, Cicero, while implying that the Roman custom of collecting *stipes* was wide-spread, accepted it for the cult of the Mater magna, yet wanted to have such practice banned in the case of other cults, because he not only believed the collection of money to be reflective of superstition, but also thought that it was economically detrimental.⁶⁶ More important than such occasional collecting of *stipes* was the regular income a temple received. The statute of the temple at Furfo made detailed provisions regarding the use to which its financial property should be put, thereby, as we have seen, guarding itself against private and civic misappropriation. With the same protectionist intention, the *Lurs* ruled that a *stips* given to a temple had to be used for that temple and its cult only (ch. 72).

The case of the temple of Asclepius on the Isola Tiberina mentioned above shows that such *stipes*, comprising votive offerings and fees, could be considerable. The flourishing of the healing cults of Asclepius or Minerva Medica in the second and first centuries also meant that a large number of worshippers brought massive financial income, which remained

⁶⁵ CIL 6,456-7; 6,30974; Suet. Aug. 57,1, 91,2.

⁶⁶ Cic. Leg. 2,22 2,40; Ovid Fasti 4,350-2; cf. Tertull. Apol. 13,6. In general, see DESNIER 1987.

the property of these temples.⁶⁷ A temple like the shrine of Clitumnus near Spoletum prospered mainly due to its wealthy urban clientele, as the existence of *sacella*, inscriptions and material dedications suggests. Presumably it was the temple's function as an oracular shrine that attracted urban worshippers.⁶⁸ >Traditional< Roman temples could also rely on income through private votive dedications: *togae praetextae et undulatae* literally covered the golden cult statue of Fortuna Virgo in the Forum Boarium, while on the occasion of someone's birth, his reaching adolescence or his death Iuno Lucina, Iuventas and Libitina could expect to receive *stipes* from relatives.⁶⁹ The great Italo-Roman shrines such as the temple of Iuppiter optimus maximus or the sanctuaries at Tibur, Praeneste and Nemi were renowned for their wealth in land, material dedications and money.⁷⁰ Moreover, *aedes publicae* charged individuals for the use of the temple's infrastructure. Worshippers had to pay for what was on offer, both in terms of temple personnel and the paraphernalia required for daily cult practice, which ranged from the supply of sacrificial animals to the provision of warm water.

⁶⁷ On the prominence of these healing cults, see GUARDUCCI 1971; *Roma mediorepublicana* 138-48. For the restoration of the temple of Asclepius in the mid-first century, see D. DEGRASSI, *Athenaeum* 65 (1987), 521-7.

⁶⁸ Pliny *Ep.* 8,8,5-7; BEARD 1991, 39-44; NORTH 1995, 136-7. Rome herself never possessed a cultic site where priests used sortition to divine the gods' will, but the practice itself was well known: e.g. Plaut. *Cas.*; Cic. *Inv.* 1,101, *Div.* 1,34, 2,85-8; Varro *LL* 7.48.

⁶⁹ Calpurnius Piso frg. 14 P ap. Dion. Hal. 4,15,5. Fortuna Virgo: Ovid *Fasti* 5,670; Pliny *NH* 8,194, 197; Arnob. *Adv. Nat.* 2,67; BÖMER on Ovid *Fasti* 6,569; GLADIGOW 1994, 13-4.

⁷⁰ E.g. App. *BCiv* 5,24,97, 5,27,106; BODEI GIGLIONI 1977, 51-4; BLAGG 1986, 214-8.

In the words of their Christian critics, the pagan gods were *venales* - >marketable< and >venal<. ⁷¹

This decentralized system of financial and administrative responsibilities created a >market< of small religious-economic entities semi-detached from, rather than conceptually embedded in, the civic system.⁷² The prosperity of these entities was contingent upon the attraction of a particular cult or divinity to worshippers, and depended on the continuous economic support of the temple's wealthy urban clientele, whose contributions sustained the sanctuary. For the later second and first centuries, this dependence is documented by the demise of those extra-urban sanctuaries of Italy that failed to achieve integration into the framework of a local *pagus* or to come under the patronage of the urban élites, once urbanization and migration transformed the Italian landscape.⁷³ But the same kind of dependence applied in the city of Rome. Following Augustus' dedication of the temple of Iuppiter Tonans in the vicinity of Iuppiter optimus maximus, the old Iuppiter, appearing to the *princeps* in a dream, complained that competition with the new cult decreased his own revenues; as a result, the imperial patronage of Iuppiter optimus maximus immediately re-intensified. In his temple at Pompeii, the old god was less fortunate, since the cult statue of Iuppiter optimus maximus was repla-

⁷¹ Tertull. *Apol.* 13,6: *exigitis mercedem pro solo templi, pro aditu sacri; non licet deos gratis nosse, venales sunt.* For a list of fees, see e.g. CIL 6,820.

⁷² For the notion of the market model of religion, see BERGER 1965; GLADIGOW 1990, 239-41.

⁷³ E.g. LA REGINA 1976, 223-9; LETTA 1992, 110-24; NORTH 1995; COARELLI 1996, 328-33; CRAWFORD 1996, 427, 430-3; E. CURTI & al., *JRS* 86 (1996), 179.

ced by a cult statue of Iuppiter Tonans and subsequently deposited in the temple *favissae*.⁷⁴

The market model allows us to conceptualize both the competition between different religious choices, cults and gods and the disappearance of some of these choices as natural processes in a self-regulating system. Élite laments about the demise of traditional gods and their cults in the Late Republic must be seen in this context of the religious system's constant optimization in times of changing fashions.⁷⁵ Cicero's complaints about the desuetude into which the *auspicia privata* apparently had fallen by the mid-first century should not be taken as a symptom of the supposed decline of religious practice. The appearance of more expedient methods of divination meant that augury was in danger of losing out to the competitive services offered by professional *haruspices*, astrologers or *harioli*.⁷⁶ By contrast, the model of civic religion, based on the notion of religious centralization, is incapable of accounting for these decentralized processes of choice, fashion and competition between individual Roman deities or their cults and temples.

4.1.4 The limits of state interference

As regards the suppression of cults, the Republican Senate's occasional encroachment upon this market of cult alterna-

⁷⁴ Suet. *Aug.* 91,2; MARTIN 1988, 255.

⁷⁵ E.g. Varro *RD* frg. 2a Cardauns; LL 6,19; NORTH 1976, 11-2.

⁷⁶ Disappearance of *auspicia privata*: Cic. *Div.* 1,27-8, 2, 73-4; ND 2,9; DUMÉZIL 1970, 618-20; RAWSON 1991, 152. Greater expediency of the new forms of divination: RUPKE 1995a, 577-8. *Haruspices*: e.g. Plaut. *Amph.* 1132-3; Cato *Agr.* 5,4; ILLRP 186. >Prophets<: WISEMAN 1994, 49-67.

tives was unsystematic and followed the constraints of *Tagespolitik* rather than religious policies.⁷⁷ At the same time, under the Republic there was no official religious calendaric document which either positively prescribed the attendance at civic rituals and festivals or necessitated the participation of Roman citizens in particular cults.⁷⁸ This is not to deny that under certain circumstances the Senate demanded collective worship. Under the Republic, the occasions on which the active participation of Romans or Italians was required appear to have been restricted to *supplicationes*. At stake was the communal restoration of the *pax deorum* through the procuration of portents, once it had been established that these portents related to the *populus Romanus* as a whole rather than to a particular individual.⁷⁹

According to Mommsen, such state encroachment upon Roman citizens was foreign to the formalism of old Republican religion, where magistrates and priests conducted rituals and sacrifices on behalf of their fellow-Romans. In marked contrast to these religious traditions, from the third century onwards public *supplicationes*, conducted *Graeco ritu* or moulded on the precedent of Greek ritual tradition and involving the populace, would herald the Hellenization of

⁷⁷ See above, 2.7.1.

⁷⁸ Cf. RÜPKE 1995a, esp. 283-6, 366-8, rebutting the view that the Late Republican *Fasti Antiates maiores* represent a religious document reflective of the traditional Roman state religion.

⁷⁹ E.g. Livy 7,28,7-8: *non tribus tantum supplicatum ire placuit sed finitimos etiam populos, ordoque iis quo quisque die supplicarent statutus*; 21,62,6-9: *supplicatio ... universo populo*; 27,4,15; 32,1,14; 34,55,4: *edictum est ut omnes qui ex una familia essent supplicarent pariter*; 40,19,5: *per totam Italiam*. Cf. LUTERBACHER 1904, 29-34.

Roman religion.⁸⁰ However, as we have seen above, the modern classification of *supplicationes* as Greek rites is problematic, because such expiatory rituals were sometimes performed at the suggestion of the *X(V)viri*, but could also be proposed by the pontiffs or the *haruspices*.⁸¹ Moreover, wide communal participation was also stipulated in traditional Roman rituals of procuration such as the *sacrum novendiale* or the *ver sacrum*, the offering of the produce of one entire spring to Iuppiter.⁸² Dionysius of Halicarnassus (*Ant. Rom.* 1,6,1) or Strabo (5,250) saw the supposed Greekness of these rituals as proof of their thesis that Rome was a Hellenic community, but it is unlikely that their Roman contemporaries or Romans of the later third and second centuries would have reached a similar conclusion. Rather, the state's exceptional encroachment upon its own citizens and upon the Italians can be explained by the same proportionality in religious thinking that we encountered above. Since these rituals responded to portents addressing the entire *populus Romanus*, the Roman Senate resorted to increasing the number of possible participants: the more people involved, the more successful the procuration would be.⁸³

With the rise of autocracy civic interference in the religious life of Roman citizens changed. The Roman Senate, rather than responding to prodigies that concerned the popu-

⁸⁰ E.g. MOMMSEN 1899, 568; WARDE FOWLER 1911, 226-7; WISSOWA 1912, 399-400; LATTE 1960, 242-63; DUMÉZIL 1970, 567-71, at 569: »Rome frees herself in this way from the rigid confines of formalism«. Cf. NORTH 1989, 604-5; GWYN MORGAN 1990, 32-3.

⁸¹ See above, 3.2.2.

⁸² Livy 21,62,6: *prope tota civitas operata fuit*; 22,10,1-6; LATTE 1960, 124-5; RADKE 1980, 110-6.

⁸³ Cf. above, 2.7.2.

lus Romanus, involved the population of Rome in rituals related to the emperor and his family. The triumviral edict of 42 BCE, which ruled that all citizens celebrate the birthday of Divus Iulius or otherwise be accursed and, if of senatorial status, fined (Cass. Dio 47,18,5) is an example of this development. The specifications concerning the funerals for members of the imperial family, namely the Parentalia for Lucius and Caius Caesar or the honours for Germanicus, ruled the closing of temples and positively encouraged public participation at the funeral ceremonies.⁸⁴ Yet, the success of the state's interference with the religious life of the inhabitants of the city is another matter. Livy's preoccupation with the frequency of attendance at collective religious rituals implies that in reality the numbers of those participating would have varied. On the same principle, Augustus stressed the exceptional frequency with which all Roman citizens had made supplications to the gods on behalf of his health.⁸⁵

It is noteworthy, however, that senatorial or imperial encroachment concerning religious activity very often was limited to calling upon the élite's participation. As we have seen above, the (alleged or actual) neglect of a family sacrifice by an equestrian was instrumentalized by Cato the Elder when expelling L. Veturius from the equestrian order. Although it seems unlikely (given, as we have noticed, the

⁸⁴ Parentalia: ILS 139-40; SCHEID 1993b. Germanicus: Tabula Siarensis frg. b col. I (RS no. 37), lines 1-14, modelled on the Parentalia for L. and C. Caesar; Tabula Hebana (= RS no. 37), lines 54-62. Cf. ARCE 1988; LEBEK 1989; *Id.* 1993.

⁸⁵ Livy 3,63,5; 5,23,2-3; 10,23,2; 27,51,8-9; 45,2,7. Augustus RG 9,2.

distinct legal status of *sacra privata* in Roman law) that the latter's failure to perform a family rite could be used among the censorial charges which led to Veturius' expulsion from the *ordo*, Cato no doubt used that incident for a further illustration of this equestrian's moral debauchery.⁸⁶ As regards the civic realm's encroachment upon members of the élite when the Roman People, rather than an individual's religious behaviour, were concerned, mention has already been made of the civic authorities ruling in response to portents that the Roman upper class matrons should from their own funds contribute *stipes*, to be offered to Iuno Regina. The consuls of 169 demanded sacrifice from *cuncti magistratus* (Livy 43,13,8). Disobedience to the triumviral edict of 42 resulted in fines for senators, whereas the rest of the population merely incurred curses. The specifications concerning imperial funerals in the Tabula Hebana contented themselves with monitoring the *equites Romani*, even though the absence of individual knights could be excused by ill health or the obligation towards *domestica sacra*.⁸⁷

The fact that civic control would often be limited to the Roman élite betrays a lack of interest in systematically imposing élite expectations on the urban population at

⁸⁶ Cato frg. 72 Malcovati⁴, cited above, 3.2.2. The wording of the text (... *quod in te fuit* ...) may suggest that Veturius' neglect of the *sacra privata* was his own business, since in terms of sacred law Veturius himself, rather than the Roman People, would be held accountable by the gods: *sacra ... capite* (sc. Veturii) *sancta*. For this common legal distinction, see above, 4.1.1.

⁸⁷ RS no. 37, lines 55-6: ... *qui ordini[s] equestris erunt ...* ... *qui eor(um) officio fungi volent et per valetudinem perq(ue) domestic[a] sacra officio fungi poterunt*; Cf. the Rome frg. (b) (= RS no. 37), line 1.

large.⁸⁸ Moreover, a look at the organization of large scale religious events exposes the severe limits of modern models which claim the centralization of religious behaviour at Rome. The acts of the *Ludi saeculares* of 17 document the genres of communication which applied in a city of nearly 1,000,000 inhabitants. Consequential on receiving instructions from Augustus, the college of *XVviri* announced the sacrifices and *Ludi* in a *contio* and published the ritual programme and the code of behaviour at the rituals in an *album* for further dissemination:

*sacrificium saeculare ludosque ... de ea re quae more exemploque maiorum in contione palam ediximus ... item in albo posuimus uti si qui a contione afuissent aut non satis intellexissent ... cognoscerent quid quemquam eorum quoque die facere oporteret.*⁸⁹

Contio and *album* are the instruments through which religious information was transmitted in an oral society. The announcement of *feriae* by the *Rex sacrorum* to a Late Republican urban populace on the Nones of each month also suggests that legal and religious information of this kind was normally passed on orally.⁹⁰ Yet, the attendance of the city population at the *Ludi saeculares* could not be taken for granted. Rather, the functionaries of civic religion organizing this occasion, the *XVviri*, resorted to competitive means of attracting potential attendants. The singularity of the occasion was stressed: *quod tali spectaculo nemo iterum intererit, neque ultra quam semel ulli mor[talium eos spectare licet ludos]* (lines 54, 56). The freeborn population was encouraged to come in great number (10, 21). Trombonists

⁸⁸ Cf. above, 3.2.

⁸⁹ PIGHI 1965, 110, 24-8; CANCIK 1996, 108-9.

⁹⁰ Varro *LL* 6, 28; Macrobian *Sat.* 1, 15, 12-3; RÜPKE 1995a, 212-4. Oral culture: HARRIS 1989, 159-284; SCHEID 1990.

were employed for advertising purposes (86-8). Fumigants for purification were freely distributed in front of the temples of Iuppiter optimus maximus and Iuppiter Tonans on the Capitoline hill and that of Apollo on the Palatine (29-33). Certain religious and legal restrictions applying to the attendance of rites were temporarily abolished, so that as many freeborn as possible would be able to attend *propter religionem* (52-7, 110-4). At the same time, the priestly organizers' success in instrumentalizing marketing strategies caused the partial failure to cater for the demands of the city population: due to the need for the fumigants distributed in the city, the *XVviri* had to stipulate that no one be permitted to collect the fumigants more than once or to send their wives (64-6).

4.2 Public and private

As we have seen, the use of the market model of religious alternatives entails competition between the religious services offered by the Roman state and those offered by individual temples and cults. In addition, the foregoing discussion has made clear that the consumers' demands would not necessarily be controllable by temples or by the civic authorities. At the same time, the individual consumer's needs were not catered for exclusively by the religious services which these public competitors had to offer. They provided the infrastructure for what Roman terminology would call the *publica sacra*, but did not organize the *privata sacra* of the inhabitants of the city of Rome. Roman sacred law distingu-

ished the domains of *publicum* and *privatum*: *loca publica*, when being dedicated to the gods by magistrates on behalf of the *populus Romanus*, became *loca sacra*. *Loca privata*, by contrast, when being dedicated by private individuals, became *loca religiosa*. *Privata religio*, the private cult of the Di manes at the tomb, while never attaining the status of public cult, was nonetheless protected by the state: any legal impingement was subject to pontifical jurisdiction.⁹¹ Under the Republic, public encroachment on religious behaviour remained limited to the domain of *publicum*. Even the imperial Lex Hebana, when monitoring the public behaviour of the Roman *equites*, excluded the domain of *domestica sacra*, i.e. the *privata sacra*, from its encroachment. If individual religious obligations and public duty were in conflict, individual obligations prevailed; in the *LUs*, the magistrate was excused from conducting the trial arising out of a *multa* on behalf of his community if the following circumstances applied:

*Si Iivir praef(ectus)ve, qui eam rem colonis petet, non aderit ob eam rem quot ei morbus sonticus vadimonium iudicium sacrificium funus familiare feriaeve de<n>icales erunt quo minus adesse possit ...*⁹²

The domains of private law (*vadimonium* and *iudicium*) and of private religion thus were protected against the civic domain. Here, we can see how a Late Republican administrative document conceptualized the differentiation of the domain of *privatum* from the *publicum* and defined it as comprising both

⁹¹ Cic. *Har. resp.* 9, 14, 30, 32; Gaius *Inst.* 2,5-6; Ulpian *Dig.* 1,8,9 pr.; Marcianus *Dig.* 1,8,6,3. *Privata religio*: Cic. *Leg.* 2,58; KASER 1978; CRAWFORD 1989, 95. Pontifical jurisdiction: Aelius Gallus ap. Festus 348-50 L; CIL 10,8259; BEHREND 1978.

⁹² Ch. 95, lines 19-24.

the secular realm and the realm of the private religion of the Roman family (*sacrificium funus familiare feriaeve denicales*).

4.2.1 *Privata religio*

The discussion of the preservation of *sacra privata* is the most substantial part of Cicero's *constitutio religionum* in book two of *De legibus* (2,22, 47-58). Cicero's obvious concern about the preservation of family cults finds its parallel in his appeal to religious sentiment in the case of Clodius' transition to the *plebs* by way of adoption in 59. Clodius was *sui iuris*, that is a *pater* in his own right, and thus responsible for the family *sacra*. Since the process of *adrogatio* would in such a case entail that the adoptee abandoned his *sacra familiae* in favour of those of the adopter, this special form of adoption could not take place without the approval of the People. This complex legal procedure documents the Roman anxiety about preserving the cults of the families of both the adoptee and the adopter. Cicero insinuates that Clodius' transition to the *plebs* implied the demise of the family *sacra*, but it is unclear whether Cicero's narrative actually corresponded with the facts.⁹³ In *De legibus*, Cicero concurred with the position of pontifical law that the maintenance of *sacra familiae*, comprising the preservation of its *feriae* and *caerimoniae*, must be linked to, rather than dissociated from, the acceptance of inheritance. His insistence on linking heirship to the duties of

⁹³ Cic. *Dom.* 34-9, 77; *Ad Att.* 2,7,2, 2,12,1; VERNACCHIA 1959; CLASSEN 1985, 235-8. *Adrogatio*: Gaius *Inst.* 1,99; Gell. 5,19,8.

burial and commemorating the deceased accorded with the views expressed by imperial jurists. Similarly, popular sentiment associated the preservation of family *sacra* with the acceptance of inheritance - and *vice versa*.⁹⁴

Cicero's emphasis on the hereditary principle of succession shows that to his audience the preservation of *sacra familiae* was a matter of hereditary affiliation (not necessarily entailing that heirs were relatives) rather than of agnatic family lineages. These family cults operated in the realm of small social units rather than of large *gentes* that would organize and maintain the cult. This observation concurs with the fact that in Roman society the >nuclear family<, consisting of father, mother and children, can be established as the norm, at least among the upper classes. The principle of hereditary affiliation was also expressed by the imperial jurists who expected heirs or close family members to preserve tombs or family *sacra*. Only if neither of these two groups were willing to enter into the inheritance, or if they were non-existent, then intestate successors or cognate kins fulfilled the family obligations.⁹⁵ In order to ensure the ritual commemoration at the tomb after their death, testators made specific regulations in their wills relating to the maintenance of tombs and cult; once an heir entered into the inheritance, he was expected to obey these regulations. *Collegia* performed similar, if much more limited, services for their members, ranging from small fi-

⁹⁴ Cic. *Leg.* 2,47-53; Ulpian *Dig.* 11,7,3-5. Cf. SALLER & SHAW 1984, 125-7.

⁹⁵ E.g. Ulpian *Dig.* 11,7,12,4. Cf. HOPKINS 1983, 205-6; SALLER & SHAW 1984, 125-6.

nancial contributions in form of *funeraticia* to the full maintenance of tombs and religious ceremonies for those who left legacies and bequests or named the *collegium* as their heir.⁹⁶ The Roman anxiety about posthumous commemoration in the context of the religious duties of families and heirs (*privata religio*), which these practices express, cannot be integrated into a model of homology between religion and the state.

4.2.2 Roman religion, families and individuals

The legal distinction between public and private cult activities was complemented by the differentiation of *feriae publicae* and *feriae privatae*. The former were subject to civic authority: they were announced by the Rex sacrorum on the Nones of each month. The latter were in the responsibility of families and individuals. Roman law divided them into *feriae familiarum* and *feriae singulorum*:

*Sunt praeterea feriae propriae familiarum, ut familiae Claudiae vel Aemiliae seu Iuliae sive Corneliae et si-
quas ferias proprias quaeque familia ex usu domesticae
celebritatis observat. Sunt singulorum, uti natalium
fulgurumque susceptiones, item funerum atque expiatio-
num.*⁹⁷

First, *feriae familiarum*. The history of family cults was seen by some scholars as a process in which the rise of the archaic city-state undermined the social functions of *gentes* and gradually took over their cultic responsibilities. This view is unacceptable. To be sure, in some cases the civic realm preserved family rites by transforming them

⁹⁶ DE VISSCHER 1966, 189-207; ANDREAU 1977; AUSBÜTTEL 1982, 59-71; CHAMPLIN 1991, 155-182; SALLER 1994, 155-180.

⁹⁷ Macrob. Sat. 1,16,7-8; cf. Festus 282,14-16 L.

into public cults, when the families concerned became extinct. Thus the worship of Hercules at the *ara maxima* by the Potitii and Pinarii passed into the hands of the state in 312. Or the civic authorities could reward a family for its services to the community by administering cultic obligations on behalf of the family. Thus the family sacrifice of the Octavii to Mars in Velitrae became a civic sacrifice which accorded the Octavii a place of honour.⁹⁸ But it was only with the insight that the rise of the *gentes* and their socio-religious institutions must be linked to the rise of the city-state that the independence of their religious traditions from the alleged encroachment of the state could be assessed more precisely.⁹⁹

The ambiguity of the literary sources about the religious role of the archaic *gentes* is illustrated by an incident taking place during the Gallic invasion. On Livy's account, C. Fabius Dorso, despite the siege of the Arx, manages to traverse to the Quirinal to perform a sacrifice *genti Fabiae* on a fixed day in obligation to the family *sacra*. In contrast, Cassius Hemina, less inclined to follow family tradition, homogenizes the narrative by claiming that this sacrifice was performed on behalf of the People by Fabius Dorso in his capacity as *pontifex (maximus)*. It is perilous to hypothesize about Cassius Hemina's motives: it could be that his narrative connected the liberation of Rome from the Gauls with the exemplary *pietas* shown by a civic

⁹⁸ Hercules: Livy 1,7,12; Verg. Aen. 8,268ff.. Octavii: Suet. Aug. 1. Cf. A. V. BLUMENTHAL *RhM* 90 (1941), 317-322.

⁹⁹ Cf. CORNELL 1995, 81-6.

priest to the gods.¹⁰⁰ The historicity of this event is no doubt disputable. However, its conceptualization in the Late Republican and triumviral period demonstrates to what extent *sacrificia privata* constituted a realm in their own right. If we accept Livy's account, Fabius Dorso temporarily dissociated himself from warfare and civic obligations to fulfil his obligations in the private context of family religion. As the passage from the *Lurs* mentioned above demonstrated, the obligation to perform a private sacrifice was safeguarded by the city.¹⁰¹

Yet, the nuclear character of the upper class Roman family and the hereditary principle of succession entail that the received concept of gentilician religion becomes problematic when applied to the second and first centuries. Moreover, as regards the *feriae familiarum* mentioned by Macrobius, one should not necessarily be thinking in terms of gentilician religious continuity. In Late Republican Rome, divorce and serial marriage among the political élite were one means of increasing a network of family alliances that complemented the nuclear household. Upper-class families thus blended the idea of nuclearity with the deliberate extension of family relations. As a result, the Roman upper-class family was a fluid structure of familial dislocation

¹⁰⁰ Family sacrifice: Livy 5,46,2-3, 5,52; cf. Val. Max. 1,1,11. Cassius Hemina frg. 19 P ap. App. Gall. frg. 6; cf. Plut. Cam. 21,3; Cass. Dio 7,25,2. On Cassius Hemina, see RAWSON 1991, 246-257, at 256.

¹⁰¹ Cf. RÜPKE 1995a, 501-506, at 502. For the synonymity of *familia* and *gens* in such contexts, see SALLER 1994, 78-9.

through divorce, just as the immediate household underwent constant restructuring through remarriage.¹⁰²

This is not to say that the category of gentilician religion becomes obsolete. In some form, gentilician religious traditions (as opposed to traditions preserved in the nuclear family) continued. For instance, in the late second century the *genteiles Iuliei* dedicated an altar to Vediovis pater in Bovillae.¹⁰³ An annual gentilician sacrifice apparently took place in the *sacellum* of Diana in *Caeliculo*. Although we do not know which *gens* was involved, Cicero implies that the significance of this sacrifice transcended the realm of the nuclear family. As part of the Senate's action against the collegiate structures associated with the cult of Isis Capitolina, L. Calpurnius Piso's destruction of the shrine in 58, to which Cicero refers, may have responded to collegiate activities in the area. Yet, Cicero creates *pathos* among his audience, the Roman Senate, by pointing out how the consul impinged on the gentilician religious traditions of those present.¹⁰⁴ However, while the relationship between various Roman *gentes* and their ancestral deities has been collected,¹⁰⁵ and while this material has been used to construct a picture of gentilician religion in the Late Republic, the actual commitment of individual aristocrats to a

¹⁰² Cf. BRADLEY 1991, 130-9, 156-76; CORBIER 1991; SALLER 1994, 219-23; above, 3.1.4.

¹⁰³ ILLRP 270; WEINSTOCK 1971, 5-12.

¹⁰⁴ Har. Resp. 32: L. Pisonem quis nescit ... maximum et sanctissimum Dianae sacellum in Caeliculo sustulisse? Adsunt vicini eius loci; multi sunt etiam in hoc ordine qui sacrificia gentilicia illo ipso in sacello stato loco anniversaria factitarint. For the shrine, see D. PALOMBI, LTUR 2 (1995), 13-4. Destruction of collegiate structures in 58: below, 4.1.3.

¹⁰⁵ E.g. WISSOWA 1912, 33, 404, *passim*; WEINSTOCK 1971, 4-5.

great gentilician tradition is obscure. By contrast, from the generation of Marius and Sulla onwards, the reverses of coins show those deities with whom individual aristocrats wished to be associated.¹⁰⁶ Above, a parallel process has been observed in relation to temple foundations: individuals would exploit the opportunities of a market of cultural and religious choices, but would accommodate them to their own needs. Given the nature of Roman family relations, it is therefore not surprising that the political élite, while drawing on gentilician lineages and their religious traditions, was nevertheless mainly concerned with the immediate family or with individual self-aggrandizement.

The institutionalized occasions of individual private cult, the *feriae singulorum*, also focussed on nuclear groups, rather than on a wider public. To be sure, ritual events of commemoration such as birthdays or funerals and their anniversaries involved the participation of a large number of people. While a person's *dies natalis* was a matter of individual concern, its celebration, dependent on his social status, embraced family members, friends and clients. Individuals expressed the bond of *pietas* towards friends or superiors by commemorating their birthday. Horace, for instance, observed the birthday of Maecenas with a sacrifice on the Ides of March (*Carm.* 4,11). The *dies natalis* of the *dominus* constituted *feriae* for his slave *familia*.¹⁰⁷ Despite the involvement of varying social groups, however, it is

¹⁰⁶ E.g. CRAWFORD, *RRC* 1,502-511, *passim*. Marius and Sulla: LUCE 1968. Individual aristocrats and >their< deities: JAL 1961; *Id.* 1962.

¹⁰⁷ Tib. 2,2,5-6; Hor. C. 3,17,14-16; Sen. *Ep.* 110,1; Plin. *NH* 2,16; SCHILLING 1978; ARGETSINGER 1992.

noteworthy that an individual's birthday had the status of *feriae privatae*. It is not before the early imperial period that the civic authorities undermined this legal distinction between the domains of *publicum* and *privatum*. In 8 BCE, the Roman Senate decided to celebrate the birthday of Augustus as a public event, at which *Ludi circenses* were performed. Hence, the birthdays of the *principes* constituted public *feriae*, and no longer *feriae* that had to be observed by one particular *familia*, by friends or clients only.¹⁰⁸

Birthdays constituted only one of the many institutionalized occasions on which Romans would be able to celebrate festivals relating to the family.¹⁰⁹ In addition, individuals created their own *ferialia* as a reflection of their life cycle, which transcend the legal definition preserved in Macrobius of what might count as *feriae privatae*. For instance, Cicero celebrated the anniversary of the Nones of December in commemoration of his suppression of the Catilinarian conspiracy in 63. As the flame flaring up during the rites for the Bona Dea in the consul's house on that night had been interpreted as a sign of divine approval, Cicero may have celebrated the occasion with a sacrifice to the goddess.¹¹⁰

¹⁰⁸ Cass. Dio 55,6,6, *passim*; Fast. fratr. Arv. on September 23 = *Inscr. It.* 13,2, p. 35.

¹⁰⁹ Cf. NICOLAI 1968; HARMON 1978, for an impressive list of festive events.

¹¹⁰ M. Iunius Brutus ap. Cic. *Ad Brut.* 1,17,1: *non omnibus horis iactamus Idus Martias similiter atque ille Nonas Decembris suas in ore habet*; *Ad Att.* 1,19,6. Divine approval: Plut. Cic. 20,1-2; Cass. Dio 37,35,4. Cf. MOREAU 1982, 15-9.

Normally, however, individuals would tend to synchronize private ritual celebrations with the dates provided by the city's Fasti. The bachelor Horace celebrated the anniversary of his rescue from a falling tree on the day of the Matronalia (*Martiis Kalendis*, C. 3,8). The *feriae* and *caerimoniae* of the funerary cult centered on a limited number of days: on the *Parentalia* in February, the *dies violae* in March, the *Rosalia* in May, and on the birthday of the deceased. Testators would choose from and combine these dates. Non-public *ferialia* therefore became an integral part of the private foundations of the funerary cult (e.g. *CIL* 5,4489). The taking of the *toga virilis* took place on the day of the Liberalia (17 March). Cicero, writing from his province on 20 February 50, required information concerning the day on which the Liberalia would fall: *Quinto togam puram Liberalibus cogitabam dare (mandavit enim pater)*. Cicero's inquiry was necessitated by a lack of information about the exact date of intercalation in Rome. His pragmatic solution, however, shows that he did not feel a particular religious obligation to follow the Fasti of the city of Rome, but merely wished to synchronize date and event: *ea sic observabo quasi intercalatum non sit*. The public calendar provided a welcome temporal, but otherwise indeterminative, framework within which the performance of a private ceremony operated.¹¹¹ Private events with a religious significance could be structured by the administrative and temporal patterns which the city provided. However, the mere synchronization

¹¹¹ *Att.* 6,1,12; RUPKE 1995a, 292-5. Cf. *Cic. Att.* 5,21,14 (13 February 50): *cum scies Romae intercalatum sit necne, velim ad me scribas certum quo die mysteria futura sint*.

of events does not prove the homology of private and public religion. Choosing days that the public *Fasti* earmarked as days of rest (*feriae*) was a matter of convenience. It served to structure one's own life cycle and helped to co-ordinate it with the social, economic or religious obligations of friends and relatives. The content of these private religious events remained dissociable from a civic context and, as the Ciceronian inquiry demonstrates, was not contingent upon the physical city. Despite the synchronization of private ritual and civic calendar, it is in these areas that the differentiation of private cult and civic religion should be located.

4.2.3 Collegiate associations and publica sacra

The foregoing discussion has employed Late Republican legal definitions to demonstrate that Romans would have conceptualized *sacrum* and *publicum* as well as *publicum* and *privatum* as interrelated, yet at the same time distinct, domains. Conversely, this paragraph will suggest that a predominantly legalistic approach has its limitations. Returning to the religious behaviour in the public domain, it will question the criteria that define >public< religion at Rome.

*Publica sacra quae publico sumptu pro populo fiunt, quaeque pro montibus pagis curis sacellis; at privata quae pro singulis hominibus familiis gentibus fiunt.*¹¹²

Comparing the definition of *popularia sacra* by the Augustan jurist Antistius Labeo, Wissowa identified Festus' *sacra pro montibus* as the Septimontium, the *sacra pro pagis* as the

¹¹² Festus 284 L = Ateius Capito suppl. frg. 70 Strzelecki. Cf. Macrobian *Sat.* 1,16,4-7.

Paganalia, the *sacra pro curiis* as the Fornacalia, and those *pro sacellis* as the Compitalia held in the *vici*:

*Popularia sacra sunt, ut ait Labeo, quae omnes cives faciunt, nec certis familiis adtributa sunt: Fornacalia, Parilia, Laralia, Porca praecedanea.*¹¹³

Labeo and his anonymous contemporary used in Festus' definition of *publica sacra* defined civic religion as the religion of the Roman People in their entirety. To both of them, the *sacra* performed on behalf of *montes*, *curiae*, *pagi* and *vici* were part of the *publica sacra*. Both authors perceived these entities as mere territorial subdivisions of the civic community as a whole, and their religious festivals as expressions of civic religion. This view was accepted by Mommsen and Wissowa; and the legal categorization of these festivals as public religious events of the city-state is taken as an implicit justification of their exclusion from the analysis of private religious behaviour in modern studies.¹¹⁴

Yet, it is important to note that Labeo represents an Augustan perspective, which is very likely to postdate the territorial reorganization of the city's *vici* by the *princeps*. As has been mentioned above, the reorganization of the city's administrative and religious infrastructure under Augustus entailed a degree of imperial encroachment whose existence cannot be retrojected into Republican Rome. By contrast, Varro, referring to Late Republican Rome, distinguishes *montes* and *pagi* from the People as a whole: Septimontium and Paganalia constitute *feriae* for the inhabitants

¹¹³ Festus 298 L; WISSOWA 1912, 398-9. Antistius Labeo: Tac. Ann. 3,75; Pompon. Dig. 1,2,2,47; KUNKEL 1967, 32-4.

¹¹⁴ MOMMSEN 1887, 3,112-26; WISSOWA 1912, 380-404, *passim*. Exclusion: e.g. BAKKER 1994, 1-4; below, 4.2.4.

of *montes* and *pagi* respectively, but not for the *populus* in its entirety.¹¹⁵ Moreover, Varro does not describe mere territorial sub-divisions of the city as a whole, but associations of people in a territorial context, *montani* and *pagani*, who have their own festivals. Their associative character becomes clear from the *Commentariolum petitionis*, which, if not genuinely Republican, uses Late Republican sources. It implies that the organizational structure, hierarchy and leadership of these territorial associations resembled those of traditional Roman *collegia*.¹¹⁶ Mommsen and his successors were of course aware of the nature of these associations as corporate bodies. Yet, their perception of these entities as mere territorial sub-divisions of the Roman People, biased by the Augustan perspective of the sources they privileged, prevented them from fully grasping the true nature of these collegiate organizations.

In the Late Republic, the origin of collegiate structures *stricto sensu* was open to speculation. The creation of the most respected professional *collegia* of artisans was invariably dated back to the regal period.¹¹⁷ In mid-Republican Rome, *collegia* seem to have been subject to censorial supervision. However, a censorial prescription concerning luxury regulations, issued in 220 in relation to the

¹¹⁵ LL 6,24: *dies septimontium nominatus ab his septem montibus in quibus sita urbs est; feriae non populi sed montanarum modo, ut Paganalibus qui sunt alicuius pagi.*

¹¹⁶ [Q. Cic.] *Comment. Pet.* 30: *deinde habeto rationem urbis totius, collegiorum montium pagorum vicinitatum; ex his principes ad amicitiam tuam si adiunxeris, per eos reliquam multitudinem facile tenebis.* Cf. Cic. *Dom.* 74; FLAMBARD 1981, 149-54. On the authorship of the *Commentariolum petitionis*, see DAVID & al. 1973.

¹¹⁷ BEHREND 1981, 154-67; GABBA 1984.

collegium of fullers, had to be referred to the popular assembly for ratification.¹¹⁸ In the second century, Roman citizens could enter, and even found, professional *collegia* without prior permission from the authorities. The development from censorial supervision to free organization may suggest that the original intention of founding professional *collegia*, namely the provision of an institutionalized association for members of one particular profession, was no longer upheld. At any rate, from the Early Imperial period onwards, even if the old name was preserved, membership of such *collegia* could comprise artisans from different professions, tradesmen and freedmen as well as slaves - the latter depending on their masters' prior permission. Already under the Late Republic, non-professional *collegia* were composed of members of similarly diverse backgrounds.¹¹⁹

The deeply rooted élite suspicion of any collegiate structure as a potential source of conspiracy and armed violence resulted in the senatorial legislation which banned certain *collegia* and prohibited the Compitalian Games in 64.¹²⁰ However, the fluidity of political life in Late Republican Rome referred to above guaranteed that senatorial consensus about the suppression of *collegia* was short-lived. Clodius re-instated the Games on 1 January 58, and a few days later succeeded with his bill on the re-activation of collegiate associations in the city. His bill was understood

¹¹⁸ Pliny NH 35,197: ... *dedere ad populum ferendam*.

¹¹⁹ BEHREND 1981, 168-74. Slaves: Marcian Dig. 47,22,3,2. KNEISSL 1994 shows that *collegia* in the imperial period, while retaining a name that suggests an organization of one profession or trade group, were in fact no longer mere ›Berufsgenossenschaften‹.

¹²⁰ LINDERSKI 1995, 165-217; NIPPEL 1995, 72-3.

to be part of a political deal between the leading members of the political establishment, which entailed compromises by everyone concerned. Even Cicero acquiesced. As a consequence, Clodius was able to pass his *Lex Clodia de collegiis* without serious opposition from his opponents.¹²¹ As we have seen above, systematic legislation, which exerted control over collegiate activity or which made the right to found new *collegia* contingent upon senatorial or imperial permission, had its origin in the Augustan *Leges Iuliae de collegiis* and informed later imperial practice.¹²²

The relative autonomy of professional *collegia* in Late Republican Rome extended to the collegiate structures of *montani*, *pagani*, the members of *vici* or *curiae*, and to those *collegia* devoted to the cult of one deity. This relative autonomy is central to an understanding of their social and religious role in the first century. Most collegiate associations resembled the socio-political structure of the city-state in that they were organized *ad exemplum rei publicae*. These collegiate structures had their own assemblies, *conventus* and *conventicula et quasi concilia* (Cic. *Planc.* 36-7), and elected officers whose nomenclature, tenure of office and internal hierarchy faintly resembled the magistrature of the Republic; they had internal constitutions (*leges, alba*) which ruled the purpose of their existence; they enjoyed benefactions (*stipes*) and possessed common property and financial means (*pecunia*); they set up inscriptions and public monuments, the latter subject to the au-

¹²¹ Cf. TATUM 1990.

¹²² Cf. above, 4.1.2.

thorization of the aediles; and they organized their own games, employed their own priests, *sacerdotes* or *flamines* (*ILLRP* 698) and performed their own *sacra*.¹²³ The jurists of the imperial period specified the legal elements constitutive of such collegiate associations: these comprised the existence of a magisterial office, a *causa*, *res communes* and an *arca communis*.¹²⁴

It is noteworthy that the *SC de Bacchanalibus* of 186 BCE already embraced this legal understanding, since it banned meetings that had not received prior permission, prohibited the offices of *magister* and *sacerdos*, ruled out the existence of a common purse (*pecunia communis*), and limited the number of male members to two so that meetings would fall foul of the rule of »tres faciunt collegium«. ¹²⁵ The Bacchanalian affair of 186 is often seen as an attempt by the political élite to reinforce state control over religion and suppress the individualization of religious life in Rome and Italy in the early second century.¹²⁶ While moral concerns and the threat to élite control over *political* stability must have played an important part in the suppression of the

¹²³ Gaius *Dig.* 3,4,1,1; BEHREND 1981, 171-2; FLAMBARD 1981; PURCELL 1994, 673-6.

¹²⁴ Gaius *Dig.* 3,4,1; BEHREND 1981, 170-3.

¹²⁵ *ILLRP* 511, lines 10-22. BAUMAN 1990, 343 thinks that the Senate limited attendance to five people so that the substituted wills and false seals which were allegedly one of the charges in the Bacchanalian affair could not be arranged; for the mancipatory will five witnesses, the testator and the *libripens* were required. This hypothesis is problematic because the five witnesses had to be male; cf. CHAMPLIN 1991, 75-6. The relevance of the restriction on attendance must lie in the ratio of two male and three female members so that a collegiate association could not be formed.

¹²⁶ E.g. GALLINI 1970, 81-90; NORTH 1979, 92-7; SCHEID 1981, 158-9; FLAMBARD 1981, 162; BEARD 1994a, 761-2; NIPPEL 1996, 29. *Contra* GRUEN 1990, 55-78.

worshippers of Bacchus, the instrumentalization of the Bacchanalian affair in the élite's internal struggles is at least as noteworthy: the Postumii and Aebutii, instrumental in the suppression of the affair, rose to modest political fame in the years after 186, whereas the Sempronii Rutili and Atinii, previously involved in the worship of Bacchus, disappeared from the political scene.¹²⁷ However that may be, it is worth pointing out that the SC of 186, even if its ultimate intention was the destruction of a religious cult, had to resort to impinging on the organizational structure of a pseudo-collegiate association: it attacked alleged crimes which fell under the rubric of criminal law, but merely discouraged, rather than overtly prohibited, Roman citizens, Latins and allies from performing the religious rite in question.¹²⁸

The worship of a collegiate organization could focus on one particular deity. At Beneventum, a *collegium tibicinum* of the Mater magna from around 100 is attested, with freedmen and slaves serving as *magistri*.¹²⁹ Isis was not only worshipped by members of the senatorial élite or by the guild of pastophori, established under Sulla,¹³⁰ but also by the *plebs urbana*, freedmen and slaves. The goddess' promi-

¹²⁷ Moral concerns and popular hysteria: FORSYTHE 1994, 385-96. Threat to political stability: BAUMAN 1990, 347-8; GRUEN 1990. Rise and fall of families: ROUSSELLE 1989.

¹²⁸ Discouragement: *ILLRP* 511, 1-9. Charges of criminal law: Livy 39,14,8, 16,3, 18,4 with BAUMAN 1990, 335-7, 342-3.

¹²⁹ *AE* 1925, 117 = K. SCHILLINGER, *Untersuchungen zur Entwicklung des Magna Mater-Kultes im Westen des römischen Kaiserreiches* (1979), nos. 233-6.

¹³⁰ The Caecilii Metelli: *ILLRP* 159. Sulla: GWYN GRIFFITHS 1975, 342-5. Pompey: HAYNE 1992. Pastophori: *Apul. Met.* 11,30.

nence among these groups should presumably be linked to the collegiate structure on the Capitoline hill, which the Senate repeatedly tried to destroy in the fifties of the first century.¹³¹ Similarly, the religious activities of *montani*, *pagani* or the members of *vici* surpassed their interest in the organization of the Fornacalia, Parilia, Laralia, or Compitalia mentioned above. The *Magistri Herculani* (or *Magistri Herculis*), elected by a decree of the *pagus*, celebrated games, possibly for the eponymous deity.¹³² *ILLRP* 703 mentions a *magister* organizing games in a wooden theatre (as Mommsen restored the text) for Hercules magnus. Three *magistri*, from two *pagi* and one *vicus Sulpicius*, dedicated an altar which showed Maia and Mercurius (*ILLRP* 702). Four different *collegia* commemorate donations to Fors Fortuna (*ILLRP* 96-9). A territorial association, the *pagus Ianicolensis*, instructed its *magister* to have *porticum cellam culinam aram* built *de pagi sententia* (*ILLRP* 699, 700). Another, the *montani montis Oppi*, through their *magistri* and *flamines*, rebuilt the sanctuary of Iuppiter Fagutalis from their own funds.¹³³ It must be assumed that such financial investments were the result of thorough deliberation and close investi-

¹³¹ 59: Cic. *Ad Att.* 2,17,2 with WISSOWA 1912, 358⁴. 58: Tert. *Apol.* 6; *Ad Nat.* 1,10. 53: Cass. Dio 40,47,4. 50: Val. Max. 1,3,3. 48: Cass. Dio 42,26,6 with LATTE 1960, 286. Collegiate association: COARELLI 1984; ALFÖLDI 1985, 52-74. For Republican *sacerdotes Isid(i)s Capitolin(a)e*, possibly to be linked to that *collegium*, see *CIL* 1²,986; *ILLRP* 159.

¹³² *CIL* 1²,984 = *ILLRP* 701, dated to 58 by Mommsen. The exact content of this inscription is obscure. The *magistri* may have been *magistri vici*, since the *pagi* appear to have elected only one *magister* as head of their organization.

¹³³ *ILLRP* 698: *sacellum claudend(um) et coaequandum et arbores serundas*. On the deity's identity, Degrassi *ad loc.* compares Varro *LL* 5,49.

gation of the relationship between the local deity in question and the association concerned. No doubt these sanctuaries provided more than just convenient meeting places for the *pagani* and *montani*. Arguably, the collegiate focus on such shrines created a local religious identification.

The Compitalian Games in the Republican period may serve to illustrate this pattern of decentralized religious affiliations. The Compitalia were organized by the *magistri vicorum* as heads of the *collegia compitalicia*, focusing on the worship of the local Lares in the various quarters' *sacella*. Both the Lares and their festival attracted the slaves and the poor but also members of the professional *collegia* and, before the Augustan reform of the Compitalia, some of the rich.¹³⁴ When conceptualizing the Republican Compitalia, we should not be thinking of their Augustan successor. Scenes of Compitalician worship in Augustan and later Imperial art display a relative uniformity: *vicomagistri*, their heads veiled, pour libations to the sound of *tibiae*, as *victimarii* and sacrificial animals stand by. These idealizations reflect the cult's Augustan transformation into a uniform ritual which focused, through the worship of the Lares Augusti at Rome's cross-roads, on the emperor himself.¹³⁵ However, it would be misleading to assume that such uniformity would

¹³⁴ FLAMBARD 1977; *Id.* 1981, 156-8; BÖMER & HERZ 1981, 32-56; LINDERSKI 1995, 165-203. On the traditional clientele of the Lares, see above, 3.1.3.

¹³⁵ Illustrations: VON HESBERG 1978, 914-9; TURCAN 1988, 2, 61. Cf. BAKKER 1994, 118-33; LACEY 1996, 184-6. The index to *CIL* 6 lists twenty-one shrines of the Lares Augusti attested by inscriptions. For their continuity into the fourth century CE, cf. the evidence presented in N. LEWIS & M. REINHOLD, *Roman civilization: select readings*³ (1990), 2, 514-30.

necessarily have prevailed in the Late Republic. Its character was such that the Republican Senate, rather than thinking in terms of reforming the cult, had to resort to the alternative between outright prohibition in 64 and reluctant acceptance. One should therefore make allowances for the perception of these Lares as distinct deities in the context of a *vicus*' assertion of its identity, and for rivalry and competition between different *vici* and their *magistri*. The appeal of a Plautine character to the *Lares viales* for support, or the various topographical epitheta the Lares acquired in local worship, suggest a close identification of divinity and place and point to an essentially personalized conception of the Lares' divine nature.¹³⁶

This is not to say that local religious identification in the context of *vici*, *montes*, *pagi* or other *collegia* was a straightforward process. The freedman Clesipus Geganius put up an inscription (*litteris magnis et pulcherrimis* according to Mommsen) recording that he held the office of *magister* in the colleges of *Luperci* and *Capitolini*.¹³⁷ Aulus Castricius, in the Augustan period, managed to hold that position in four *collegia*: he was *magister collegiorum Lupercorum et Capitolinorum et Mercurialium et paganorum Aventinensium*.¹³⁸ We do not know how these two men perceived their various religious affiliations; yet, the realm of collegiate associations, fragmented as it appears to us, sug-

¹³⁶ Plaut. *Merc.* 865; G. WISSOWA, *ML* 2,2 (1894-97), 1868-97, at 1885-7. Personalization of divinities: below, 4.3.2.

¹³⁷ *CIL* 1²,1004 = *ILLRP* 696. On Clesipus Geganius, see Pliny *NH* 34,11.

¹³⁸ *ILS* 2676. Cf. Livy 2,27; 5,50. The *Capitolini* and *Mercuriali* could dare to eject a Roman *eques* from their members; Cic. *Q. Fr.* 2,5,2.

gests religious identities which cannot easily be subsumed under the category of civic religion. The Augustan jurists mentioned at the outset of this paragraph suggested that the religious activities of *montes*, *pagi*, *vici* and *curiae* were mere territorial reflections of the *sacra publica* of the Roman People as a whole. The collegiate forms of worship, which created their own forms of semi-publicity, serve to invalidate that legalistic dichotomy. In Late Republican Rome, there were various forms of possible religious identifications in the context of public religious observance.

Cicero conceptualized the life of a civic community as taking place in public spaces (*Off.* 1,53):

Multa enim sunt civibus inter se communia, forum fana porticus viae, leges iura iudicia suffragia, consuetudines praeterea et familiaritates multisque cum multis res rationesque contractae.

The material record of the Late Republic and the Augustan period seems to support this holistic portrait of society. Building activities focused on civic projects, fora, temples, basilicas, porticos, *curiae* and *macella*. The subsequent creation of semi-public and private spaces, the *scho-lae* of *collegia*, private chapels of deities like Mithras or Isis, and the prominence of baths in cities all over the Empire, seemed to herald a partial detachment from the previous commitment to civic society.¹³⁹ Accordingly, the advocates of the civic model view religious evolution as a change from the embeddedness of religion in the traditional city-state to the dislocation, and privatisation, of religious choices in an increasingly complex environment.¹⁴⁰

¹³⁹ E.g. ZANKER 1994.

¹⁴⁰ See above, 2.7.1.

With a view to the public nature of Republican society, the behaviour of collegiate associations has been understood as an imitation of the *élite*. The quasi-political active experience in the *collegia* would have compensated for what was impossible in the popular assemblies. The display of social status through inscriptions, dedications and games, a privilege normally reserved to the aristocracy, would have counteracted the socio-political discrimination, providing integration and acceptance of the fabric of civic society.¹⁴¹

While such a functionalist analysis has its attractions, the category of >integration< can only depict the unintended consequence, rather than the *raison d'être*, of such social behaviour. The category of integration ultimately fails to explain events such as the political violence of the final years of the Republic or the crowd behaviour at the funeral of Clodius, when popular power temporarily subverted the social rituals of *élite* behaviour and threatened the fabric of society.¹⁴² On the functionalist view of the civic model, religion was a deeply integrated affair of a closed society, in which the religious behaviour of Rome's collegiate associations reflected the religion of the city-state, since everybody worshipped the same deities as the city.¹⁴³ Such integrationalism can conceptualize competing choices only when they become manifest in deviant religious behaviour. It cannot explain Augustus' motives for changing the structure of the Compitalian cult; his reorganization of the cult structure must have reflected the wish to control cult be-

¹⁴¹ E.g. FLAMBARD 1981, 165-6.

¹⁴² NIPPEL 1995, 75-84; SUMI 1997.

¹⁴³ E.g. BEARD 1994a, 748-9.

haviour which would otherwise have remained uncontrollable. A more plausible suggestion is that organizations such as the *collegia* of freedmen and slaves (as we have seen, the division between these organizations and the professional *collegia* was highly permeable) through imitating the socio-political élite's behaviour in fact impinged on that élite's privileges. These associations unashamedly took to the traditional means of status display and adopted traditional forms of religious communication, while at the same time preserving a social openness and independence which to the élite appeared as subverting the foundations of social stability.¹⁴⁴ Mention has already been made above of the socio-economic independence achieved by Roman freedmen in the course of the first century.¹⁴⁵ Accordingly, I would suggest that we ought to conceptualize the public religious behaviour of such status groups as the embodiment of their *relative autonomy* in what remained an integrated society rather than as a further sign of the gradual disintegration of civic religion in Late Republican Rome.¹⁴⁶

Given the relative autonomy of collegiate associations in Rome in the first century, it is surprising to find no traces of buildings, *scholae* or *templa*, owned by professional *collegia* or other collegiate bodies in the Republican material record in Rome, the colony of Cosa or on Delos. The earliest buildings which are undisputably recognized as *scholae* of professional *collegia* in the city of Rome date to

¹⁴⁴ Cf. PURCELL 1994, 671-2. For freedmen imitating the artistic values of the élite, see ZANKER 1975.

¹⁴⁵ See above, 3.1.1.

¹⁴⁶ For the phrase ›relative autonomy‹ and the underlying notion of an ›open system‹, see above, 2.7.4.

the early Augustan period: the *scholae* of the *tibicines*, the *fabri tignarii* and the *scribae librarii et praecones* of the curulian aediles.¹⁴⁷ The collegiate associations of the Late Republic may not have possessed the *scholae* of their Imperial successors, which visually embody the detachment from the public sphere; nevertheless, the professional *collegia*, the organizations devoted to one deity, the *montani*, *pagani* or the inhabitants of Rome's quarters are not simply illustrative of Cicero's closed society, and their religious behaviour is not merely reflective of civic religion. Rather, this behaviour serves to undermine the legalistic categories of public and private. Yet, by questioning the dichotomy of public and private, I have already run ahead of my argument.

4.2.4 Roman religion: public or private?

As has been elaborated above, Wissowa understood Roman state religion as the formalistic, yet true reflection of Roman religiosity. In his account, private religion, the religion of the populace, became increasingly emotionalized and removed from such true religious behaviour. The People's alienation from its traditional religious practices led to the decline of state religion. By contrast, succeeding generations of scholars made the alleged decline of religion in the Late Republic contingent upon this formalism of Roman religion, which was unsuited for providing an emotional experience. This Schleiermacherian perspective was complemented by the view that the *privata sacra* of families and individuals, as described in the second part of Festus' defini-

¹⁴⁷ BOLLMANN 1993.

tion of public and private religion, served to provide this quintessential religious experience. Even now, such a view appeals to students of Roman religion and ancient historians alike.¹⁴⁸

By contrast, recent approaches stress the fundamentally public nature of Roman religion, which was the corollary of the quintessentially public nature of Roman social life under the Republic. This focus on the public aspect of social behaviour has resulted in the revision of the received paradigm that the dichotomy of ›public‹ and ›private‹ of ritual behaviour and internal experience, should be resolved in favour of the latter. Now, as a corollary of the modern suspicion of man's internal world, the allegedly private aspects of religion disappear in a society characterized by public religious behaviour; and if religious practices in the city penetrated the distinction between ›public‹ and ›private‹, it is due to the all-embracing normativity of the former that the distinction no longer matters:

»It might seem a possibility that ... private cults would have afforded a separate religious world within which the individual Roman might have found the personal experience of superhuman beings, the sense of community and of his place in it, which the remoteness of the official cult denied him, but which he needed to make sense of the world ... [H]owever, it is not so easy to believe in this deep but unattested religious life ... Almost all the evidence we have suggests that in Rome in particular religious life focused on the public cults, on the relationship between the city and the city's gods

¹⁴⁸ See above, 2.2, 2.3. Cf. e.g. DÖRRIE 1978a, 248: »In ältesten Zeiten dürfte die private Ausübung des Kultischen das eigentliche Feld gewesen sein, auf dem sich Religion und Religiosität manifestierten«; MANTELL 1979, 217: »the *sacra privata* ... were the Roman's real religion, the cults that really mattered«, quoted with approval by LACEY 1996, 173.

and goddesses; the citizen participated through his identification with the city and its interest ...». ¹⁴⁹

To be sure, such a view has an initial plausibility. For the fabric of Late Republican urban society was held together by the interacting interests of the *élite*, the urban *plebs*, freedmen and slaves, who shared accommodation, work and the means of recreation, and who were linked by the bonds of patronage or *amicitia*. Roman society was an >integrated society< in the qualified sense that mutual dependence, and the resulting profusion of group commitments, created a strong system of interrelated interests which transcended status differences.¹⁵⁰ To most of its inhabitants the city of Rome, notoriously congested and overcrowded, would provide little space for total retreat or absolute privacy. Indeed, the fabric of mutual dependence would make complete solitude an undesirable goal. Moreover, the religion at Rome, with its finite number of deities and ritual occasions, which were employed by all strata of society, would easily suggest a uniformity of behaviour and a congruity of belief systems to the modern beholder.¹⁵¹

In the preceding discussion I have tried to show how Roman society defined the difference of public and private spheres of religious activity. To be sure, the legal distinctiveness of these spheres does not *a priori* entail that public and private religious activity needed to be conceptually different. At the same time, however, the modern emphasis on the public and social nature of Roman religion has

¹⁴⁹ NORTH 1989, 605-6. Cf. above, 1.3, 1.4, 2.3.

¹⁵⁰ E.g. PURCELL 1994, 668.

¹⁵¹ Cf. above, 2.7.3.

led to the rash conclusion that these two spheres of activity were homologous. In what follows, I will suggest that it is the underlying dichotomy of public and private which compromises both old and more recent models, and which must be overcome.

Consider the sphere of domestic cult. Generally, if not invariably, the deities of household shrines were not different from those receiving worship in civic temples. The material evidence for domestic cult seems to suggest that cult objects and paintings were placed in the representative areas of Late Republican and early Imperial Roman upper-class houses (in *atria* and *peristyles*) rather than in those parts (vestibules, bedrooms or accentuated rooms) which might have provided retreat and privacy. *Atria* and *peristyles* served to display the house owner's socio-political status to the Roman public at large. The logical conclusion appears to be that religious practice, while not lacking an affection for the deities who presided over one's physical home, was not considered to be a private affair that would have been conducted in spiritual retreat.¹⁵² Yet, the material evidence for the domestic cult in *atrium*-*peristyle* houses in Pompeii and Herculaneum is more complex. For a significant quantity of religious objects or paintings can be found in kitchen as well:

»The large majority of the Campanian evidence is found in the kitchens (27.4%), *atria-alae* (25.6%), *peristylia* (18.4%) and *viridaria* (20.2%) ... Only a few shrines are documented in the vestibules, bedrooms, accentuated

¹⁵² E.g. BEARD 1994a, 732; FEENEY 1998, 6. Representation: WISEMAN 1987, 393-413; WALLACE-HADRILL 1994, 60, *passim*. Household and upper-class family: SALLER 1994, 74-101, esp. 88-95.

rooms (*oeci*, *tablina*, *triclinia*), corridors, latrines, and stables. Cult-rooms are found especially in the *viridaria*, sometimes in the *atria-alae* and *peristylia*, or underground ... In virtually all kinds of rooms paintings can be found. The majority is located in the kitchen (39). Large amounts of niches are found in the kitchens, *atria-alae*, *peristylia*, and *viridaria*: 37, 39, 26, and 29 respectively. With one possible exception (in the *tablinium*) *aediculae* and pseudo-*aediculae* are found in the *peristylia*, *viridaria*, and *atria-alae* only.«¹⁵³

A study of paintings in the Lararia of Pompeian houses counts seventy paintings of Genius, Lares and/or Di Penates in the kitchens and service-areas, twenty two in representative rooms of smaller houses, and twenty four in representative rooms of medium-sized houses. Paintings in kitchens and other work areas depicted the Lares and the Genius, those in *atria* and *peristyles* the Penates. Owners of upper-class houses preferred the more expensive niches or *aediculae* rather than paintings.¹⁵⁴ The logic behind these statistics is apparent: the exclusive appearance of expensive *aediculae* in representative rooms on the one hand, and the generally high proportion of cult installations in kitchens *plus* the number of comparatively cheap paintings in that area on the other, point to a divide between representative rooms as the sphere of upper-class inhabitants and the kitchen as the realm of their slave *familia*.¹⁵⁵

This evidence poses a problem to the view that domestic cult illustrates the public and social nature of Roman religion, or that it documents the disappearance of the notion of individual religiosity. For in order to include the evi-

¹⁵³ BAKKER 1994, 39-40. The *atrium*-peristyle type resembles Late Republican upper-class houses: BAKKER 1994, 27; GEORGE 1997, 303-11.

¹⁵⁴ FRÖHLICH 1991, 28-9, 178-9; *Id.* 1995, 205.

¹⁵⁵ Cf. above, 3.1.3.

dence of religious installations in kitchens, that area of religious activity, too, has to be labelled ›public‹. Of course, in some sense a kitchen was a public sphere; yet, at the same time its public status was very different from that of the *atrium* in which the house-owner would receive clients and visitors. This example illustrates the terminological dilemma behind the traditional dichotomy of ›public‹ and ›private‹.

One way of solving this problem may be to look at those rooms of upper-class houses which, following the conventional dichotomy, fall under the category of non-representational or private rooms: vestibules, *cubicula* and accentuated rooms. To be sure, such areas as *cubicula* or *triclinia* could be used for representative functions as well. Consider *cubicula*: the Republican and Early Imperial literary sources suggest that *cubicula* were sometimes used for sleeping. On other occasions, they provided the location for receiving visitors. With reference to these rooms it has therefore been suggested that a flexible use of space prevailed, and that it was common to use different parts of the house on different occasions at different times of the year. This approach, which stresses the temporal and functional differences in room use, can explain why the material record cannot locate permanent furniture in these so-called non-representational or private areas of the house: the flexibility of use required constant relocation.¹⁵⁶

¹⁵⁶ Cf. NEVETT 1997, 288-92, 294-8. Sleeping: Cic. *Deiot.* 129; Quint. 4,2,72; Plin. *Ep.* 5,6,21. Public function: Cic. *Scaur.* 26,4; Apul. *Met.* 1,23.

In conclusion, it seems preferable to replace the traditional dichotomy of ›public‹ and ›private‹ areas of the Roman élite household by the more adequate distinction, to be taken *cum grano salis*, between rooms designated for permanent representative functions and those which were put to a more flexible use. This explanation is compatible with the material evidence for domestic cult. House-owners would not be interested in installing expensive niches and *aediculae* in areas whose interior was open to relocation, but would prefer permanent locations such as the *atria*, *peristylia* or *viridaria* for cult installations. The slave *familia*, on the other hand, would wish to install permanent cult objects in those areas which had a permanent service function: the *culina* and other work areas.

Moreover, this conclusion suggests that the modern classification of ›public‹ and ›private‹ areas of social and religious activity does not do justice to the Roman evidence, which does not divide space into areas of public representation on the one hand and private retreat on the other. For even those spaces commonly associated with privacy, namely bedrooms, appear to have had shifting functions, public or private, at different times. The striking absence of rooms from the Roman household which permanently ›belonged‹ to one individual household member correlates with the lack of a literary conception of personalized space in the Roman élite house.¹⁵⁷ The material and the literary record thus emphasize a profound cultural difference between the Roman and the modern concept of individualism. When drawing on

¹⁵⁷ GEORGE 1997, 300-1.

these insights, studies of religion sometimes make the implicit assumption that the quintessentially public nature of Roman houses prevented a conceptualization of privacy in a domestic environment. Before accepting that assumption, it may be useful to ask whether these scholars wish to suggest a mere *cultural difference* in conceptualizing public and private spaces, or whether they intend to postulate a more profound distinctiveness of the Romans, which shows in the undesirability of some sense of privacy.¹⁵⁸ A cultural difference is no doubt apparent. Yet, postulating a profounder distinctiveness would be erroneous.

For the literary evidence relating to upper-class Romans clearly suggests that there was an interest in creating a sense of personal privacy. Pliny's letters about his villas illustrate the concern for separating rooms and areas of his houses by means of doors, windows with shutters or curtains in order to create a temporary sense of seclusion from other members of his household. Although Pliny's villas were no doubt permanently shared domestic spaces, individuals tried to achieve a degree of personal privacy even in the context of spheres which could be put to communal use.¹⁵⁹ Moreover, the upper class villa in the countryside, notwithstanding its economic function, provided a place for private retreat. Its artificial landscape of Hellenizing culture counterbalanced the political culture of the city of Rome. Thus the spread of the *villegiatura* from the early second century onwards exemplifies the differentiation of the spheres of

¹⁵⁸ Cf. above, 1.4, 2.3.

¹⁵⁹ E.g. Pliny *Ep.* 2,17; LEFÈVRE 1987; GEORGE 1997, esp. 317-8.

upper class activity, and the creation of non-political domains by the political élite.¹⁶⁰ Such private retreat must have been more difficult to achieve in the constricted spaces of urban houses. However, the temporal and functional distinctions between the use made of *triclinia* or *cubicula* enabled inhabitants to use these areas for reading or resting, when guests were not received. On the same principle, *atria* or peristyles were employed for private activities, once the flow of visitors had ebbed away. These examples demonstrate that the primary function of public representation in the rooms of the élite household did not exclude their secondary function for temporary retreat in mutual respect for personal privacy.

While religious studies use the material record to prove their assertion about the penetration of the public sphere into the physical areas of private life, they tend to overlook these functional differences in room use, which led to the flexible employment of different areas of the household for differentiated activities at different times. A more flexible approach, which takes into account these functional differences, should help us to overcome the dichotomy of ›public‹ and ›private‹, whose static nature tempts scholars to think in terms of incompatible dualisms, and to favour unduly either the private or the public aspect of social and religious behaviour. The very fluidity of these categories in the ancient material and literary record implies that

¹⁶⁰ Cicero called his villa at Puteoli the ›Academia‹: Tullius Laurea *FLP* pp. 182-3 ap. Pliny *NH* 31,6. Cf. FLAIG 1993; K. SCHNEIDER 1995, 73-104. Hellenizing architecture: NEUDECKER 1988; R. FÖRTSCH, *Gnomon* 64 (1992), 520-34.

Roman conceptions of the household ranged from public representation in the *domus frequentata* to private retreat in the *sanctum perfugium*.¹⁶¹ In inversion of the orthodox view, we ought to think in terms which resolve the dualism of public and private. Concerns for privacy, including those for the private reflection on the importance of domestic cult, rather than being excluded by the Romans' representational behaviour, penetrated into the physical areas of public representation.

To be sure, societal behaviour in general was both public and private. Consider, for instance, the motives of the testator in Roman society:

»The Roman will was indeed an expression of deepest emotion, particularly of affection in the form of concern for the future happiness or security of family and friends. But it was also a solemn evaluation of the surrounding world, ... and it was an insurance that the individual would be remembered by others both in life and in death.«¹⁶²

This insight into the fundamentally dialectic nature of social behaviour should also serve to resolve the discussion between two fundamentally opposed conceptualizations of religion at Rome either as a private religion or as a civic religious system whose focus lay in the public sphere. The latter position, while doing justice to the realm of public rituals conducted by magistrates or priests, must perceive all forms of religious behaviour as essentially public, and must treat such public religious behaviour as being determined by the civic realm. We do not know how exactly, and to

¹⁶¹ *Domus frequentata*: Sen. Ep. 21,6; cf. Cic. Att. 1,18,1, 2,22,3. *Sanctum perfugium*: Cic. Catil. 4,2; Vatin. 22; Dom. 109; cf. Gaius Dig. 2,4,18; Paulus Dig. 50,17,103, cited by GEORGE 1997, 300-11, at 300¹.

¹⁶² CHAMPLIN 1991, 27-8.

what extent, Romans used the privacy of their households for their religion. Yet, as I have suggested above, it is methodologically unwarranted to exclude on a *priori* grounds the realm of private religious emotions and belief systems from our analysis.¹⁶³ Rather, we should try to re-investigate these individual motivations and beliefs, as they instrumentalized the religious infrastructure of the city of Rome.

4.2.5 Public places, private concerns

The public and social nature of dedications has become commonplace: dedications served as permanent display of individual motives and attitudes to a larger social environment. In apparent imitation of the publicity of civic sacrificial processions, individuals on occasion publicized their private sacrifices. Proceeding through the city to the sanctuary, they advertised to bystanders their motives for the sacrifice by means of a *titulus* carried by an attendant.¹⁶⁴ Such overt publicity would no doubt offend Schleiermacherian sensibilities. Yet, it is difficult to see how this display of motives is more than a distinct *cultural* characteristic of public behaviour, and how it can preclude the existence of religious motives that deviate from civic ideology. By assuming that such deviation is excluded, scholars *a priori* exclude from their frame of analysis the possibility of searching for motives which find their realization in the realm of public display, but which may nevertheless carry a

¹⁶³ Cf. above, 1.4, 1.6.

¹⁶⁴ VEYNE 1983b. Cf. SCHEID 1985, 12-5; BEARD 1994a, 732-3: »Thus what might have been 'merely' private devotion became part of public, city life.«

dimension of internal meaning. Thus these scholars unwittingly assume that the public assertion of religious behaviour could be direct proof of the public nature of interior motives and thoughts.¹⁶⁵

The actual motives of the individuals who raised inscriptions or made dedications to the gods are often unknown to us. For instance, we can only speculate about the reasoning of Iulia Sporis, the wife of the *aedituus* of Diana Plan-ciana mentioned above, who made a dedication to Silvanus *ex visu* - or about the situation which led to the god's apparition in the first place (AE 1971,31). Personal economic interests lie at the centre of dedications to Hercules in Tibur, where entrepreneurs of Italian and Roman origin repayed the deity for supporting their financial transactions. The language of these dedications resembles the world of business, trade and profit.¹⁶⁶ The hermeneutic problem of applying our own preconceptions to these dedications is in danger of resulting in circular thinking; arguably, however, we should invert the view that private forms of religious commitment ought to be seen as part of the religion of the city. On the contrary, the penetration of public temples and

¹⁶⁵ Cf. above, 2.7.3, 2.7.4.

¹⁶⁶ E.g. ILLRP 136: M. P. Vertuleius C. f. quod re sua d[if]leident asper afleicta parens timens heic vovit, voto hoc solut[o de]cuma facta poloucta leibereis lubes donu[m] danunt Hercolei maxsume mereto. Semol te orant se voti crebro condemnes; ibid 149: Sancte decuma victor tibi Lucius Munius donum moribus anti-queis pro usura hoc dare sese visum animo suo perfecit, tua pace rogans te cogendei dissolvendei tu ut facilia faxseis, perficias decumam ut faciat verae rationis, proque hoc atque alieis donis des digna merenti; BODEI GIGLIONI 1977, 51-4.

places with individual religious concerns affected all areas of the city of Rome.

The Capitoline hill, the religious and political centre of the city, was not excluded from the diffusion of personal religious aims. On January 1, the consuls upon entering office conducted a sacrifice to obtain divine favour and made vows on behalf of the People on the Capitoline hill.¹⁶⁷ Scipio Africanus the Elder is said to have regularly visited the temple of the Capitoline triad at night, »as if he were to discuss political issues with Iuppiter optimus maximus«. ¹⁶⁸ On a different level, C. Crispinius Hilarus, a Roman citizen from the *plebs Faesulana*, conducted a sacrifice to Iuppiter on the Capitoline Hill, at which he was accompanied by eight children, including two daughters, twenty seven grandsons, eighteen great-grandsons and eight granddaughters. His motivation for this private sacrifice is unclear. Augustus included Crispinius Hilarus in the *acta diurna* in support of his policies on procreation.¹⁶⁹ Yet, there seems to be no direct connection between this private sacrifice and civic religion.

On their visit to the Capitoline temple, Crispinius Hilarus and his family may have met worshippers behaving not unlike those depicted in Seneca's *De superstitione*. In the

¹⁶⁷ SCHEID 1985, 130-1; ORLIN 1997, *passim*.

¹⁶⁸ Gell. 6,1,6: *in Capitolium ventitare ... atque ibi solum diu demorari quasi consultantem de re publica cum Iove* with AYMARD 1953; GLADIGOW 1994, 16-7. LIND 1992, 14, following Gellius and Livy 26,19,3-9, accuses Scipio of religious hypocrisy. On Scipio's famously close relation with the Capitoline Iuppiter, add Val. Max. 8,15,1; App. Pun. 104, 109; Cass. Dio 16,57,39; WALBANK 1985, 120-37; RAWSON 1991, 88-9.

¹⁶⁹ Plin. NH 7,60.

sanctuary of the Capitoline triad, Iuppiter is looked after by a *nomenclator*, a *horae nuntius*, a *lector*,¹⁷⁰ and an *unctor*. Coiffeurs and maids serve Iuno and Minerva. Individuals ask the deities for support and advice on legal quarrels. An aged actor performs for them. Some women sit in the sanctuary and believe they are loved by Iuppiter:

(fr. 36) *In Capitolium perveni: pudebit publicatae demenciae, quod sibi vanus furor adtribuit officii. Alius nomina deo subicit, alius horas Iovi nuntiat, alius licitor est, alius unctor qui vano motu bracchiorum imitatur unguentem. Sunt qui Iunoni ac Minervae capillos disponant: longe a templo non tantum a simulacro stantes digitos movent ornantium modo. Sunt quae speculum teneant. Sunt qui ad vadimonia sua deos advocent. Sunt qui libellos offerant et illos causam suam doceant. Doctus archimimus, senex iam decrepitus, quotidie in Capitolio mimum agebat, quasi dii libenter spectarent quem homines desierant. Omne illic artificum genus operantium diis immortalium desidet. (frg. 37) hi tamen ... etiamsi super vacuum usum, non turpem nec infamem deo promittunt. Sedent quaedam in Capitolio quae se ab Iove amari putant nec Iunonis quidem, si credere poëtis velis, iracundissimae respectu terrentur.*¹⁷¹

It is not entirely clear whether these services were performed by cult personnel on a daily routine basis or by individuals as part of their worship. The services offered to Iuppiter correspond to those performed by slaves on an institutionalized basis in an upper-class Roman household. Moreover, the daily maintenance of cult statues was a common phenomenon in the ancient world. Yet, the wording of the text suggests that at least some of these services were rendered by individual visitors to the sanctuary, who put themselves temporarily in the subordinate position of serv-

¹⁷⁰ The mss offer *lector*, *licitor* or *luctor*. H. Georges suggested *lutor* which Dombart-Kalb accept, Linker *litor*. Cf. H. FUNKE, JAC 17 (1974), 149, who accepts *licitor*, comparing Tert. *Idol.* 18.

¹⁷¹ Sen. *De superstitione* frgs 36b-7 Haase ap. August. CD 6,10 (p. 268,24-269,10 D-K). Cf. *Epist.* 95,47-50.

ants obeying their masters, thus contradicting the social status they may have had outside the temple precinct.¹⁷²

Wissowa suggested that we should identify this ritual sequence as the *epulum Iovis*, performed in the form of a *lectisternium* twice a year, on September 13 and November 13.¹⁷³ However, Seneca does not describe a ritual conducted on a regular basis, but criticizes a religious practice not limited by any temporal frame. In marked antithesis, he restrains his judgement on the ceremonies in the cult of Isis (however superstitious and embarrassing they appeared to him), since those rites were conducted only once a year, from October 31 until November 3. It was the absence of such a confined temporal scheme which offended Seneca in the case of the practices in the temple of the Capitoline triad.¹⁷⁴ To Latte, this incident illustrated popular superstition tainted by new religious creeds which arrived from the East and subsequently replaced an authentic, though weakened, Roman religion.¹⁷⁵ Versnel's suggestion to explain this incident by comparison with a Republican dedication put up by Paulla Toutia M. f. *et consuplicatrices* has the advantage of avoiding such traditional evolutionist stereotypes of authenticity and decline. He offers a potential context for the scene on the Capitoline Hill which firmly links the passage back to Roman religious practice.¹⁷⁶

¹⁷² E.g. *qui vano motu bracchiorum imitatur unguentem; longe a templo non tantum a simulacro stantes digitos movent ornantium modo*. Cf. GLADIGOW 1994, 24.

¹⁷³ WISSOWA 1912, 423³.

¹⁷⁴ Sen. *De superst.* 36a: *huic tamen ... furori* [the rites in the cult of Isis] *certum tempus est. Tolerabile est semel anno insanire*. Cf. LAUSBERG 1989, 1891.

¹⁷⁵ LATTE 1960, 327-31, at 328.

¹⁷⁶ VERSNEL 1981, 30-1, at 30¹⁸, comparing *ILLRP* 301.

Yet, Versnel does not clarify whether his suggestion entails that we should link the incident described by Seneca to a *supplicatio* organized by a group of female worshippers. If so, this would be misleading. For although we lack the most basic information concerning the social status and motives of these worshippers, this puzzling passage does not appear to portray a formal ritual supplication by a cohesive group. Rather, this passage seems to describe an incoherent assemblage of religious practices through which individuals, in imitation of social stereotypes, those of temple servant and deity, slave and master, beloved and lover, temporarily transcended the norms and boundaries of their traditional social bonding in Roman society, as found outside the sanctuary's confines.

The context in which this passage is placed by Augustine supports such an interpretation. For Seneca's portrait of the practices on the Capitoline Hill as preserved by Augustine is immediately followed by Augustine's own remark, mentioned above, that Seneca took the liberty of systematically compromising the *theologia civilis*.¹⁷⁷ Augustine's delight at Seneca's deconstruction of ritual practice becomes understandable once we realize that the separation between the rites of oriental cults and traditional Roman religion, routinely made in modern scholarship, is decidedly blurred by Seneca's portrayal of such religious practices in *De superstitione*. He introduces the section on the superstitious nature of ritual behaviour by censuring the behaviour of

¹⁷⁷ Cf. above, 1.1 and 2.4.1. Cf. August. CD 6,10 (p. 267,9-12 D-K): *civilem ... et urbanam theologian*.

worshippers in the cults of Mater magna, Bellona and Isis.¹⁷⁸ Yet, he immediately proceeds to the discussion of superstition in the cult of the Capitoline triad, linking this cult back to the preceding superstitious practices by the category of *furor*. Significantly, all of these practices are listed under one heading, *de ritibus*.¹⁷⁹ Seneca refuses to make a substantive discrimination, but suggests that emotional and cognitive responses in the cults of Mater Magna, Bellona and Isis on the one hand and of the Capitoline triad on the other were indistinguishable, and equally repulsive.

Furthermore, by connecting the practices on the Capitoline Hill to the religious behaviour of individuals in cults of so-called oriental deities, Seneca implies that the religious behaviour described in the context of the worship of the Capitoline triad was that of individual worshippers as well, rather than that of organized groups or religious functionaries. To Seneca, this passage described an integral part of daily religious routine taking place in the temple of the Capitoline triad. It took a form which was unacceptable to the philosophical critic, yet which apparently remained inoffensive to the civic authorities. The fact that here we are concerned with normal cult routine, *ritus*, rather than with exceptional religious activity that could be marginalized, calls into question the very foundations of the models of ›Staatskultus‹ and ›civic religion‹.

¹⁷⁸ Sen. *De superst.* 34-5 Haase (ap. August. CD 6,10 p. 267,32-268,23 D-K); MAZZOLI 1984, 989-91.

¹⁷⁹ August. CD 6,10 (p. 267,31-269,10). *Furor* as an expression of superstition: MAZZOLI 967-8; LAUSBERG 1989, 1894-5. Cf. 1.1.

4.3 Polytheism

We are now in a position to identify the methodological problem that ultimately underlies many current models of Roman religion. Neither Wissowa's concept of Roman religion as ›Staatskultus‹ nor its recent replacement by the concept of ›civic religion‹ manages to question the notion of ›religion‹ itself. Though presenting various competing definitions of the substance or the ideological content of religion at Rome, these scholars have unanimously failed to ask whether the very notion of ›religion‹ is capable of comprising the variety of constellations of different cults and deities in a polytheistic context. The problem is that the concept of ›religion‹ is closely adjusted to monotheistic religious choices such as Jewish religion, Christian religion or Muslim religion. By talking about these ›religions‹, we imply that their identity can *cum grano salis* be reconstructed by means of a religious dogma, their theology or orthodoxy. When speaking about ›Roman religion‹, many scholars fail to realize that they do not deal with a similarly cohesive entity, and that the ›identity‹ of a pagan religious system cannot be reconstructed on the basis of principles which are geared to monotheistic religions. Scholars do not sufficiently take into account that the notion of ›religion‹ is incongruous with the nature of the polytheistic system at Rome which they intend to describe.¹⁸⁰ This incongruity results in the reductionist assumption that the complexity of the religious data at Rome could find complete

¹⁸⁰ Cf. AHN 1993; GLADIGOW 1997a, 103-5, for the problem of applying the monothetic concept of ›religion‹ to a polytheistic context.

representation in a monothetic account of the identity of this ›religion‹, be it ›Staatskultus‹ or ›civic religion‹.

Many scholars of Roman religion pay passing tribute to the phenomenon of polytheism. Yet, their assessment of that phenomenon's importance for their studies remains superficial at best. More often, they display an apparent uneasiness when facing a plurality of potentially conflicting cults and deities, that undermines their monothetic conceptions of Republican religion. As long as this plurality of cults and deities under the Republic can be marginalized, the apparent extension of religious choices under the Empire must be seen as dissolution.¹⁸¹ The comprehensive monographic treatment of individual deities and their cults over the last decades has not remedied this dilemma. These studies rarely conceptualize the internal logic of a polytheistic system: how are different deities perceived in relation to one another; what parameters constrain a worshipper's place, his obligations and choices? Instead, ›polytheism‹ is treated as though it were a mere appendix to monothetic conceptions of ancient religion - an arbitrary assemblage of different deities in a certain place.¹⁸²

The history of the notion of polytheism illustrates these modern difficulties. Considering the antiquity of Graeco-Roman paganism, the term ›polytheism‹ is relatively young. Philon of Alexandria introduced πολυθεία and δόξα πολύθεος in the early first century CE in order to conceptualize the worship of more than one deity. At its concep-

¹⁸¹ Cf. above, 2.7.1.

¹⁸² For notable exceptions, see MORA 1995; RUPKE 1995a.

tion, >polytheism< was a polemical term, introduced by an author writing in the Jewish diaspora of Alexandria, who defined belief in the one true god *ex negativo* before the background of a hostile pagan environment.¹⁸³ A systematic pagan conceptualization of the dichotomy of polytheism and monotheism is not found prior to the second century CE, when pagan philosophers, confronted with the Christian attacks on polytheism, tried to justify the pagan choice of worshiping more than one deity.¹⁸⁴ After the official demise of paganism, the pagan gods became aesthetic objects as part of a Late Antique cultural tradition. It was in this vein that the Renaissance rediscovered the Graeco-Roman gods, when rediscovering Roman poetry and mythology through authors like Ovid. However, the notion of >polytheism< did not become an issue in its own right before the seventeenth century, when the contemporary interest in primitive polytheistic societies unearthed ancient polytheism as a discipline of comparative research. The enlightenment tradition of the eighteenth century could regard polytheism as an alternative model to contemporary monotheism, exemplified in the tyranny of French catholicism. At the same time, the debate on the origins of society addressed the problem of whether monotheism or polytheism was the first organisational principle of human religion. Evolutionist models either postulated a primeval monotheism which subsequently degenerated into polytheism; or developed a teleological model of religious evolution that started from fetishism or animism, passed

¹⁸³ Philo 1,41; 1,609 with SANDELIN 1991. Contrast the pagan use of *πολύθεος*, denoting that which is the property of many deities; e.g. Aesch. *Suppl.* 424: *πολύθεος ἔδρα*.

¹⁸⁴ MOMIGLIANO 1987, 313-28. Cf. BURKERT 1985b.

through the stage of advanced polytheism, and finally culminated in the Christian belief in one deity.¹⁸⁵

Polytheism as a transitional stage in the evolution of religion: as we have seen, this evolutionist paradigm was accepted by various studies of Roman religion in the nineteenth and twentieth century.¹⁸⁶ Due to this paradigm, the evaluation of polytheism, the plurality of deities and cults, failed to attract sufficient scholarly attention. Given the many points of contact between old and new paradigms, it is not surprising that the model of ›civic religion‹ has also excluded the phenomenon of polytheism. For individual choices do not matter, as long as these choices are controlled by a civic identity determining individual religious behaviour. As a matter of fact, the civic model has also been applied to monotheistic societies such as Renaissance Florence.¹⁸⁷

4.3.1 ›*Si deus unus est...*‹

By way of contrast, worship of a number of different deities was conceptualized by Romans as one of the guiding principles of their religion.¹⁸⁸ Therefore, the lack of an adequate systematic expression of this (internalized) principle is not significant. This does not mean that the number of deities would not become an issue in Late Republican Rome. Lac-

¹⁸⁵ For ample documentation, see MANUEL 1959; SCHMIDT 1985; GLADIGOW 1998, 315-6.

¹⁸⁶ See above, 2.2.

¹⁸⁷ E.g. MOLHO & al. 1991.

¹⁸⁸ E.g. Cic. Red. Sen. 30: ... *in ipsis dis immortalibus non semper eosdem atque alias alios solemus et venerari et precari.*

tantius, trying to rebut the philosophical arguments that could be raised against the existence of just one deity, cites a passage from Cicero's dialogue *Hortensius*, with the *persona* of Q. Hortensius Hortalus (114-50) speaking:

*Sed fortasse quaerat aliquis a nobis idem illud quod apud Ciceronem quaerit Hortensius si deus unus est, quae esse beata solitudo queat. Tamquam nos, quia unum dicimus, desertum ac solitarium esse dicamus. Habet enim ministros quos vocamus nuntios. Et est illud verum quod dixisse in Exhortationibus Senecam supra rettuli, genuisse regni sui ministros deum.*¹⁸⁹

According to the most recent editor of the *Hortensius*, this passage is unique in that pagan philosophy before the early second century CE neither conceptualized the principle of monotheism nor conceived any polemic against it.¹⁹⁰ A reassessment of this passage, however, will show that despite Lactantius' interpretation to the contrary its content does not take issue with monotheism.

Cicero's dialogue *Hortensius* was written in the early summer of 45. Set in presumably the summer of 62, the *persona* of Hortensius compared the respective worth of rhetoric and philosophy, praising the former and denying the usefulness of the latter or its constituting parts, physics, logic, and ethics. The fragment must have formed part of his attack on physics, cosmology and theology. In particular, Hortensius' remark must have been part of the attack on the Platonic and Stoic conceptions of divine providence by means of which one divine principle governs the world. The suggestion that this fragment's discussion of one divine principle

¹⁸⁹ Frg. 62 Straume-Zimmermann = frg. 47 Grilli ap. Lact. *Div. Inst.* 1,7,3-5.

¹⁹⁰ STRAUME-ZIMMERMANN 1990, 347-8.

was complemented by a related attack on the innumerable gods of the Epicureans, thus representing Sceptical argumentation *in utramque partem*,¹⁹¹ is unlikely. If this had been the case, Lactantius might have referred to such an argument in his defense of monotheism. Furthermore, it is probable that the *persona* of Cicero responded to Hortensius' attack on the Platonic and Stoic conceptions of divine providence with the traditional argument that the order of the universe necessitates the existence of divine guidance.¹⁹² A Ciceronian reply to Hortensius' alleged attack on Epicurean theology, however, is not documented. The defense of Epicurean theology by Cicero may have been considered to be inappropriate; and its absence from the dialogue would thus be unexceptional.

However, it is more in accord with the agenda behind the attack on philosophy that Hortensius deliberately used Epicurean arguments against one divine principle in order to demolish the Platonic and Stoic position, thus showing that any philosophical consideration of theology rested on questionable logical premises and therefore was useless - *quod erat demonstrandum*. There was no need to attack the Epicurean position, namely that there existed many deities, since this was a common sense view shared by popular sentiment, which did not require philosophical proof. An Epicurean would have been in a position to agree with Hortensius' argument from common sense, since Epicurean epistemology was based on the fact that the true perception of the gods

¹⁹¹ STRAUME-ZIMMERMANN 1990, 347-8.

¹⁹² Frg. 97 Straume-Zimmermann = frg. 83 Grilli ap. Nonius 402,17 M; cf. Cic. *Fin.* 1,63-4, 4,11-2.

(προλήψεις) was reinforced not only by the images of the gods received in dreams but also by the persistence of commonly accepted societal and cultural ideas about them.¹⁹³ Hortensius was finally won over to the cause of philosophy. It is far easier to imagine that an alleged proponent of Epicurean doctrines admitted defeat and became convinced of the usefulness of philosophy than to assume that a Sceptic would have been won over, in particular since the definition of philosophy as a Socratic enterprise, as proposed by Carneades' New Academy, seems to have been reserved for Cicero himself in the closing speech of the dialogue.¹⁹⁴

It has already been seen in the past that the anthropomorphizing tone of the fragment in question suggests an Epicurean pedigree for Hortensius' argument.¹⁹⁵ The gods of the Epicureans, although blessed and imperishable, were conceived as living and anthropomorphic beings, if not by the founder himself, at least by Epicureans in the first century. The third book of Philodemus' *De dis*, roughly contemporary with Cicero's treatises of the forties, portrayed the gods as bodily entities with lifestyles and sentiments like our own, except that the gods are indestructible. In that work, Philodemus thought in strikingly anthropomorphic, not to say anthropocentric, terms. For instance, it was not difficult to identify the language in which the gods would be

¹⁹³ Cf. LONG & SEDLEY 1987, 1, 78-97.

¹⁹⁴ Frg. 102 Straume-Zimmermann = frg. 115 Grilli ap. August. *De Trin.* 14, 26.

¹⁹⁵ E.g. GRILLI 1962, 85-6. Cf. Id. 1992.

communicating: it was Greek, the language of philosophy and culture.¹⁹⁶

The third book of Philodemus' *De dis* also provides a parallel for Hortensius' argument from happiness. Happiness or blessedness (εὐδαιμονία, *beatitudo*), according to Hortensius, cannot be achieved in loneliness and isolation. If there were just one god, he would be lonely and therefore unhappy. Since perfect happiness or blessedness is a characteristic of the divine, there cannot be one single god. The gods of the Epicureans were self-contained material bodies which existed individually (τὰ κατὰ μέρος), just as humans were individuals. According to Epicurean doctrine, happiness could not be achieved in isolation but only through the concept of justice and friendship in society. Perfect happiness in an Epicurean community could only be achieved »when everything will be full of justice and mutual friendship«. ¹⁹⁷ This state is perfected in the habitation of the gods where, according to Philodemus' portrait in the third book of *De dis*, justice and mutual friendship among the gods guarantees their eternal εὐδαιμονία. The Epicurean doctrine of communality *per se* started from premises similar to those of the Peripatetic concept of the *zoon politikon* which must participate in a community in order to develop and prove its virtuous life,¹⁹⁸ and those of the Chrysippean idea of the universe as a habitation, a true city in the Stoic sense,

¹⁹⁶ DIELS 1916 for a preliminary text; cf. Philodemus *De pietate* lines 124-99 = OBBINK 1996, 114-8 for a summary treatment by the same author. On Epicurean doctrine, see LONG & SEDLEY 1987, 1,139-49, esp. 148-9.

¹⁹⁷ Diog. Oen. new fr. 21,1,4-14. Cf. LONG & SEDLEY 1987, 1,125-39.

¹⁹⁸ E.g. Arist. *NE* 1097 b 9; 1099 b 4; *passim*; above, 2.5.

common to gods and (wise) men as rational beings governed by reason.¹⁹⁹

In expounding the Epicurean doctrine about the impossibility of the existence of only one god, the *persona* of Hortensius in the dialogue may have been attracted by the similarity between popular sentiment about the nature of the gods and Epicurean epistemology which argued for the traditional anthropomorphism of the divine pantheon from perception. It is not impossible (though ultimately unprovable) that Hortensius also voiced his concern that any dissenting philosophical speculation on the nature of the gods not only was useless, but also posed a threat to traditional belief systems.²⁰⁰ The Epicureans took delight in turning the charge of atheism back on other philosophical schools. In that debate, the number of the gods becomes a central issue. The Epicureans asserted »that there exist not only all those [gods] that the Greeks say but many more as well«, since the endless number of immortals matches the number of mortal beings. This assertion is part of the critique of Stoic theology in Philodemus' *De Pietate*.²⁰¹

For Philodemus, as for other Epicureans, the suggestion that there might be only one god was an assault on the doctrine of the original and true conception of the gods as

¹⁹⁹ Cf. SCHOFIELD 1991, 57-92; LONG & SEDLEY 1987, 1,394-401, esp. 399.

²⁰⁰ E.g. Varro *RD* frg. 8 Cardauns: ... *quae facilia intra parietes in schola quam extra in foro ferre possunt aures*; above, 2.8.1.

²⁰¹ HENRICHS 1974, 12-26 for a preliminary text; cf. OBBINK 1996, 552-5. Cic. *ND* 1,50 is a contemporary parallel whose relation to Philodemus' treatise is not entirely clear; the latter may have been used as a source by Cicero.

many bodily entities from perception and on their individuality τὰ κατὰ μέρος. Following Epicurus, he could therefore claim that the Epicureans preserved religion by preserving the many gods, whereas others like Antisthenes (fr. 39A De-clewa Caizzi) postulated the existence of many gods only by convention (κατὰ νόμον) but of only one god in reality (κατὰ φύσιν); or, like the Stoics, deceived others into thinking that there were many gods while in fact assuming that there was only one.²⁰² The interpretation of the names of the gods played a crucial role in that debate. On the one hand, etymological allegory by metonymy or the grammatical deconstruction, or rationalization, of names reduced the divine pantheon to only one divine principle which manifested itself in various forms.²⁰³ On the other hand, the preservation of the gods' names by the Epicureans was only a natural consequence of the preservation of the gods' individuality as conceived from perception.²⁰⁴

The Epicurean conception of the divine was, as we have seen, anthropomorphic in perception. Epicureans therefore not only were inclined to interpret the many gods in anthropomorphic terms, but insinuated that their reduction to one principle ought to follow the same anthropomorphic model. »If there was only one god«, asks Hortensius, »how could he achieve happiness?« This anthropomorphic image was rejected by Lactantius, who regarded this question as an attack on monotheism. But should we assume that a Platonic or Stoic,

²⁰² Stoics: HENRICHS 1974, 20-2.

²⁰³ Cf. FEENEY 1991, 8-11, 31-7; LONG 1992; OBBINK 1996, 358-67.

²⁰⁴ E.g. Epic. *Ad Herod.* 77; *De nat.* 12-3.

thinking in terms of a divine principle rather than of an anthropomorphic god, would have understood the attack in a similar way? In other words, does Hortensius attack a ›philosophical monotheism‹ in a polytheistic environment? And would such an alleged philosophical monotheism have provided an alternative to traditional religious belief systems, presenting a monothetic belief system of a metaphysical dimension in a society where religion did allegedly not provide an ethical dimension?²⁰⁵

The philosophical critique of anthropomorphic depictions of the divine is at least as old as Xenophanes.²⁰⁶ The Pre-socratics, Platonists, Peripatetics or Stoics postulated one highest deity governing the world, one first principle from which the deities of the traditional pantheon were derived and to which they were subordinate. Modern evolutionist theories have accepted such philosophical views as a confirmation of the inevitable passage from polytheism to monotheism, and have defined the former as a transition stage in the religious evolution. Yet, there is a crucial difference between the first principle of philosophical speculation and the one god of the Old Testament. Consider the following passage, representative of Stoic thought:

²⁰⁵ Cf. e.g. GRILLI 1962, 85: »Noi sappiamo dello sforzo degli Stoici per una concezione monoteistica propria della filosofia, di fronte a quella politeistica della poesia e della religione statale; sappiamo d'altra parte che gli Epicurei accoglievano la concezione tradizionale.« On the supposed ethical dimension of ›philosophical religion‹, add e.g. NOCK 1933; GRIFFIN 1989, 36-7: »Philosophy thus played an important role in a society where religion had little metaphysics and less ethics.« For the context and a critique, see further above, 2.3.

²⁰⁶ Cf. FEENEY 1991, 5-56, for a brief survey.

*et sciendum Stoicos dicere unum esse deum cui nomina variantur pro actibus et officiis. Unde etiam duplicis sexus numina esse dicuntur, ut cum in actu sunt mares sint, feminae cum patiendi habent naturam.*²⁰⁷

This text, while postulating the existence of one divine being, can allow for the popular notion of male and female deities. As a result, popular religious practices and anthropomorphic conceptions of personalized divinities do not impair the validity of the philosophical notion of one deity, even though Stoic thought does not conceive of this divine being as anthropomorphic: postulating one divine principle which governs the world does not lead to its personalization.²⁰⁸ Hortensius' rhetorical question - »if there was only one god, how could he achieve happiness?« - does not invalidate a Stoic position, since the Stoic concept of the divine principle, unlike the Epicurean notion of the gods, is not anthropomorphic.

However, the contrast between a divine principle and an anthropomorphic pantheon did not result in dualistic thinking. For instance, in a monotheistic text like the Midrash the various names of God must not obfuscate the fact that one personalized god is addressed.²⁰⁹ By contrast, Platonic or Stoic thought did not conceive of one divine being and the many deities of popular polytheism in terms of an exclusive dualism. Yet, an exclusive dualism ought to be expected from a notion of the divine which leads directly into the monotheistic thinking of Jewish or Christian belief systems. The fact that this dualism does not exist in Platonic or

²⁰⁷ SVF 2,1070 = Serv. Aen. 4,638. Cf. Serv. Georg. 2,326.

²⁰⁸ E.g. SVF 2,1057-60.

²⁰⁹ Cf. AMIR 1978.

Stoic philosophy suggests a non-monotheistic context for these philosophical speculations about the divine. The logical reduction of many possible subjects to one guiding principle resulted in the philosophical postulation of one entity which governs the world. In inversion of anthropomorphism, its attributes were incorruptability, immortality and incorporeality - attributes which necessarily led to assigning divine qualities to this entity. However, unlike truly monotheistic options, philosophical speculation did not have to substantiate its divine principle; it was already substantiated as a logical operation, and did not have to receive external authorization by being traced back to an omnipresent personalized deity. At the same time, the speculative nature of the divine principle meant that it did not gain theological significance either, as it never lost its quasi-metaphorical quality: the notion of »ἀνάγκη«, »the first principle« or »the unmoved mover«, »νοῦς« or »ratio«, »ὁ θεός« or »deus« did not become a personalized transcendental entity which would receive worship. Due to the lack of this theological dualism, the existence of a divine principle in philosophical thought never meant that the polytheistic principle of one god among many gods, personalized and anthropomorphic, would be questioned. This principle did not provide a monotheistic construct which could herald the victory of monotheism. Consider, for instance, Xenophanes' statement, illustrative of that paradox:²¹⁰ εἷς θεός, ἔν τε θεοῖσι καὶ ἀνθρώποισι μέγιστος; or Valerius Soranus' dictum, reflective of the impact of Orphism:

²¹⁰ Frg. 23 D-K = 170 Kirk/Raven/Schofield.

*Iuppiter omnipotens, regum rerumque deumque
progenitor genetrixque, deum deus, unus et omnes.*²¹¹

Either text postulates a henotheistic construct which at the same time refers to, and indeed is geared to, its polytheistic context.²¹²

4.3.2 The constitution of belief systems at Rome

The monothetic constructs of modern scholarship concerning the organization of a ›religion‹ facilitate the (modern) attribution of meaning to the behaviour of the historical agents. Polythetic organizational principles, by contrast, appear to make such an attribution impossible:

»A dynamically changing polytheistic system is an exceedingly problematic place in which to find the grounding for a question like ›What were the religious beliefs of Augustus?‹. This man ... was participant in and object of various new and traditional cults at Rome and throughout the Empire, and an initiate into the mysteries of Eleusis since the age of thirty-two. He was acclaimed in marble, bronze, papyrus and song as the descendant of Venus and the son of Divus Julius. He was the vice-regent of Jupiter, founder of a new temple of Jupiter the Thunderer, and always carried a sealskin with him as protection against thunderstorms. In which of these contexts is the ›core‹ of belief to be found?«²¹³

›Belief‹ is here seen as a monothetic construct which it is difficult to apply in a polytheistic context. This view does not take into account that even within polythetic contexts there are still principles of organization which attempt to limit and make sense of different ›belief systems‹ in relation to a variety of different deities and religious concepts. Polytheism is not just an agglomeration of many gods,

²¹¹ Frg. 2 *FLP* with Courtney's commentary.

²¹² Cf. HORNING 1990; GLADIGOW 1998, 320. In general, see CANCIK-LINDEMAIER 1979. FRANÇOIS 1957 discusses the divine attributes of these philosophical constructs.

²¹³ FEENEY 1998, 13-4. Cf. *ibid.* 18-9.

but possesses an internal structure, even though its logic may escape the modern beholder. For instance, ethological research into behaviour suggests that both individuals and groups are able to conceptualize their interacting with a maximum of up to twenty personalized divine subjects without forfeiting a sense of meaningful interaction. Within these limits, interacting with a number of subjects can be perceived without the feeling that the coherence of action or one's personal identity is compromised; and the attribution of meaning or belief to one's own interactive behaviour is possible even within such a polythetic context.²¹⁴

The conceptualization of a polytheistic pantheon follows similar rules: choices allow for flexibility in applying various differentiated ›belief systems‹ while at the same time maintaining a meaningful sense of personal or communal identity. The individual creation of pantheons is a common feature. Ennius, for instance, depicted those twelve deities of the Roman pantheon who, in adaptation of the traditional pantheon of the Twelve Gods in the Hellenic world, were entertained at the *lectisternium* of 217: Iuppiter, Iuno, Vesta, Minerva, Ceres, Diana, Venus, Mars, Mercurius, Neptunus, Vulcan and Apollo.²¹⁵ Varro in the preface to his *Res rusticae* replaced Ennius' *di urbani* by twelve deities *qui maxime agricolarum duces sunt*: Iuppiter and Tellus, Sol and Luna, Ceres and Liber, Robigus and Flora, Minerva and Venus,

²¹⁴ Cf. GLADIGOW 1983, 295; *Id.* 1998, 317; above, 2.7.4 and 2.8.

²¹⁵ Enn. *Ann.* 240-1 Skutsch *ap.* Apul. *De deo Socr.* 2; cf. Livy 22,9,7-10,9. Their bronze statues stood at the foot of the Capitoline hill: Varro *RR* 1,4: *quorum imagines auratae stant*. For Hellenic precedents, see LONG 1987, esp. 235-7; E. SIMON, *Gnomon* 63 (1991), 46-50.

Lympha and Bonus Eventus.²¹⁶ Vergil, in his invocation of the deities of agriculture, accepted Sol and Luna, Liber and Ceres, and Minerva, but replaced the others by the Fauni, dryads, Neptunus, Aristaeus, Pan, Triptolemus and Silvanus. Vergil added Augustus to this list, celebrating the *princeps*' numinose power.²¹⁷ Vitruvius, in his normative account of the sacred topography of a typical Roman city and its pantheon, listed the Capitoline triad, Mercurius, Isis and Serapis, Apollo, Pater Liber, Hercules, Mars, Venus, Volcanus, Ceres, and ... *ceteri di*. However, Vitruvius' model has not yet materialized in the archaeological record.²¹⁸

It would be misleading to assume that these pantheons provided truthful representations of the religious system of Rome. Instead, they help us to identify individual elements of the overall system which could be put to use in the context of private and public religious communication and worship.²¹⁹ It was essential to possess a local religious knowledge which specified how to move between these identifications and how to use the religious options to hand. This local religious knowledge was acquired in the context of the religious system of Rome; traditions and customs formed the internalized basis of ritual orthopraxy and informed belief systems. Individual choices were constrained by the infrastructure and expectations provided by the city. Yet, we must not exclude the possibility that they filled in the gap by developing personalized conceptions of their gods which

²¹⁶ Varro RR 1,4-6 (*deos consentis*).

²¹⁷ Verg. *Georg.* 1,5-23 (twelve gods), 24-42 (Augustus).

²¹⁸ Vitr. 1,7; BENDLIN 1997, 50, for literature.

²¹⁹ Communication: above, 3.1.4.

went beyond the external framework provided by the civic administration of religion.

A passage which serves to illustrate the failure of current concepts of Late Republican religion to conceptualize the cognitive and emotional dimension of religion is Ovid's account of the *pompa circensis* in Rome. The *persona* of the poet, sitting next to his mistress, rejects identification with most of the divinities carried along in the procession. At last, Venus is praised; and Ovid asks her, and Victoria's, divine support of his erotic undertaking.²²⁰

sed iam pompa venit: linguis animisque favete!
tempus adest plausus: aurea pompa venit.
prima loco fertur passis Victoria pinnis: 45
huc ades et meus hic fac, dea, vincat amor!
plaudite Neptuno, nimium qui creditis undis!
nil mihi cum pelago, me mea terra capit.
plaude tuo Marti, miles! nos odimus arma,
pax iuvat et media pace repertus amor. 50
auguribus Phoebus, Phoebe venantibus adsit!
artifices in te verte, Minerva, manus!
ruricolae, Cereri teneroque adsurgite Baccho!
Pollucem pugiles, Castora placet eques!
nos tibi, blanda Venus, puerisque potentibus arcu 55
plaudimus: inceptis adnue, diva, meis
daque novae mentem dominae; patiatur amari.
adnuit et motu signa secunda dedit.

The motivational dimension of Ovid's response to the statue of Venus is worth noting. By moving, Venus signifies approval: she is *ἐπήκοος*, or *exaudiens*; at least, this is the poet's interpretation, divining that the moves of the statue are »favourable signs« - an example of private divination in the public context of games organized by the city.²²¹ Of

²²⁰ Ovid *Am.* 3,2,43-58.

²²¹ Statues in processions: Lucr. 2,624-5: (*Mater magna*) *magnas invecta per urbis munificat tacita mortalis muta salute*. *Exaudiens*: VERSNEL 1981, 26-37. Moves of statues used for divination: KRAUSS 1930, 176-9. Cf. P. Yale *Inv.* 299 (198/99 CE): ... μήτε διὰ κωμασίας ἀκαλμάτων (sic) ... τὰ ὑπὲρ ἄνθρωπόν τις εἰδέναι προσποιεῖσθαι with J. REA, *ZPE* 27 (1977), 151-6. Luc. *Dea Syr.* 36-7

course, the poet speaks with his tongue in cheek, for even Venus has to yield to his mistress who, to him, is a *dea maior* (*ibid.* 59-62). This procession, therefore, evokes in the *persona* of the poet a wide range of disparate images of religious meaning, which are constrained by local religious knowledge, yet which at the same time mobilize the poet's interior bias. This is a far cry from the functionalist interpretation of ritual in terms of societal integration and communal meaningfulness.²²²

The Ovidian passage outlines the functions which the *persona* of the poet assigns to the deities taking part in the *pompa circensis*. The differentiation of their divine functions reflects the differentiation of cult alternatives. These different options are compatible. The exclusivity of religious alternatives is conceptualized at the level of mythology and theological reflection: Paris chooses between three goddesses; Hippolytus favours Artemis, but fails to pay worship to Aphrodite - in either case with disastrous results for the human. In real life, as the Ovidian example illustrates, polythetic options stand in relation to their local and temporal contextualization, since the worship of one deity, including its henotheistic predications, in one place and at a certain time does not exclude worshipping another deity in another place or at another time.²²³ Rather, the ability to move between different deities and

interprets divination by the move of statues as priestly imposture. On this tradition, see POULSEN 1945.

²²² Cf. LUKES 1975, esp. 305, for >the mobilization of bias<.

²²³ Cf. GLADIGOW 1990, esp. 246-7; *Id.* 1998, 319-20; above, 2.7.2.

their cults characterizes the poet's religious behaviour in a complex market of cult alternatives at Rome.

Several studies have drawn attention to the fact that social structures in complex societies are reflected at the level of their respective polytheistic pantheons.²²⁴ Increasing social complexity is represented by an increasing number of gods as well as by the subsequent hierarchization of their respective position. Yet, the differentiation of a pantheon does not necessarily resemble socio-political circumstances: Graeco-Roman paganism, for example, never linked the complexity of its polytheistic system to a discussion of political pluralism or the issue of multinationality in the Roman Empire.²²⁵ Models which conceptualize the relationship between different deities are normally sociomorphic. The pantheon can be structured by means of gender differences: the gender of the supreme god reflects the society's patriarchic nature. At the same time, theological speculation questions the gender of a particular divinity.²²⁶ The scrupulousness over ritual performance includes the formula *sive mas sive femina* or *si divus si diva*.²²⁷ The formula must not be taken as representing an instance of the Romans' supposed inability to conceptualize superhuman beings about whose very substance they were unclear. On the contrary, the

²²⁴ Cf. LEMERT 1974; VERNANT 1990, 101-19; GLADIGOW 1983, 296-7; Id. 1998, 318-20.

²²⁵ MOMIGLIANO 1987, 315-21.

²²⁶ E.g. Laevius frg. 26 *FLP* and possibly Licinius Calvus frg. 7 *FLP*, discussing the bisexuality of Venus.

²²⁷ *ILLRP* 291-3; Cato *Agric.* 139; Macrobian *Sat.* 3,9,7 with APPEL 1909, 80; ALVAR 1985; HICKSON 1993, 41-3. VERSNEL 1981, 15-6 and PHILLIPS 1997, 131⁸ add non-Roman parallels. On the related case of taking care over addressing a deity by the right name, see Macrobian *Sat.* 3,9,9; APPEL 1909, 75; VERSNEL 1981, 15; HICKSON 1993, 33-4, 41, 54.

application of a formula which employs gender differences implies prior personalization, or the attempt of personalization, of the deity addressed.²²⁸ The famous *evocatio* of a local divinity during P. Servilius Vatia's capture of the Cilician town of Isaura Vetusta in 75 illustrates this attitude:

*Serveilius C(ai) f(ilius) imperator, / hostibus victis,
Isaura Vetere / capta, captiveis venum dateis, / sei
deus seive deast, quous in / tutela oppidum vetus
Isaura / fuit, -vac.- votum solvit.*

The general's use of the phrase *sei deus seive dea* addresses the problem which resulted from the *votum* routinely undertaken prior to the *evocatio*. For to fulfil the *votum*, which is to ensure the deity's appropriate future worship, his or her identity has to be sought by the victorious general. Servilius Vatia resorts to the categorization of the deity concerned as personalized, if unknown, god or goddess. In this particular case, the unknown deity's *evocatio* did not result in his or her transfer to Rome or in the conceptual integration into the Roman pantheon. Instead, the inscription probably belonged to the deity's new shrine or an altar dedicated by Servilius Vatia in Asia minor.²²⁹

The division of labour and the attribution of functions to particular deities of the pantheon reflects the differentiation of social roles in the human world. The Ovidian pas-

²²⁸ See KOCH 1937, 31-2; ULF 1982, 155-9. Koch never instrumentalized this insight, but postulated the »demythification« of Roman religion instead: above, 2.2.

²²⁹ AE 1977, 237 no. 816. For P. Servilius Vatia's career, see MRR 2, 99 and 3, 197; for his pontificate, cf. SZEMLER 1972, 130. BLOMART 1997, 99-102, 107-8 makes the important distinction between a deity's *evocatio* and the separate issue of his/her - potential though far from requisite - transfer to Rome. Contra e.g. BEARD 1994, 743-4.

sage is illustrative in this respect too: Victoria is connected with victory, and Neptune with the sea; Mars represents the military realm; Apollo is in charge of augury, and Diana is the patroness of hunting; Minerva is linked to the artisans, Ceres and Bacchus to agriculture; Castor and Pollux represent the realm of sport activities; Venus is the goddess of love. The list could be extended *ad infinitum*. The provinces of individual deities comprise all realms of social behaviour. As a consequence, a structuralist approach postulates the distinction between deities in terms of divine faculties and construes a polytheistic system which is intelligible by virtue of its classifying structure.²³⁰ Yet, the view that a restricted range of functions can be assigned to particular deities is problematic. As we have seen in the case of Iuppiter optimus maximus, the great deities in particular combined a large number of functions, as there was no neat division between divine realms but rather overlapping responsibilities and competition between deities, cults and temples.²³¹

Moreover, scholars do not sufficiently take into account how epitheta defined additional functions as well as conditioned and further differentiated deities in new, and potentially unexpected, ways. At Rome, there was not just one

²³⁰ Cf. DUMÉZIL 1970, 174-5, 684-91, *passim*; VERNANT 1990, 101-19; ZAIDMAN & SCHMITT PANTEL 1992, 176-214, esp. 183-6. For critique of Dumézil's 'archaic triad' of Iuppiter, Mars and Quirinus, defended by reference to its archetypical Indo-European origins, see BELIER 1991; CORNELL 1995, 77-9.

²³¹ Competition: above, 4.1.3. The parallel with contemporary Hindu society is illustrative in this respect: there, the position of the gods in a polytheistic context is always relational rather than substantive; cf. BASTIN & FLUEGEL 1988.

Iuppiter, but Iuppiter optimus maximus, Iuppiter Tonans or Iuppiter Stator; not simply one Hercules, but Hercules Victor or Hercules Musarum; not merely one Minerva but Minerva in *Capitolio* or Minerva Medica; the functions attached further enlarged possible attributions of meaning and the choices of worshippers.²³² Most importantly, however, all of the classifications mentioned above could be combined and thus permitted a refinement of interpretations and choices which would be continued at will. Furthermore, a personalized conception of the divinities of the pantheon would further complicate the problem of their identity. To the *persona* in Ovid's *Amores*, as we have seen, Victoria was not the goddess of the military sphere, but guaranteed success in his erotic endeavour; Venus was not Genetrix, the ancestral deity of the Iulii, but the goddess of love. The study of polytheism in Late Republican Rome shows that the political and public sphere was, as far as religion is concerned, not homologous with society in general. The potential of this approach, both in terms of the differentiation of religious choices and in terms of individual motivational processes, could only be outlined. As I have tried to show, even when using the options presented by Rome's public religious system worshippers such as the *persona* of Ovid's poems could develop alternatives of religious behaviour within the differentiated system of Rome's polytheistic society. As a consequence, the question about the >identity< of Roman religion had to be abandoned in favour of the inquiry into how, and with what motives, *individual* worshippers would

²³² See GLADIGOW 1981; *Id.* 1990, 242.

make use of the religious alternatives which were available to them in the city of Rome; and a new methodological framework has been proposed which may be capable of addressing the latter inquiry more comprehensively than other models currently available to the student of Roman religion.

5 C O N C L U S I O N

»Why, Sir, we know very little about the Romans.«

Boswell's Life of Johnson (ed. R. W. Chapman, 1970), 464

Many modern models of Roman religion, from Wissowa's ›Staatskultus‹ to the new paradigm of ›civic religion‹, succumb to the view that the religious history of Late Republican Rome can be written in dualistic terms: individual religion is either reflective of state religion or must be regarded as deviant. The assumptions which underlie such a view are worth recapitulating. Firstly, individual worship under the Republic addressed those deities who were recognized by the state. By choosing the deities which the state chose, individual religion reflected the official pantheon of ›Staatsreligion‹ or civic religion. Secondly, Roman religion was ritual observance that had a public and social significance, but lacked an independent level of individual motivation. Thirdly, and as a result of these two assumptions, individual cult activity was homologous with civic cult activity. For both individuals and the community must concur on the purpose and meaning of ritual performance once any potentially deviant individuality has been excluded from the analysis, and once the meaning of religion has been located in orthopraxy. Fourthly, religious choice, once it has

been defined in a purely externalist manner, can only become manifestly deviant when it falls outside the official pantheon. On such a view, religious evolution became the development from embedded religion to individual interests in new cults and new forms of religious organization outside the traditional area of religion.

The critique of these models had to start with the reassessment of the categories of belief or individual motivation. For only the positive revaluation of these categories enables us to undermine the assumptions which underlie those models. Yet, my emphasis on the existence of individual belief systems in Roman religion does not entail returning to a Schleiermacherian position. We must not dichotomize individual spirituality and public or social religious behaviour. We do not have to postulate that the Romans were fervent believers or that they had spiritual inclinations. As Dr Johnson noticed, we are hardly capable of reconstructing their individual religious belief systems. However, the *a priori* exclusion of the category of religious belief, of personal commitment, individual morality or spirituality is equally unwarranted, since this exclusion starts from problematic methodological preconceptions. These preconceptions preclude an understanding of a wide range of cultural and religious phenomena which are suggested by the data: the distinction of sacred and civic domains, the differentiation of religious choices within the framework of the city's religious infrastructure, the conceptualization of privacy, or the personalization of divinities and beliefs. If we exclude categories like belief from our analytical framework, these

phenomena represent a stage in the religious evolution which can only be misunderstood as disintegrational. If we apply an interpretative model which includes those categories, these phenomena become unexceptional. As an implicit consequence, the religious development from the Republic to the Empire regains a sense of continuity which it was denied by earlier models of Roman religion.

Many studies of Roman religion are geared to the dualisms of belief *versus* scepticism or social religious observance *versus* individualization. It is one advantage of the model of differentiation that the actual ratio of believers and sceptics at Rome, or of those committed to the cause of civic religion and those who were not, becomes unimportant. The differentiation of interrelated, yet at the same time autonomous, realms of social activity at Rome entails that we should expect individuals to combine different forms of social and religious behaviour without forfeiting a sense of personal identity. Q. Cornificius included his membership in the college of augurs in an inscription presumably dating from 45. He was an orator, held civic offices, wrote a Stoicizing work *De etymis deorum* - and composed erotic poetry.¹ Q. Lutatius Catulus, the consul of 102 and adherent of Carneades' New Academy, wrote poetry that used religious language in order to invoke a pseudo-religious atmosphere, but that dealt with a homoerotic sujet:

Constiteram exorientem Auroram forte salutans
cum subito a laeva Roscius exoritur,

¹ ILLRP 439. Priesthood: MRR 2,292. Erotic poetry: Ovid Tr. 2,436. Cf. MRR 3,76; FLP pp. 225-7; RAWSON 1991, 272-88.

pace mihi liceat, caelestes, dicere vestra,
mortalis visus pulchrior esse deo.²

Both >scepticism< and >individualization< have traditionally been seen as elements in the process that undermined the embeddedness of religion in public and political life. Scholars have rightly rejected the Durkheimian dichotomy of sacred and secular domains. Its replacement, the notion of embeddedness and lack of differentiation, however, is equally misleading. Here I endeavoured to develop a more nuanced view, which accounts for the fact that in Roman society religious and civic domains were conceptualized as interrelated, yet autonomous, entities. While the political system made use of religious rituals, social and political activity actually moved between two differentiated realms. In 133 the *pontifex maximus* Scipio Nasica, dressed *capite velato*, killed Tiberius Gracchus. By covering his head, Scipio Nasica signified that he was performing the *consecratio* of Tiberius, whose attempt to seize royal power had made him a *homo sacer* in the eyes of his opponents. After Tiberius' death, the Senate sent a delegation of *Xviri sacris faciundis* to the temple of Ceres at Henna in Sicily. The embassy was understood as a means of expiation, since Tiberius' tyrannical behaviour could be interpreted as a violation of tribunician *sacrosanctitas*, with which the goddess was connected. Yet, while these religious rituals and symbols could be instrumentalized to legitimize Scipio Nasica's and the Senate's killing of Tiberius, the action's legal and politi-

² Frg. 2 *FLP*; DAHLMANN 1981. Scepticism: Cic. *Lucull.* 12; STRAUME-ZIMMERMANN 1990, 381. No priesthood is attested.

cal legitimation could be questioned by fellow-senators and the populace.³

My approach was designed to show that the organization and constitution of Roman religion cannot be defined in terms of ›Staatskultus‹ or civic religion. Even the concept of local religion proves problematic when applied to the personal belief systems of worshippers in a decentralized religious system. Religious behaviour, both in its public aspect and its individual agenda, was not determined by the political system or the confines of the city of Rome. As noted above, ›Roman religion‹ is an umbrella-term whose imprecision means that it is employed by scholars in a number of different ways. The cults, religions and belief systems which constitute what we call ›Roman religion‹ defy a simple classification in terms of the identity of Roman religion. The polytheistic system at Rome generated different meanings to the native agent; it continues to generate different meanings to the modern observer.

³ *Consecratio* and delegation: App. BCiv 1,2,16; Plut. Ti. Gracch. 19,4; Cic. Verr. 2,4,108 with SPAETH 1990. Problems of legitimation: Plut. Ti. Gracch. 19,3, *passim*; NIPPEL 1995, 32, 60-4.

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