POLITICS AND PRIESTHOODS IN LATE REPUBLICAN ROME

By

Jonathon George David Rolfe

A thesis submitted in fulfilment of the degree of Master of Arts

University of Otago, Dunedin, New Zealand

November 2015
Cover photo: The Roman Nuministic Gallery, ‘CAESAR DICT PERPETUO, silver denarius, ca. 44 BC (posthumous)’ from a private collection
ABSTRACT

This thesis examines the influence of the two major priestly colleges in late republican Rome, the pontificate and the augurate, and aims to explain why membership was valued so highly by members of the Roman élite.

Chapter one discusses the exclusive selection process for the priests and the aristocratic prerequisites for membership. In light of the changes to the way priests were selected, resulting from the lex Domitia in 104 BC, this chapter explores the extent to which these offices can be seen as either inherited family rights or political prizes granted through the support of powerful figures like Sulla or Caesar. The second and third chapters consider whether the pontiffs and augurs respectively had significant constitutional ‘hard powers’, comparing their influence to the central religious authority of magistrates and the senate. The collective influence of the pontifical college is examined in the second chapter by assessing their involvement in the decision to reverse the dedication of a shrine on the site of Cicero’s house in 57 BC. This discussion will also analyse the influence of the young individual pontiff, L. Pinarius Natta, who assisted the tribune Clodius at the dedication ceremony in 58 BC. In the third chapter, the individual powers of the augurs are compared to the imperium of magistrates by analysing seven cases of obnuntiatio between 59 and 44 BC, and examining Mark Antony’s use of augural obstruction in his capacity as augur in 44 BC. The chapter also discusses the collective influence of the augurs through the promulgation of decrees and their role during the religious controversies of Caesar’s first consulship in 59 BC. The final chapter suggests that these priesthoods were a means of social advancement, offering young political hopefuls a productive entrée into élite society. This discussion utilises prosopographical data to analyse the extent to which becoming a pontiff or augur at the start of a political career increased an incumbent’s chances of reaching the consulship. Following this the chapter considers how these positions provided networking opportunities which could translate into political support, facilitating what is termed as ‘soft power.’
ACKNOWLEDGEMENTS

This has been an ordeal. I have lost hair, wits, sleep, what little fitness I had, a lot of money, and have grown a thesis beard. But in the end, it has all been worth it. There are a great many people that I need to thank though for helping me throughout this journey, since without them, I may never have made it through.

I first want to thank my supervisor, employer, and most importantly friend, Prof. Jon Hall. I could see the pain in Jon’s face when he found out I had managed to get a scholarship to do this MA (‘oh god, another year of having Jon Rolfe around!’). Well Jon, lucky for you I stuck around a lot longer than that! You have been a fantastic supervisor throughout this project. Thank you for looking through the many versions of my chapters and for your detailed constructive feedback. You have been patient (very patient), generous with your time, and invested in making sure that I produce something that I will be proud to put my name to. Not only have you helped me to conquer my MA though, but you have been a great mentor and friend. Your support has helped me to get through this project, for which I am eternally grateful.

I would also like to thank my partner of over eight and a half years, Maggie. You have been my sanity and happiness throughout this project, through the good times and during times of complete and utter despair. I would have been at a loss without our frequent tea breaks, TV marathons and snacking! Thank you for your love, care, humour and just the right amount of crazy (like me). Most of all though, thank you for believing in me and never letting me give up – I love you.

I want to thank the whole University of Otago Classics Department for its support throughout this project. Thank you Pat for letting me tutor the last year of your legendary CLAS 102 paper. And thank you Shona, you have also been a real life saver with all the help you have given me in the final submission stages. I also have to thank the Microbiology Department (Anna, Anthony, Bernard, Borum, Dori, G, Jimmy, Kev, Luciano, Manmeet, Matt, Rachel H, Rachel K, Rowan,
Steph and Susan) for pretty much making me a member of fifth floor for the best part of 2014. You all made me feel like I was part of the group and always had time for me when I needed a break. Thank you all. I also have to thank the whole Dunedin football scene (Edgar centre crew and Mornington AFC) for giving me a great chance to unwind, but also vent a little pent-up postgraduate rage!

Finally I want to express my gratitude to my loving family, including my parents (Louise and David), siblings (Matthew, Alex, Sophie and of course Laurence) and grandparents (Richard and Jill). Thank you for your love and support throughout my time at university.
CONTENTS

Abstract ........................................................................................................................................... iii
Acknowledgments ........................................................................................................................... iv
Abbreviations ..................................................................................................................................... ix

INTRODUCTION ..................................................................................................................................... 1
  i. Approaches to Roman Priesthoods ................................................................................................. 2
  ii. Limitations .................................................................................................................................... 6

CHAPTER I: THE IMPORTANCE OF FAMILY AND POLITICAL PATRONAGE IN THE PURSUIT OF PRIESTHOODS
  1.1. Introduction ............................................................................................................................ 7
  1.2. Co-optation: A ‘Pre-Republican’ System ................................................................................ 10
  1.3. Ancestry and Political Patronage: modes of priestly recruitment
        1.3.1. The lex Domitia of 104 ..................................................................................................... 14
        1.3.2. The Motives of the lex Domitia: populist shift or personal vendetta? ......................... 17
        1.3.3. The lex Cornelia of 81: Sulla’s expansion of the colleges and reversal of the lex Domitia .... 19
        1.3.4. The lex Labiena of 63: the patronage of the triumvirs ...................................................... 22
  1.4. Conclusions ................................................................................................................................ 24

CHAPTER II: THE POLITICAL INFLUENCE OF THE PONTIFFS
  The dedication of a shrine to Liberty on the site of Cicero’s house
  2.1. Introduction ................................................................................................................................ 26
  2.2. The Powers of an Individual Pontiff
        2.2.1. Introduction: misrepresentation in Cicero’s version of events ......................................... 29
        2.2.2. The role of the presiding pontiff L. Pinarius Natta ......................................................... 31
        2.2.3. The political motives of the pontiff’s assistance ............................................................... 33
        2.2.4. Concluding remarks ........................................................................................................... 36
2.3. The Pontificate and the Authority of their Decree

2.3.1. Interpreting the pontifical decree:
    separating ius religionis and the ius publicum ........................................39

2.3.2. The augmented authority of the pontiff-senator ..................................44

2.3.3. The political sentiment of the pontificate ..............................................46

2.3.4. The influence of the pontifical college’s decree .....................................49

2.4. Conclusions ..................................................................................................55

CHAPTER III: THE POLITICAL POWERS OF THE AUGURS

    Adverse auspices and the obstruction of public business in the Late Republic

3.1. Introduction ..................................................................................................57

3.2. The Science of Augury

    3.2.1. The origin of the augurs and their lore .................................................61
    3.2.2. The technical procedures for consultation of the auspices .....................64
    3.2.3. Magistrates and obnuntiatio (59-44) ......................................................68
    3.2.4. The skilled assistance of an augur .......................................................72

3.3. The Powers of an Augur

    3.3.1. The ritual formula alio die ......................................................................76
    3.3.2. Pompey’s obstruction of the aedilician elections in 55 .........................77
    3.3.3. Antony’s declaration ‘alio die’ in 44 .....................................................78
    3.3.4. Concluding remarks ..............................................................................84

3.4. The Collective Powers of the Augurate

    3.4.1. An introduction to augural decrees .......................................................86
    3.4.2. The repeal of the lex Titia decreto conlegi: augural decrees on vitia ........90
    3.4.3. The nomination of Sulla and Caesar as dictators:
        augural decrees removing religio .............................................................93
    3.4.4. The validity of Bibulus’ heaven-watching in 59 ....................................96

3.5. Conclusions ..................................................................................................105
CHAPTER IV: THE INTERACTION BETWEEN PRIESTHOODS AND MAGISTRACIES

Priesthoods as a training ground for prospective consuls

4.1. Introduction .......................................................................................................................... 107

4.2. Prosopographical Analysis of Priesthoods

4.2.1. Introducing the work of David E. Hahm and Georg Szemler ......................... 110

4.2.2. The interaction of priesthoods and magistracies between 74 and 50 ............. 112

4.3. The Social Utility of the Priesthoods: A productive entrée into élite society

4.3.1. Introduction: defining the importance of amicitia ............................................. 117

4.3.2. Nominatio pro beneficio ......................................................................................... 119

4.3.3. Cenae augurales ....................................................................................................... 124

4.3.4. Amici ex causa adfinitatis ....................................................................................... 125

4.3.5. The dedications of esoteric texts on augural lore ............................................. 126

4.3.6. Caesar’s ascent and the importance of his early priesthoods .............................. 127

4.3.7. The Commentariolum Petitionis: the good priest canvasses ............................. 129

4.4. Conclusions ...................................................................................................................... 132

CONCLUSION .......................................................................................................................... 133

APPENDIX I

i. Figures and tables ............................................................................................................... 136

ii. Statistical analysis on priest lists ..................................................................................... 140

BIBLIOGRAPHY .................................................................................................................... 144
ABBREVIATIONS


For the Ancient Greek and Latin passages used throughout this thesis I follow the text of the Loeb Classical Library versions, unless otherwise stated. All translations are my own.
Throughout Roman history, the functions of the state cult were inseparably bound with politics, military activity and public life in Rome. Consultation of the auspices, for example, a means to discern the will of the gods, was not simply a private affair concerned with the conduct of individual Roman citizens, but a public affair intent upon protecting and preserving the res publica. Perhaps it should come as no surprise then that membership in the two greatest priestly colleges, the pontificate and the augurate, came to be valued as esteemed and influential positions in Roman society. Indeed, by the Late Republic, members of the nobility went to great lengths to obtain priesthoods for themselves or their sons. Caesar is said to have engaged in extensive bribery in his election campaign for the position of pontifex maximus in 63 BC, with almost catastrophic consequences (Suet. Iul. 13).¹ Cicero’s friend P. Cornelius Lentulus Spinther (cos. 57) had his adolescent son adopted into another gens in order to circumvent a rule which prohibited two members of the same gens from becoming augurs at the same time (Dio Cass. 39.17). Furthermore the novus homo Cicero was especially proud of his election to the augurate, regarding the achievement as second only to the annum mirabilis of his consulship (Cic. Fam. 15.4.13). Evidently there was considerable value in these positions, but what was it that inspired these men to vie so eagerly for priestly office? Did such an office confer concrete political advantage upon these ambitious aristocrats, or were there other reasons for their pursuit of such offices? These are the fundamental questions that the following chapters attempt to answer.²

¹ All following dates are BC unless otherwise stated.
² Note a similar question was posed by North (1990c) 524 in conclusion to his paper on the family strategy of priesthoods in the Late Republic: ‘To make real sense of any of the transactions discussed in this paper, we need an assessment of why priesthoods mattered at all.’
i. Approaches to Roman Priesthoods

Over the past two centuries there has been a great deal of interest and discussion on the functions of the pontificate and the augurate in republican Rome from a sociopolitical perspective. However, there does not exist a communis opinio on what motivated men to seek out these offices; nor is there a clear understanding of the extent to which these priests exerted influence in public affairs. In fact, many scholars have tended to focus on the effect that some political controversy of the Late Republic has had on the priests or Roman religious practice, as opposed to focussing on how the priests themselves exerted influence. It is possible though to broadly discern three schools of thought on the practical value of priesthoods in late republican Rome, and these will form the basis of discussion for much of what follows.

The first approach discussed in chapter one suggests that these offices were in most cases either hereditary rights passed down from succeeding generations of the most aristocratic Roman families, or prizes awarded by exceptional political figures like Sulla or Caesar. In many ways this approach views priesthoods as exclusive distinctions which complemented, rather than defined, a successful political career. Thus the positions could be perceived as badges of honour granted to both men of promise and to those who had already achieved great success in the world of affairs. In his analysis of late republican politics Sallust similarly had reckoned priesthoods as political prizes, not as levers of any significant power or influence (Sall. Cat. 21.2; Iug. 31.10). Many scholars of the twentieth century who

---

3 A detailed bibliography of discussions on the pontificate and the augurate would be vast. The major older works (dominated by German scholars) which are still of great value are: Marquardt (1881) 3. 234-415; Mommsen in RSR I. 104-16, 2. 18-73, 3. 110-11, 1049-62; Bouché-Leclercq (1886) 510-62; Wissowa in RKR 479-549; Taylor (1942a); Latte in RRG 195-212, 394-411; and Hahm (1963). Discussions on priesthoods of the last fifty years include Szemler (1971); (1972); (1974); (1986); Wardman (1982); Scheid (1984); (1985); (1993); Beard (1990); North (1990a); (1990c); Orlin (1997); and Rüpke (2007) 20-4, 212-35; (2012) 24-34, 62-81. Three major prosopographical analyses focussing on priests are Bardt (1871); Szemler (1972); and now most recently Rüpke in FS. Two concise and informative introductions to Roman religion are Potter (1999) (esp.134-44 with a discussion on priests) and North (2000).

4 It must be noted that these three approaches are not clearly defined or set out in the scholarship; they are a construct of this thesis to help myself and the reader to understand the existing scholarship on the perceived value of these priesthoods. In many cases these three approaches are also not mutually independent; they overlap and combine to form a broad understanding of the pontiffs and the augurs.

5 Proponents of this view would appear to include Münzer (1920); Syme (1939) 381; Scullard (1973); Hoffman Lewis (1955) 10-1, 18-9, 22-3; and Wardman (1982) 19.

6 Likewise, Sulla’s increase in the membership of the colleges, listed in Rüpke, FS 1639-1640, could have been seen as an opportunity for Sulla to reward those who supported him. Thus the dictator could have been
adopted this view saw these priesthoods in the Late Republic as a tool to embellish ‘party positions’ of the aristocracy. In a brief paragraph of Ronald Syme’s influential study on the final years of the Roman Republic, *The Roman Revolution* (1939), priesthoods are dismissed as ‘trifles’, ‘favours in the hands of the party dynasts,’ and positions with little scope for political influence.⁷ The first chapter will examine this approach closely in relation to the introduction, repeal, and re-introduction of the electoral process for priests in the Late Republic. This will provide an opportunity to examine membership in the colleges and detail the exclusive selection process in place for these priests. In this discussion it will also be possible to compare the family nature of these priesthoods with the assertion that political patronage could often determine membership.

A second and perhaps more complex approach shared by many scholars suggests that members of the pontificate and augurate especially were granted impressive constitutional powers to disrupt and influence public affairs in Rome.⁸ Cicero himself in his constitutional treatise *De Legibus* declared that: *maximum... et praestantissimum in re publica ius est augurum cum auctoritate coniunctum* (the greatest and most important authority of the State is that of the augurs, who are bestowed with great powers) (Cic. *Leg.* 2.31). Perhaps somewhat misled by Cicero’s remarks, the augurs were especially singled out by many late nineteenth and early twentieth century scholars as having an impressive overarching capacity to intervene in public affairs. This view has been adapted more recently by the work of John Scheid, Mary Beard, and John North, who all moderate this approach to priesthoods by situating the functions of priests within a complex hierarchy of religious authority.⁹ These latter scholars recognise how difficult it is to deduce what ‘hard powers’ the priests had in light of two central interrelated features of Roman priesthood: 1) that there was no separate priestly caste in Roman society; membership in the pontificate and augurate was dominated by men who had, or more often would go on to have, successful magisterial careers; and 2)

---

⁷ Syme (1939) 381.
⁸ Mommsen in *RSR* I. 109; Valeton (1891) 94; Warde-Fowler (1901) 305; Greenidge (1901) 172; Wissowa in *RKR* 457-8 (cf. *RE* XVII. I. 2334); Denniston (1926) 182; Taylor (1949) 83-4; and Liebeschuetz (1979) 13 form a large part of this approach to the constitutional powers of priests. Thomas (2005) 225-58 greatly overestimates the powers of the pontiffs. Broughton in *MRR* I. x also remarks that ‘priesthoods were positions of considerable political influence.’
that statesmen (magistrates and the senate) also had their own distinct religious responsibilities which they could utilise for the sake of political expediency; for example it was magistrates with *imperium* (vested authority), not the augurs that were required to consult the auspices before any public business could take place.\textsuperscript{10}

This approach on the constitutional powers of priests will form the basis of chapters two and three of this project. Chapter two will focus on the political influence of the pontiffs during the most well-documented and studied incident involving the pontifical college in the Late Republic: the dedication of a shrine to Liberty on the site of Cicero’s house in 58 and resulting pontifical inquiry in 57. This analysis will first assess the influence of the individual pontiff that presided over the dedication ceremony, L. Pinarius Natta (*FS* 2711).\textsuperscript{11} Given that Natta was young and not yet a senator, his case will offer a rare opportunity to examine the distinct functions and powers of an individual pontiff, and compare his role to the magistrate that orchestrated the dedication, P. Clodius Pulcher (*tr. pl.* 58). The second section will examine the collective role of the pontifical college and the influence of their *decretum* which recommended to the senate the removal of the shrine. This again will provide a unique opportunity to isolate the role of the pontiffs from the role of the senate whilst comparing their influence.

Chapter three will focus on the political powers of the augurs, but given the greater breadth of ancient evidence on the auspices, will not be confined to one case study. This discussion will first explore the function and importance of the auspices in public affairs, establishing clearly the different roles of the magistrates and the augurs. The discussion will then take a similar

\textsuperscript{10} Mommsen (1887) II. 18-73 perceptively noted in relation to the pontificate that the religious functions of magistrates and priests were distinct, even though these offices were often held by the same individuals. Mommsen’s work has been advanced by Scheid (1984); (1985) 36-57, 66-74; and (1993), who undertook a comprehensive study of priestly and magisterial power. He argued that the functions of priests and magistrates were mutually interdependent in the Roman political order, but at the same time, profoundly separate. Like Mommsen and Scheid, I believe that priests performed distinct tasks and worked within a republican constitution that systematically divided their powers from the religious roles of magistrates and senators. This approach will enable a comparison of the influence held by members of the pontificate and the augurate to the constitutional powers of magistrates and the senate (another focus of this project). However, it is also possible that on occasion priestly status and magisterial influence could be combined (see discussion on pg. 44-5 in relation to the pontiffs; and pg. 68-76 in relation to the augurs). See North (1986) 257-8; and Beard (1990) 25-30 for a discussion on some of the problems in Scheid’s work.

\textsuperscript{11} Throughout this work the abbreviation *FS* will denote the priest number (not page number) in Rüpke’s prosopography of priests. This is for ease of access for myself, and for any reader familiar with Rüpke’s monolithic work.
approach to the analysis of the pontiffs, assessing the influence of individual augurs and the collective augurate separately. Through close examination of multiple case studies where individuals utilised the obstructive force of the auspices for political gain, it will be possible to compare the influence of the augurs to the imperium of magistrates. Like the pontificate, the augurate on occasion could also be summoned by the senate and asked to issue a decree in order to help resolve some religious controversy that related to their field of expertise. This collective role of the augurate is less clearly defined by the ancient evidence, as there is very little commentary on what few augural decrees of the Late Republic are preserved in the ancient evidence. Therefore this section will also examine the role of the augurs during the controversial abuse and flagrant disregard of the auspices in 59, the year of Caesar’s consulship.

The third and final theoretical approach suggests that membership in the pontificate and the augurate was an accepted means of social advancement, which facilitated a kind of ‘soft’ political influence. This approach has developed out of the prosopographical studies of David E. Hahm and Georg Szemler, which both indicated that priests tended to be co-opted (or elected) at a young age, and had an increased chance of reaching a higher magistracy. The fact that a large majority of the augurs and pontiffs received their priesthoods early in life, before they had achieved any great distinction for themselves, indicates that these positions were not normally regarded as an honour or reward for outstanding public service. Rather, since new priests were usually young men about to embark on a career, it may be inferred that a priestly office was considered primarily a means of assistance for political advancement. And yet, the precise ways in which these men accrued political support and influence through membership in a priestly college remain relatively unexplored. Therefore chapter four of this thesis examines Hahm’s claim that these priesthoods may well have been a form of political patronage, in which a new priest was bound to friendship with men already in the college. According to Hahm, in exchange for the support of fellow-priests in the comitia and on the senate floor, a new priest might expect backing when his own turn came to run for office. With some of the most influential men of the Roman nobility supporting him, a newcomer to a priestly college could have utilised his position as priest to boost his chances of having a successful political career. Thus this chapter will explore the possibility that

12 Hahm (1963) 73-85; and Szemler (1972).
13 Hahm (1963) 82-3; in n. 30 Hahm also demonstrates how the results of these friendships can be seen in the careers of many priests of the third and second centuries.
priesthoods operated as training grounds for prospective consuls, providing young men with an opportunity to establish their own public profile and perhaps most importantly to cultivate a network of lasting amicitia.

ii. Limitations

This project aims to encompass a vast and expansive study of the pontificate and the augurate throughout the Roman Republic; however, clear boundaries need to be set. As has already become clear, this thesis focuses on the role and membership of the two major priestly colleges in late republican Rome, the pontiffs and the augurs. The ancient sources attest to the existence of *quattuor amplissima collegi* (Suet. Aug. 100). The pontiffs and the augurs were the two most significant priestly colleges, followed by the *quindecesimvir sacris faciundis* and the *tresviri* (later *septemviri*) *epulones*. The *epulones*, which were formed in 196 to help the pontiffs perform the increasing number of cult-oriented ceremonial duties (Livy 23.42), were not positions of any considerable influence when compared to the other colleges. However, the *quindecesimviri* (originally *duumviri*, later *decemviri*) *sacris faciundis* had the major duty of guarding and interpreting of the Sybilline oracles, which were consulted by the senate at times of great danger to the State (Cic. Div. 1. 2, 4; 2.11, 12; Dion. Hal. Ant. Rom. 4.62). There are two main reasons for their exclusion in this study. Firstly, the pontificate and the augurate are comparably better documented in the ancient evidence and hence more commonly discussed by modern scholars. Secondly, due to a lack of ancient evidence, membership in the *quindecesimviri* throughout the Republic is more difficult to reconstruct. This makes it harder to examine patterns in membership or specific ways in which individual characters in this college utilised their positions for political gain.

---

14 *RRG* 251; and Szemler (1971) 112-3 provide some brief discussion on the role of the *epulones*.
15 Again Szemler (1971) 112-3.
CHAPTER I

THE IMPORTANCE OF FAMILY AND POLITICAL PATRONAGE
IN THE PURSUIT OF PRIESTHOODS

1.1. Introduction

*Et, quoniam Nepos proficiscitur, cuinam auguratus deferatur, quo quidem uno ego ab istis capi possum – vide levitatem meam!*

And, since Q. Caecilius Metellus Nepos [close relative of the deceased augur Q. Caecilius Metellus Celer] is leaving Rome, who is being granted the vacant position in the augurate? That’s the one bait they [the triumvirs] might catch me with – you see how irresponsible I am!

Cic. *Att.* 2.5.2.

The above letter from Cicero to Atticus manages to neatly capture two important aspects regarding the pursuit of membership in a priestly college. First, it stresses the expectation that priesthoods tended to be kept in the family, that the sensible choice to replace Q. Caecilius Metellus Celer (*cos.* 60) (*FS* 980) as augur in 59 would have been his close relative, Q. Caecilius Metellus Nepos (*cos.* 58).16 Two eminent scholars of the twentieth century, Friedrich Münzer and H. H. Scullard, both worked under the assumption that throughout much of the republican period, priestly offices were controlled by a narrow hereditary oligarchy which rarely admitted new families to its ranks; thus priesthoods (even more so than political offices) came to be viewed as heritable rights, usually allocated to the sons, grandsons, and great-grandsons of former priests.17 Prosopographical studies certainly

---

16 Shackleton Bailey (1976) 19-20 suggested that the deceased Q. Caecilius Metellus Celer was son by birth of Q. Caecilius Metellus Nepos (*cos.* 98) and adopted by L. Caecilius Metellus Celer (*tr. pl.* 90), perhaps making him the adopted brother of the Q. Caecilius Metellus Nepos (*cos.* 58) mentioned in Cicero’s letter.

17 Münzer (1920) and Scullard (1973). For more on this traditional hereditary approach towards priesthoods, see Bardt (1871) 37: ‘vor allen Dingen aber vornehme Geburt eröffneten den Zutritt zu den erlauchten Körperschaften’ (but above all noble birth opened the access to these illustrious bodies); Taylor (1942a) 398:
support this family dynamic to an extent; however, this approach is complicated by another important factor: political patronage.\textsuperscript{18} Cicero also suggested in the above letter to Atticus that he might be won over by the triumvirs in exchange for membership in the augurate. Although this comment was not meant to be taken seriously, Cicero exposes the kind of skulduggery that could go on behind the scenes when priests were vying for office, especially during the Late Republic when the pontiffs and augurs were elected.\textsuperscript{19} The patronage of Sulla and Caesar became an important factor in the pursuit of membership in these colleges during their respective tenures as dictators, as the two started granting priesthoods as a means to reward their most loyal supporters. Another factor that disrupted the family succession of priesthoods was the unpredictability of the election process. Sacerdotal elections were in place between 104 and 81, then reinstated between 63 and 48, and naturally had the potential to disrupt the monopoly held by select families in the priestly colleges. Developing out of the exclusive selection process for priests has emerged a traditional school of thought that suggested these offices were baubles of power, valued by the political élite in the competition for recognition, but not positions of any significant political reach.\textsuperscript{20}

This chapter will examine the extent to which positions in the pontificate and the augurate were either a family right, or granted as prizes by leading members of the political order. For much of the republican period a select few powerful aristocratic families retained these offices, passing them down from one generation to the next. These prominent Roman families must have held onto these offices for good reason, seeing value in preserving their control over the great colleges. However, this power balance came under threat during the Late Republic when a series of innovations changed how priests were selected. First this

\textsuperscript{18} Syme (1939) 382 claimed that admission of priests to the various colleges, whether they were co-opted or elected by the people, was based on their privileges of birth, influence, but especially patronage from leading political figures; cf. Wiseman (1971) 170.

\textsuperscript{19} Taylor (1949) 93, goes so far as to assert that the triumvirs were more successful in bringing their candidates for priesthoods to victory than they were in the contests for the consulship.

\textsuperscript{20} Syme (1939) 381; Hoffman Lewis (1955) 10-1, 18-9, 22-3; and Wardman (1982) 19.
section will discuss how *mos maiorum* regulated the distribution of priesthools for much of the republican era through a co-optation process. This will include an analysis of the custom that appears to have become law sometime during the Late Republic, a practise which forbade two members of the same *gens* holding the same priestly office at the same time. Following this there will be an analysis of the *lex Domitia* which in 104 transferred to a special assembly of the people the right to elect new members to the pontificate and the augurate (Cic. *Leg. agr.* 2.18-9; Suet. *Ner.* 2.1).\(^2\) This discussion will explore the possible motives for the introduction of an electoral process, and attempt to establish why membership in a priestly college mattered so much to the law’s architect, the populist Cn. Domitius Ahenobarbus (*cos.* 96) (*FS* 1475). With the unpredictability of the election process also came the potential to disrupt the monopoly held by the select few families in priestly colleges. Thus this section will also review the extent to which the measure made priesthools more accessible, especially for those candidates without family ties to priesthools. Following this there will be a similar discussion on the effect of Sulla’s temporary repeal of the *lex Domitia* in 81, which lasted until its reintroduction in 63 with the *lex Labiena*. To conclude, this section will address the extent to which these priesthools were mere baubles of power, valued for the political edge they gave in the highly competitive family and party politics of the Late Republic.

\(^2\) For the best discussions of the *lex Domitia*, see North (1990c) 527-43; and Drummond (2008) 367-408.
1.2. Co-optation: A ‘Pre-Republican’ System

In the Early Republic, whilst the choice of magistrates was rapidly subjected to strict control and procedures after the expulsion of the kings, the exclusive selection process for priests preserved a system of recruitment which one might be tempted to call ‘pre-republican’. Moreover, the fact that initially these offices were exclusively held by patricians, and then equally divided between patricians and plebeians following the *lex Ogulnia* in 300, perpetuated a system that ensured family connections would always matter (Livy 10.6.6-7). Until 104, the augurs and pontiffs (as well as presumably the *decemviri sacris faciundis* and *epulones*) were elected by co-optation from within the colleges themselves, and therefore became self-perpetuating entities with complete control over membership. This process of co-optation operated without external control, and was also never subject to the same age restrictions which regulated access to magistracy. Although we cannot be certain, candidates probably required a majority vote from the priests that made up the college. The co-optation would also likely have occurred as soon as practically possible following the death of a serving priest, since these posts were held for life (Plut. *Quaest. Rom.* 99). Cicero also reminisced in a letter to his fellow augur Ap. Claudius Pulcher (*cos.* 54) (*FS* 1226), with whom he had recently been publically reconciled, that it was not customary in antiquity for augurs to co-opt a member *qui cuiquam ex collegio esset inimicus* (who was a personal enemy of anyone from the college) (Cic. *Fam.* 3.10.9). This procedure effectively allowed existing members of the college to blackball candidates; however the custom was likely abolished by 104 with the introduction of the sacerdotal elections. It is not difficult to imagine how these religious offices became exclusive clubs, maintaining the solidarity of *amicitia* between members. Such a system was also clearly exploited by some families to ensure that one *gens* retained continual membership in the great colleges; for example the

22 On the recruitment process for priests in general, see *RSR* II. 24-36, where the ancient evidence is cited in full. For the best accounts of the co-optation process in English, see Taylor (1942a) 387-8; Szemler (1972) 28-31; Beard (1994) 745-8; and Scheid (1993) 62-4.

23 Ti. Sempronius Gracchus (*cos.* 177, 163) (*FS* 3009) was only *admodum adulescens* (very young) when elected augur in 204 (Livy 29.38.7) and his son of the same name (*tr. pl.* 133) (*FS* 3011) was co-opted *ἐκ παιδῶν γενόμενος* (out of boyhood) (Plut. *Ti. Gracch.* 4.1).

24 Taylor (1942a) 387, based on *RSR* II. 24-6.

25 Cic. *Orat.* 127 seems to imply that when a priest was condemned in a public criminal court, he automatically lost his priestly status. However, Plut. *Quaest. Rom.* 99 notes in the case of the augurs (and *fratres arvales*) that even after prosecution and exile, their priestly competence remained until death.

26 Drummond (2008) 399-400.
Caecilii Metelli, Mucii Scaevolae, Servilii Vatiae (Isaurici) and Sulpicii Galbae repeatedly held priesthoods from the early second century, occasionally in direct succession to one another.27

Priest lists of the Middle Republic indicate that leading aristocratic families distributed membership in priestly colleges amongst themselves relatively well, preventing one gens from accumulating multiple places at the same time in a particular college.28 This distribution of priesthoods may well be linked to a νόμος (law) attested by Cassius Dio, which expressly forbade two men of the same συγγένεια (gens) from holding the same ἱερατεία (priesthood) at the same time (Dio Cass. 39.17).29 Such a law certainly appears to have existed in 57 and restricted membership to the augurate: according to Dio the regulation would have prevented P. Cornelius Lentulus Spinther (quaest. 44) (FS 1354), son of the pontiff of the same name (cos. 57) (FS 1353), from becoming an augur. Another Corneli, the son of Sulla C. (Faustus) Cornelius Sulla Felix (quaest. 54) (FS 1388), was already an augur, thus Spinther’s son was adopted into the plebeian gens of Manlius Torquatus in order to circumvent this law: καὶ οὗτος ὁ νόμος ἐν τοῖς ἑαυτοῦ ῥήμασι μείνας ἐγγυ ἐκατελύθη (thus, although the letter of the law was observed, its spirit was broken) (Dio Cass. 39.17). However, it is not clear when this law was carried, the extent to which it had a binding statutory nature, or whether it applied to all major priestly colleges as Dio suggests.

Ancient evidence indicates where two gentiles did hold positions simultaneously during the Middle Republic, these instances were usually in the pontificate, not the augurate.30 This

---

27 On the Caecilii Metelli’s affinity with priesthoods, see Shackleton Bailey (1976) 19-20; see also the family tree in Höllkeskamp (2010) 109; and for a discussion of the augural symbols on the coinage of Caecilii Metelli, see Taylor (1944) 352-56. On the active role in priesthoods played by the Mucii Scaevolae, see Cancik (1991) 413; on the Servilii Vatiae (Isaurici), see Rüpke (2008) 891-3; and on the Sulpicii Galbae, see Rüpke (2008) 908-11.

28 A well preserved snapshot of membership in the augural college of 217 demonstrate this point. See MRR I. 245-6, 252-3, 283 and Rüpke (2008) 80-1 on the priest list of 217. Scullard (1973) 49-50, n.6; Gruen (1978) 61-74, esp. 72, n. 38, 40 provide some compelling discussion on the political agenda of the augurate during controversial consul elections of 216.


30 There are three clear instances in the third and second centuries of two members of the same gens overlapping in tenure as pontiffs: 1) M. Cornelius Cethegus (cos. 204) (FS 1317) was co-opted pontiff in 213 (Livy 25.2.2) whilst Cn. Cornelius Scipio Hispallus (cos. 176) (FS 1377) was co-opted in 199 (Livy 32.7.15); Cethegus did not die until 196 (Livy 33.42.5), thus there was a three year overlap in tenure. 2) Cn. Servilius Caepio (cos. 203)
trend caused the pioneering seventeenth century cardinal Enrico Noris to originally speculate that Dio’s law applied only to the augurs, a theory that was transformed by Theodore Mommsen into an established rule. Based on his view that the early republican Roman state consisted of a community of gentes, and that religious fraternities like the augurate originated as gentilician cult associations, Mommsen suggested that Dio’s law was of considerable antiquity. Livy’s remarks on the early formation of the augurate certainly appear to corroborate this gens dynamic, since he indicated that the number of augurs was bound to consist of threes ut tres antiquae tribus, Rameses, Titienses, Luceres, suum quaeque augurem habeant aut (so that the three ancient tribes, the Rameses, Titienses, and Luceres, might each have their own augur) (Livy 10.6.7–8). However, the more recent work of John North has taken the crucial step of challenging the Noris-Mommsen hypothesis, rightly emphasising that there is nothing in Dio’s account to suggest that the rule was restricted to the augurate alone. Furthermore, such a rule for the augurs alone would not explain the tendency for priesthoods in general to be relatively well distributed between the ruling élite. Given the invariable case examples for members of the same gens holding a place in the same college before 104, North also argues that Dio’s νόμος was a likely provision first introduced through the lex Domitia, which was also temporarily repealed by Sulla in 81.

(FS 3056) was co-opted pontif in 213 (Livy 25.2.2) whilst his cousin C. Servilius Geminus (cos. 203) (FS 3066), whom he served alongside as consul, was co-opted in 210 (Livy 27.6.15). However, the former was a patrician, whilst the latter was from a plebeian branch of the family. This raises the issue of whether both families could be deemed to belong to the same gens: see Bardt (1871) 34–6, Szemler (1972) 105, 108–9, and Drummond (2008) 372–3 on the problem. And 3) Ser. Sulpicius Galba (cur. aed. 209) (FS 3188) was co-opted pontif in 203 (Livy 30.26.10) whilst an otherwise unknown C. Sulpicius Galba (FS 3183) was co-opted in 202 (Livy 30.39.6). Both died in 199 (Livy 32.7.15).

31 Noris (1681) 167–9; Mommsen (1864–79) I. 80–90 (although without acknowledgement to Noris’ earlier work); see also Badian (1968) 26–46; (1969) 201. Mommsen (1864–79) I. 83–4, n. 25 noted one instance in Livy’s text where two Sempronii appear to have been augurs at the same time: Ti. Sempronius Gracchus (cos. 177, 163) (FS 3009) became augur in 204 (Livy 29.38.7), whilst Ti. Sempronius Longus (cos. 194) (FS 3014) had already been co-opted as augur and decimvīr in 210 (Livy 27.6.15). However, in 174 Livy reports the deaths of both Gracchus (calling him an augur) and Longus (only calling him a decimvīr, not an augur) (Livy 41.21.8–9). See Badian (1968); Szemler (1972) 137–8; and North (1990c) 530–531, n. 9, on attempts to resolve this identification problem. Mommsen tentatively suggested that Livy was mistaken, and that it was actually the dictator M. Cladius Marcellus (FS 1206) (not Ti. Sempronius Longus) who replaced T. Otacilius Crassus (FS 2594) as augur in 210. For a convincing defense of Livy’s account, see Drummond (2008) 368–7; followed also by Rüpe (2008) 616, 883, n.2.

32 Mommsen (1864–79) I. 80–90.

33 North (1990c) 528–31; accepted by Rüpe (2008) 645, n.4 (but ignored at 883, n.2).

34 North (1990c) 530–1: this would perhaps explain the three clear cases of priests from the same gens holding office at the same time between 81 and 63: 1) the pontiffs Q. Caecilius Metellus Creticus (cos. 69) (FS 981) and Q. Caecilius Metellus Pius Scipio Nasica (cos. 52) (FS 986) (it is also likely that Creticus overlapped in tenure with the adoptive father of Nasica and pontifex maximus, Q. Caecilius Metellus Nepos (cos. 80) (FS 985)); 2) the
The theory of North is compelling, however, it fails to address why we so infrequently see two members of the same gens becoming priests in one college at the same time throughout much of republican history. Thus it would be reasonable to propose that originally, around the time both the augurate and pontificate were formed, there existed an unwritten rule that formed part of mos which prevented more than one gentile from becoming priests in the same college. Given the flexible nature of mos, such a custom would explain why exceptions existed. From their early formation, these colleges were always to some extent intent upon distributing priestly authority amongst the upper-most echelons of the ruling élite, as opposed to centralising such authority in the hands of one family alone; such was the nature of the Roman oligarchical system. Such a principle seems more likely when we consider how commonplace it was for fathers in one college to have their sons co-opted into a different college. Had such a rule not existed then would it not have been easier for a father to have a son co-opted into the same college during his lifetime, since he would have been able to nominate him? This custom could then have later inspired the established and inflexible law mentioned by Cassius Dio that had to be abided to in 57. This approach therefore suggests that the general rule and Dio’s law were separate but related regulations, the former a general rule that was usually respected, and the latter a binding statute that certainly applied to the augurate, and may have even replaced the more general rule.

35 A pattern noted (but not explored in any detail) by North (1990c) 533-4; cf. Hahm (1963) 37.
36 Only once does the ancient evidence indicate that a father and son could have been members in a college at the same time: P. Cornelius Scipio Nasica Corculum (cos. 162, 155) (FS 1379) was pontifex maximus from about 150 (Cic. Sen. 50), whilst his son P. Cornelius Scipio Nasica Serapio (cos. 138) (FS 1380) was certainly pontiff maximus by 133 when leading opposition against Ti. Gracchus. North (1990c) 533-4, n. 16 therefore figures that Serapio was probably co-opted into the pontificate during the lifetime of his father Corculum. However, Rüpke (2008) 643 suggests that it is much more plausible to assume the son was co-opted in place of his father in direct succession then immediately elected pontifex maximus; co-optation during his father’s lifetime into the same college would have been quite exceptional.
37 North (1990c) 530-1 argues that Dio’s νόμος was a provision first introduced through the lex Domitia of 104. Drummond (2008) 367-407 suggests Dio’s law was first carried not long before 57 (perhaps in conjunction with Labienus’ bill restoring the election of priests in 63). However, his conclusion speculatively relies on the dating of Sulla’s augurate.
38 North (1990c) 527-43; Drummond (2008) 367-408; at 405, Drummond appears not to be against the idea that originally such a rule formed part of mos, since he claimed that the pauci started flagrantly violating mos in their
1.3. Ancestry and Political Patronage: modes of priestly recruitment

1.3.1. The lex Domitia of 104


Nero’s great-great-great grandfather, Cn. Domitius Ahenobarbus, while tribune of the people, was enraged at the pontiffs for co-opting someone other than himself in his father’s place to the pontifical college; and so he transferred the right of filling vacancies in the priesthods from the colleges themselves to the people.

Suet. Ner. 2.1.

The old co-optation process for priests was first formally challenged (as far as we know) in 145 by the people’s tribune and plebeian-populist C. Licinius Crassus (tr. pl. 145). Unfortunately very little is known about the initiative, which appeared to propose the involvement of the people in electing sacerdotes (although which priesthoods are not specified). However, the praetor and close friend of P. Cornelius Scipio Africanus Aemilianus (cos. I 147), C. Laelius (also probably an augur: FS 2164) successfully opposed the initiative. Thus it was not until 104, when the tribune Cn. Domitius Ahenobarbus (cos. 96) (FS 1475) sponsored a similar law, that the right to elect new members to the pontificate and the augurate was transferred to a special assembly of the people: cooptatio… collegiorum ad populi beneficium transferebatur (co-optation into the priestly colleges was transferred to the control of the populace) (Cic. Amic. 96). This election process would replicate the one

own partisan interest by their (repeated) co-option of gentiles of existing members. However, he does not speculate any further on the possibility of a general rule pre-dating Dio’s law.


40 The best modern discussions of the law include: Linderski (1972) 191-3; North (1986); Rüpke (2012) 118-23; and Drummond (2008). Mercklin (1848) 136-7 originally inferred from Cic. Leg. agr. 2.18-19 (quite reasonably) that the other two great priestly colleges (quindecimviri sacris faciundis and epulones) were also included under the law. That the quindecimviri were elected by 51 is clear (Cic. Fam. 8.4.1), but beyond that nothing is certain.
already in place for electing the *pontifex maximus*, who was selected by a special assembly of seventeen from thirty-five tribes chosen by lot.\(^{41}\)

Despite the *lex Domitia* introducing popular participation in the appointment of priests, Domitius’ reform was careful to ensure existing members retained some control over membership. His law granted to existing members of a college the exclusive right to nominate those candidates who would run in the elections.\(^{42}\) Members of a college would offer ‘nominations’ by issuing proclamations *in contione*, and under oath would name candidates they judged worthy of religious office (*Rhet. Her.* 1.20; *Cic. Brut.* 1; cf. *Suet. Claud.* 22).\(^{43}\) Domitius probably also put in place measures to ensure that more than one candidate was nominated for a vacancy.\(^{44}\) These restrictions are perhaps best attested by Cicero’s (*FS* 3290) account of his own candidature as augur in 53, when the augurs Cn. Pompeius Magnus (*FS* 2756) and Q. Hortensius Hortalus (*cos.* 69) (*FS* 1914) nominated him for the office, allowing him to run in the *comitia sacerdotum* of 52 (*Cic. Phil.* 2.4; cf. *Brut.* 1). According to Cicero, each individual priest could nominate only one candidate, and no candidate could have more than two nominations at any one time; this meant that between 104 and 81 when all nine members made their nominations, there could be anywhere between five and nine candidates running in an election.\(^{45}\) And whilst the old system of *cooptatio*

---

\(^{41}\) The three candidates for the prized semi-magisterial office of *pontifex maximus* were still chosen by the pontiffs though, and the candidates were already pontiffs themselves. This allowed the priests to exercise a great deal of control in the election of the chief pontiff, whilst giving the impression of relinquishing control. This process is attested by our earliest record of the election process, where P. Licinius Crassus (*FS* 2235) was elected chief of the pontiffs in 212 (Livy 25.5.2-4; cf. 25.2.1). For a full list of ancient evidence on the election process of the *pontifex maximus*, see *RSR* II. 27-34; and Taylor (1942b) 421-4.

\(^{42}\) As North (1990c) 536 observes, it would be going too far to say that the bill recommended itself to conservatives, but at least it made some concessions to them.

\(^{43}\) Mommsen in *RSR* II. 30 also concluded from *Rhet. Her.* 1.20 that every priest was required to make a nomination, although this can surely only have applied to those priests who were able to make the public meeting. For example, if a priest was acting as governor overseas or on a military campaign there may have been no way to nominate a candidate *in absentia*.

\(^{44}\) Drummond (2008) 374, n. 36 points out a previously unnoticed difficulty concerning the election of the *epulones* (if these priests were included in the law). Since it is presumed there were only three of these priests at the time of the *lex Domitia*, the two surviving *epulones* could simply nominate the same individual for any one vacancy, and circumvent the whole electoral procedure.

\(^{45}\) Drummond (2008) 379-80 (wisely) estimates that the provisions in operation at the time of Cicero’s candidature were probably originally imposed by the *lex Domitia* in 104. These rules were obviously necessary devices put in place to prevent the colleges from agreeing on a single candidate in advance, making the elections a one-horse race and frustrating the purpose of the bill. Drummond further speculates that it would be little surprise (there is, of course, no evidence) if Domitius introduced restrictions on nominators, so that close kin (for example) were excluded.
probably saw vacancies filled as soon as possible, the *comitia sacerdotum* took place between the consular and praetorian *comitia* (between July and September) (Cic. *Ad Brut.* 1.5.4; *Fam.* 8.4.1; cf. Dio Cass. 41.36.3).\(^{46}\)

The first priest to be chosen under the new election procedure was none other than its architect, Cn. Domitius Ahenobarbus (*cos.* 96) (*FS* 1475), who was probably elected pontiff within a few months of the reform.\(^{47}\) The surviving ancient sources offer various interpretations of this measure. Suetonius stressed the personal motives of Domitius, suggesting that he was primarily motivated by a desire to attain his deceased father’s (*FS* 1474) place in the pontificate, and his sense of grievance at being rejected by members in the college (Suet. *Ner.* 2.1).\(^{48}\) The suggestion that Domitius was prepared to go to such lengths in the pursuit of a priestly office also demonstrates the importance and the prized nature of these positions. There is an irony to Domitius’ election though. On the one hand, his law had the capacity to disrupt the monopoly held by certain families in priesthoods, ending the complete control of membership by those select few families already in the colleges. The unpredictability of the elections would potentially frustrate candidates from securing a vacancy created by the death of an ancestor or relative. However, Domitius himself descended from a household with strong ties to the pontificate, since both his father (*cos.* 122) (*FS* 1474) and grandfather (*suff. cos.* 162) (*FS* 1476) had served as pontiffs before him in succession.\(^{49}\) Therefore, his own election as pontiff (indeed, perhaps his very reasoning behind the reformation of the recruitment process) was in part facilitated by his claim to the pontificate as an ancestral right. And so in order to promote nepotism, Domitius introduced democratic process. This sentiment that priesthoods were hereditary would also be preserved by the Roman electorate, which, as we will see in the following section, still tended to favour candidates with family ties to priestly authority.

\(^{46}\) On the probable timing of the *comitia sacerdotum*, see Linderski (1972) 192-3.

\(^{47}\) Just one year later in 103 Domitius was also spectacularly elected *pontifex maximus* (Livy *Per.* 67).

\(^{48}\) Whilst Suet. *Ner.* 2.1 suggests that the college Domitius was rejected by was the pontificate, Asc. 21C instead suggests that the college was the augurate; hence the resulting diatribe against the augur M. Aemilius Scaurus (*cos.* 115) (*FS* 527) on religious grounds (Cic. *Deiot.* 31). See Rüpke (2008) 518, n. 8 for a review of scholarship on the problem; cf. Szemler (1972) 34; Rawson (1974) 208; Scheid (1981) 124-5, 168-71. Keaveney (1982) 152-3 argues that there is no need to identify one event with the other and I would be inclined to agree. Although Domitius was eventually elected pontiff thanks to his own law, and later elected *pontifex maximus* (Livy *Per.* 67; Val. *Max.* 6.5.5), this does not necessarily rule out Asconius’ version that he was first rejected by the augurate. He could have pursued the vacant augurate during the lifetime of his father, a strategy that was not unusual in the Late Republic, then on his father’s death sought the vacant position in the pontificate.

\(^{49}\) See Rüpke (2008) 659 n. 7.
1.3.2. The motives of the lex Domitia: populist shift or personal vendetta?

John Scheid and Mary Beard both suggest that Domitius’ introduction of elections for places in the pontificate and the augurate was a successful assertion of popular control over religion and state offices in opposition to the dominance of the traditional élite. These scholars suggest that there must have been enough widespread public dissatisfaction with the existing system for the populist Domitius to incite the people to approve his measure. Jörg Rüpke proposes that the reform stemmed from polarisation between the optimates and the populares, which had arisen in the Gracchan period. Rüpke argues that a majority of pontiffs and augurs already in the colleges before Domitius’ reform were in the optimates camp, and so voted against the populist Domitius at the decisive moment when he was campaigning for priestly office. Thus Domitius may not have simply been concerned with saving face by recovering his father’s vacant place in the pontificate, but could also have been fighting for the hopes of future popularis politicians to obtain the benefits of these priesthoods. In retrospect, the lex Domitia had the potential to represent a fairly revolutionary shift. It is quite striking that in the years leading up to the lex Labiena of 63 (which re-instated the lex Domitia) Cicero refers twice to the lex Domitia in contexts which suggest both that the bill was a popular cause, and that it may have even won support from within the political élite itself (Cic. Corn. 2.5-6; Leg. agr. 2.18-19). Nevertheless, despite the bill earning Domitius a great deal of public support, the limited popular control over membership did not result in a significant number of populist politicians attaining a priesthood, as suggested by the results of the elections between 104 and 81.

Unfortunately, the priest lists from 104 to 81 are incomplete (and the dating for those we do have is not clear), making it difficult to draw any firm conclusions on the extent to which this new method for selecting priests may have disrupted the family nature of these offices or the struggle between optimates and populares. Of the five augurs and five pontiffs suspected of being elected under the lex Domitia between 104 and 81 (not including Domitius himself), half appear to have been from families which could be deemed as newcomers to priestly office: the augurs C. Marius (cos. I, 107) (FS 2389), M. Antonius (cos. 99) (FS 668) and L. Marcius Philippus (cos. 91) (FS 2381); and two pontiffs: M. Livius Drusus (tr. pl. 91) (FS

52 Rüpke (2008) 112-7; the remaining two augurs with family connections were 1) L. Cornelius Scipio Asiagenes (cos. 83) (FS 1374), whose gens had strong ties to the augurate in particular; and 2) L. Iulius Caesar (cos. 64).
2271) and perhaps Q. Lutatius Catulus (cos. 78) (FS 2308) (although he was a nephew to Domitius). Marius presents himself as a fairly exceptional priest: he was a novus homo elected in absentia but only after already having served as consul six times (Cic. Ad Brut. 1.5.3). Thus he was co-opted in the twilight of his career, evidently as a reward for his distinguished service on behalf of the res publica; this basis for membership in a priestly college was certainly quite unusual. Antonius was also probably elected augur at the height of his career, after his consulship in 99. The other three newcomers to priestly office, Philippus, Livius and Catulus are estimated to have been elected in the context of their early magisterial careers (probably before they reached the praetorship), and so may have been reliant on their politically active fathers to secure their early nominations. Despite these men having no clear ancestral claim to priestly office though, the same pre-eminence and aristocratic criteria were expected as prerequisites for membership; old habits die hard. Existing priests also still retained limited control over membership in the colleges through their nominations. The political sentiment of these priests also appears to indicate that the populares made some more considerable gains in the augurate, with three out of the five augurs elected being three high-profile populist political figures: Marius, Philippus, and

(FS 2007), who had no known antecedents in the pontificate or augurate but belonged to a gens with longstanding ties to minor priesthoods. Asiagenes’ successor C. Cornelius Sulla (cos. 88, 82-79) (FS 1390) could also have been elected prior to departing in 88 in his military campaign against Mithridates, although this depends on whether he was elected to the office before becoming dictator, or proclaimed himself augur as dictator. I would lean towards the suggestion of Rüpke (2008) 645, n.1 that the priestly office which Sulla reclaimed on his return to Rome (Ap. B.C. 1.79) was the decemvirate, and that he made himself augur in light of his expansion of the colleges and reversal of the lex Domitia in 81 (as proposed by North (1990c) 540); cf. Badian (1968) 38. Contra Mommsen (1860) 593, 596, n. 386; Bardt (1871) 23; and Drummond (2008) 386-401, who all suggest that Sulla was already an augur before his return to Rome.

53 Rüpke (2008) 112-7; the remaining three pontiffs with family connections to priestly office were 1) C. Iulius Caesar Strabo (aed. 90) (FS 2013); 2) P. Servilius Vatia Isauricus (cos. 79) (FS 3072), whose filiation identifies him as the son of the augur C. Servilius Vatia (FS 3071), thus he is perhaps grandson to both the pontiff M. Servilius (trib. mil. 181) (FS 3053) and the augur Q. Caecilius Metellus Macedonicus (cos. 143) (FS 983) (see family tree in Crawford (1974) 270); and 3) Q. Caecilius Metellus Pius (cos. 80) (FS 985), son of the augur Q. Caecilius Metellus Numidicus (cos. 109) (FS 984). Both the Servilii Vatiae (Isaurici) and Caecilii Metelli had strong ties to priestly authority.

54 The only other recorded instance of a novus homo being elected to one of the four major priestly colleges was Cicero, elected augur in 53 or 52 (see discussion on pgs. 47, 116. 121.).

55 The father of Livius had an outstandingly favourable position amongst the nobility (Plut. C. Gracch. 8.4); whilst Catulus was probably co-opted in the lifetime of his influential father, the consul of 102 who became a prominent member of the moderate senatorial aristocracy, and who died in 87.
Asiagenes.\textsuperscript{56} Perhaps positions in the augurate were favoured more by the populists, given the augurs more prominent role in political affairs when compared with the role of the pontiffs.\textsuperscript{57}

\textbf{1.3.3. The lex Cornelia of 81: Sulla’s expansion of the colleges and reversal of the lex Domitia}

\textit{Legibus novis rei pub. statum confirmavit, tribunorum pleb. potestatem minuit et omne ius legum ferendarum ademit, pontificum augurumque collegium ampliavit ut essent XV...}

With new laws, Sulla strengthened the Republic, diminished the powers of the tribunes of the plebs by taking away from them the right to introduce legislation, and expanded the number of priests and augurs to fifteen…

\textit{Livy Per. 89.}

The \textit{lex Domitia} may have been motivated by Domitius’ personal ambitions, but the innovations wider significance is evidently demonstrated by its repeal in 81. The conservative faction in the senate clearly felt they had lost some ground to the \textit{populares} during this period, thus Sulla repealed the law and restored the old system of \textit{cooptatio}, reasserting the traditionally aristocratic control of membership in the colleges (Dio Cass. 37.37.1; Jer. \textit{De vir. ill.} 75.11). Evidently the popular election of priests was a controversial issue which had

\textsuperscript{56} For a political biography of Marius, see Carney (1970); Philippus was a decided opponent of the reform laws of the people’s tribe and pontiff Livius which were supported by the conservative faction in the senate (Cic. \textit{De or.} 1.24, 3.2; \textit{Leg.} 2.31; Asc. \textit{Corn.} 61 C) (discussed on pgs. 73-6) and initially sided with Marius after the Social War; and Asiagenes also belonged to the Marian faction, fighting against Sulla in the first (88-7) and second (82) civil war (\textit{MRR} II.62).

\textsuperscript{57} The pontificate, however, appeared to remain a mainstay of conservative strength (in spite of Domitius’ membership) with four of the five elected clearly demonstrating their loyalty to Sulla and the conservative faction in the senate: 1) C. Iulius Caesar Strabo (\textit{aed.} 90) (\textit{FS} 2013) (whose nephew L. was elected augur) was killed in 87 alongside his brother fighting in the streets of Rome against supporters of Marius (Cic. \textit{Brut.} 307); 2) P. Servilius Vatia Isauricus (\textit{cos.}79) (\textit{FS} 3072) was supported by Sulla for the consulate of 87 despite defeat by the Marian and populist C. Cornelius Cinna (Plut. \textit{Sull.} 10.3), and sided with Sulla in the Civil War; 3) Q. Caecilius Metellus Pius (\textit{cos.} 80) (\textit{FS} 985), elected \textit{pontifex maximus} in 82 with Sulla’s support, was a follower of Sulla throughout the Civil War and became consul together with the dictator in 80; 4) and Q. Lutatius Catulus (\textit{cos.} 78) (\textit{FS} 2308) was also a supporter of the Sullan order, and considered to be the leader of the moderate \textit{optimates} after Sulla’s death. Only the pontiff Livius could be seen as a populist figure: his controversial legislation as tribune sponsored by co-pontiff (and likely nominator L. Licinius Crassus (\textit{cos.} 95) fell short in its attempt to avert the imminent Social War.
left a sour note with the conservatives, an issue that required their immediate attention.\footnote{As suggested by Scheid (1993) 63, Beard (1994) 746-747 and Rüpke (2012) 120-22. For the full ancient evidence, and a list of Sulla’s other major administrative and constitutional reforms, see MRR II. 75.}

Sulla’s law also extended membership in the augurate and pontificate to fifteen (Livy Per. 89), rewarding the six new vacancies in each college to the most loyal of his supporters, and perhaps even making himself an augur.\footnote{See pgs. 17-82, n. 52 above on the problem of Sulla’s augurate. The other five newly promoted augurs probably included L. Iulius Caesar (\textit{cos.} 64) (\textit{FS} 2007), co-opted before 70; M. Valerius Messalla Rufus (\textit{cos.} 53) (\textit{FS} 3417), whose father served under Sulla’s military command and whose sister Valeria was married to Sulla; L. Licinius Lucullus (\textit{cos.} 74) (\textit{FS} 2248), who served an impressive early military career under Sulla (Plut. \textit{Luc.} 2.1); C. Claudius Marcellus (\textit{pr.} 80) (\textit{FS} 1204), who also served his military career under Sulla (\textit{MRR} II. 47, 52, n.4, 55); Q. Caecilius Metellus Celer (\textit{cos.} 60) (\textit{FS} 980) whose family had strong ties with Sulla and priestly authority; and Cn. Pompeius Magnus (\textit{FS} 2756), who was likely to have been somewhat reluctantly co-opted on account of his extraordinary military track record. Adherents to Sulla’s regime elevated to the pontificate probably included: the younger brother of the augur Lucullus, M. Terentius Varro Lucullus (\textit{cos.} 73) (\textit{FS} 3234), who was Sulla’s legate in Cispadana (Plut. \textit{Sull.} 27.7; App. \textit{B. Civ.} 1.424; Vell. Pat. 2.28); M. Acilius Glabrio (\textit{cos.} 67) (\textit{FS} 432), who may have been co-opted as compensation for the loss of his wife Aemilia, after Sulla forced her to marry Pompey (Plut. \textit{Sull.} 33.4); M. Valerius Messalla (Niger) (\textit{cos.} 61) (\textit{FS} 3411), the nephew of Sulla’s last wife Valeria from 79 (Plut. \textit{Sull.} 35); Q. Caecilius Metellus Creticus (\textit{cos.} 69) (\textit{FS} 981); and possibly both Mam. Aemilius Lepidus Livianus (\textit{cos.} 77) (\textit{FS} 514) and C. Aurelius Cotta (\textit{cos.} 75) (\textit{FS} 823), since both were certainly co-opted before Caesar in 73 (Macrob. \textit{Sat.} 3.13.10-11). Q. Caecilius Metellus Pius (\textit{cos.} 80) (\textit{FS} 985), another one of Sulla’s most important commanders, was also elected \textit{pontifex maximus} in 81, no doubt with Sulla’s support (Asc. 79C).}

Despite the political patronage of Sulla being the essential component warranting the co-optation of these men as priests, this did not discourage the tendency for these offices to be kept in the family, with many of those co-opted having a strong ancestral claim to their respective priesthoods. The Valerii were an old patrician \textit{gens} with an illustrious history of serving as priests, hence M. Valerius Messalla Rufus (\textit{cos.} 53) (\textit{FS} 3417) was co-opted into the augurate and M. Valerius Messalla (Niger) (\textit{cos.} 61) (\textit{FS} 3411) into the pontificate under Sulla. C. Licinius Lucullus (\textit{tr. pl.} 196) (\textit{FS} 2247), who created the \textit{tresviri epulones} (to relieve the pontiffs of having to organise feasts and public banquets) and was himself one of the first to belong to this new college (Livy 33.42.1), was an ancestor of the augur L. Licinius Lucullus (\textit{FS} 2248) and his brother the pontiff M. Terentius Varro Lucullus (\textit{FS} 3234), who were also both co-opted by Sulla. M. Claudius Marcellus (\textit{FS} 1204) was a descendant of the celebrated dictator and augur of the same name (\textit{FS} 1206), whose son (\textit{FS} 1207) and grandson (\textit{FS} 1208) both also became pontiffs. The Caecilii Metelli were also arguably the most prevalent family in priesthoods throughout the Late Republic both through strong family ties to these priesthoods and their loyalty the Sullan order.\footnote{See pg. 11, n. 27} And finally, Mam.
Aemilius Lepidus Livianus’ (FS 514) ancestor famously served as pontifex maximus from 180-152 (FS 507) (Cic. Phil. 13.15), whilst his brother by birth was probably also the pontiff M. Livius Drusus (FS 2271). Nevertheless, irrespective of the existing family ties these men had to religious office, Sulla’s expansion of the colleges for the most part evidently benefitted young men from the military sphere. One (relatively unexplored) problem is whether or not Sulla’s selection of priests was based primarily on their family connections or their political support to the dictator. These men for the most part met the first criterion to attain priestly office because of their high positions in the Roman nobility; naturally they all presented themselves as worthy candidates precisely because they came from families of good stock with strong links to priestly authority. However, they were especially singled out because they were fortunate enough to have established themselves amongst inner circle of Sulla’s clique.

This trend to co-opt ancestors of illustrious priests continued after the death of Sulla in 78, as the priests retained complete control over membership for the next fifteen years. Ap. Claudius Pulcher (cos. 54) (FS 1227), grandson to the consul of 143 (FS 1226) who was both a salius and an augur, was no doubt co-opted under the lex Cornelia.61 P. Servilius Isauricus (cos. 48) (FS 3067), the son of the senior pontiff (FS 3072) and grandson to an augur (3071), was probably co-opted as augur in ca. 64, prior to his quaestorship of 61.62 Members certainly co-opted into the pontificate before 63 included: C. Iulius Caesar (FS 2003) in 73, whose cousin Lucius (FS 2007) was already an augur; P. Mucius Scaevola Cordus (Monet. 70) (FS 2481), identified as the son of the pontifex maximus Q. Mucius Scaevola (FS 2478); and P. Sulpicius Galba (pr. 66) (FS 3186).63 It is also highly likely that Q. Caecilius Metellus Scipio Nasica (cos. 52) (FS 986) was swiftly co-opted in 64 or 63 in direct succession to his adoptive father, the recently deceased pontifex maximus Q. Caecilius Metellus Pius (cos. 80) (FS 985), before the lex Labiena in 63 re-established an election process for the priests. This

---

61 He may have been the augur that refused to inaugurate a Ser. Sulpicius (FS 3175) as flamen (perhaps flamen Dialis) before 63, in a quarrel with the pontifex maximus Q. Caecilius Metellus Pius (Festus, Gloss. Lat. 462.23-464.3 L). Appius was certainly an augur by 63 though: he had acted in his capacity as augur during Cicero’s consulship, prompting the abandonment of the augurium salutis due to the pending threat of civil war posed by Catiline’s conspiracy (Cic. Div. 1.105).

62 The only other augur certainly co-opted under the lex Cornelia was the aristocratically orientated orator, Q. Hortensius Hortalus (cos. 69) (FS 1914), whose magisterial ascent advanced rapidly during the 70s.

63 All three gentes had a long-standing affinity with priesthoods in the Late Republic. On the Mucii Scavolae, see Cancik (1991) 413; and on the Sulpicii Galbae, see Rüpke (2008) 908-11.
was a period in which Sulla’s heirs desperately clung to the levers of power, and continued to appropriate these prized priestly offices.

1.3.4. The lex Labiena of 63: the patronage of the triumvirs

The selection process for priests was once again centre stage in a showdown between supporters of the old Sullan order and the populists. In 63 the tribune Titus Labienus, a well-known radical and friend of Caesar, secured the passage of a law which revived the provisions of the *lex Domitia*, restoring the election of priests to a special assembly (Dio Cass. 37.37.1-2).\(^{64}\) Dio’s suggestion that Labienus carried this law in order to restore the election of the *pontifex maximus* to the people, so that Caesar could secure the high office, is without foundation.\(^{65}\) However, support for this popular reform may have been instrumental for Caesar’s successful campaign in 63.\(^{66}\) Cicero refers twice to the *lex Labiena* in contexts which suggest that the bill, like the *lex Domitia* was a ‘popular’ cause (Cic. Corn. 2.5-6; Leg. agr. 2.18-19). Presumably there were those who regarded the reversal of the *lex Domitia* as detrimental to the prospects of securing a priestly office for themselves or their sons, since the system of co-optation tended to favour the relatives of deceased individual that had created a vacancy. Taylor asserts that during the years the *lex Labiena* was in operation, the triumvirs held complete sway over the priestly elections, treating the offices as prizes to be offered to their supporters.\(^{67}\)

Two letters from Cicero to Atticus from early 59, during Caesar’s consulship, indicate how the triumvirs became central figures in the distribution of priesthoods. First, in early April Cicero suggested that he might be won over by the triumvirs if he was rewarded the vacant seat in the augurate following the death of Q. Caecilius Metellus Celer (*cos.* 60) (*FS* 980) (Cic. Att. 2.5.2: cited at the start of this chapter). Second, in another letter from mid-April, Cicero anticipates that Caesar’s puppet in the tribunate, and a non- *nobilis*, P. Vatinius (*cos.* 47) (*FS* 3439) will be awarded that same vacant seat in the augurate (Cic. Att. 2.9.2; cf. Vat. 64).

---

64 This is the only specific reference to the *lex Labiena*, although the re-establishment of the election procedure is confirmed by comments in Cicero’s defence of M. Caelius Rufus of 56, which refers to *comitia pontificia* (Cic. Cael. 19).

65 Taylor (1942a) 421-4: there is no reason to think the *lex Cornelia* abolished the ancient privilege of the people to elect the *pontifex maximus*, a procedure that had been in place since the late third century.

66 See Beard (1994) 747.

67 Taylor (1942a) 399.
Cicero’s young friend M. Caelius Rufus (pr. 48) was thinking of making an attempt in 50, after the death of Hortensius, but threw his support behind Antony when he saw the latter was being backed by Caesar (Cic. Fam. 12.1-2, 14.1). P. Cornelius Lentulus Spinther (cos. 57) (FS 1353) also attributed his pontificate to Caesar’s support (Caes. BCiv. 1.22). Not only did Caesar’s position as pontifex maximus and Pompey’s place in the augurate ensure that the two men they were able to nominate their favoured candidates, but they could also had a lot of influence over the voting tribes and could sway the result of the elections through bribery. Thus according to Taylor’s perhaps outdated, and a little overly simplistic argument, the support of the triumvirs appears to have become the primary basis for membership in the great priestly colleges by 59. Chapter four will focus primarily on membership of the augurate and pontificate between 74 and 50, therefore an overview of the priests elected after the re-introduction of the electoral process is unnecessary at this point. However, it is worth drawing some conclusions on the changing constitution for the selection of priesthoods throughout the Late Republic and the extent to which this family and political patronage explained why men became priests.

---

68 However, Vatinius was not elected until 47, during the year of his consulate and after Caesar had already made himself dictator (Cic. Fam. 5.10a.2).
1.4. Conclusions

This discussion has illustrated the highly exclusive nature of membership in the augurate and pontificate and the difficulties that prospective members faced in pursuit of these offices between 104 and 63. One commonly accepted way to campaign for membership throughout the Late Republic, whether through the co-optation process or an election, was for a young nobile to make use of his ancestry. Descending from an illustrious family with ties to priestly authority could be enough to convince an existing member to nominate you, or for the electorate to vote for you. The snobbery of existing priests, and even the Roman electorate, meant that candidates for a priestly college no doubt had to face the insistent question: *quis homo hic est, quo patre natus?* (Who’s this fellow? Who was his father?) (Hor. *Sat.* 1.6.29).

The personal ambitions of Domitius to attain the vacant seat of his father also illustrates how political rivalries could also shape membership. It is interesting to note though that by initially rejecting Domitius’ bid for his father’s place in the pontificate, the priests were prepared to overlook impressive family credentials in light of a man’s political views. The lengths Domitius was willing to go to in order to attain a place in the pontificate also demonstrates what priesthoods meant to some prominent political figures; in his case he must have considered membership to be a birth right and an important titular role. Therefore, not only did these positions have the capacity to elevate and ennable one’s family for those new to colleges, but they were also seen as a means to uphold the reputation for those members with pre-existing family ties to priesthood. After Domitius introduced the popular election of priests, family association with priestly authority was still a determining factor when campaigning for a vacancy, however, it was less important than it once was. Patronage from powerful political figures of the time became an equally significant factor, especially during Sulla’s dictatorship and the formation of the first triumvirate.69

There is evidently value to this approach. The highly exclusive family nature and partisan basis of a candidate’s selection demonstrates that these positions were valuable tokens of illustrious ancestry and political favour. In a society where competition for personal glory mattered so much, attaining these exclusive and limited places in a priestly college could been understood as a way to outdo the achievements of your political rivals. The oldest

---

69 Later during his dictatorship Caesar would also grant himself the ability to both nominate and elect members to the priestly colleges; Cicero would mockingly called him the *infector* (dyer), relating to the different coloured togas that Roman priests wore (Cic. *Fam.* 2.16.7).
purported fragments of a laudatio from the funerary speech of L. Caecilius Metellus (cos. 251, 247) in 221 illustrates the kind of importance that was placed on being member of a priestly college. Despite having twice served as consul, and once served as dictator, the first office mentioned by L.’s son in this funerary speech is that of his father’s pontificate (Plin. HN 7.139-140). The proudest achievement of T. Annius Rufus (cos. 128) was commissioning the construction of a 321 mile road between Regium and Capua. This was not celebrating an exalted position in a priestly college, but comparable remarks on epitaphs were common in Roman society, and so it is important to note the great value placed on these sorts of achievements in the grand competition for recognition. Priestly office was not normally regarded as an honour or reward for outstanding public achievement though. This may have been the case for a select few priests, including the pontiff C. Scribonius Curio (cos. 76) (FS 2996) or the augur Cicero (FS 3290), who were both elected in the twilight of their careers, the latter becoming a priest ten years after his consulship and whose circumstances as a novus homo were particularly unusual. However, to suggest that membership in one of the two great priestly colleges of Rome was merely an honorary distinction and a position that presented little scope for political influence offers a very limited view on the functions and status of the priests in Roman society. The family and political patronage dynamic is certainly an important way of explaining how many men became priests in the Late Republic, but this theoretical approach does not explain why there was so often great competition between members of the Roman élite for these offices.

70 See Wiseman (1985) 3-19 for more examples of this sort of competition throughout the Roman Republic between members of the ruling élite.
II

THE POLITICAL INFLUENCE OF THE PONTIFFS

The dedication of a shrine to Liberty on the site of Cicero’s house

2.1. Introduction

The pontiffs were *interpretes religionum* (interpreters of religious observances) (Cic. Dom. 2) and their duties as priests varied widely. Owing to their specialist knowledge through exclusive access to the *libri pontificii* (books of the pontiffs), the pontiffs were able to individually preside over and assist at the execution of many ritual ceremonies. Such rites included those performed at religious festivals (Dio Cass. 43.24.4; Dion. Hal. Ant. Rom. 1.38.3; Ov. Fast. 2.21-2), the supervision of adoption ceremonies (Cic. Dom. 41), and presiding over dedications (Cic. Dom. 120, 122). This chapter examines the extent to which the actions of pontiffs (individually and collectively) could have significant political consequences in the Late Republic. The pontifical college, as a repository of religious knowledge, would often be called upon by the senate and magistrates to resolve pressing religious issues. Conventionally these problems arose due to the observation of *prodigia* (prodigies) or *portenta* (portents), which could range from showers of stones (Livy 34.45.8) or blood (Livy 40.19.2), a temple being struck by lightning (Livy 39.22.4), a statue sweating (Dio Cass. 40.47.2; Obseq. 70), or the disruption of a religious festival (often the *Feriae Latinae*) by a thunderstorm (Livy 32.1.9; 40.45.2; 41.16.2). The pontiffs were also often

---

71 The best studies of the pontiffs are in French and German. Amongst the most noteworthy are Bouché Leclerq (1871) 267-318; RKR 513-18; Bleicken (1957) 345-66; and RRG 195-212, 400-2. Most recently Van Haeyeren (2002) has provided an insightful work on the socio-religious functions of the pontifical college. However, there is no comprehensive treatment of the pontiffs in English. For general overviews on the roles of the pontiffs, see Szemler (1971) 106-8; (1972) 22-5; Beard (1990) 19-48; North (1990b) 585-9; and Scheid (1993) 55-84.

consulted regarding misconduct of magistrates in the performance of their religious duties on behalf of the Republic (Cic. Att. 4.2), or following sacrilegious behaviour (Cic. Att. 1.13; 16.). After careful deliberation, the pontiffs would make their recommendations to the senate through *decreta* (decrees), which usually involved the performance of some expiatory rite, the repetition of a ritual ceremony, or the reversal of a decision to appease the angered god or gods. Although these decrees were not binding, the recommendations of the pontiffs were routinely followed, and appear to have influenced the senate’s final decision on such matters.

The following discussion focuses on a notorious incident of the Late Republic involving the pontiffs. Between 58 and 57, a very public feud between two of Rome’s leading political figures, M. Tullius Cicero and P. Clodius Pulcher, culminated in a dispute involving a decision of the pontiffs. This incident is by far the most documented and detailed case study preserved on the consultation of the pontifical college, demonstrating the mechanisms that empowered the pontiffs in the Late Republic and stressing the integration of politics and religion in Roman public life. In mid-58 the tribune Clodius, with the assistance of a pontiff, orchestrated the dedication of the *aedis Libertatis* (shrine to Liberty) on the site of Cicero’s Palatine house, which had been destroyed not long after Cicero fled into exile. The shrine, erected in full view of the Forum (Cic. Dom. 100, 103), is readily construed as a form of anti-Ciceronian propaganda, an attack on the orator’s *dignitas* (social standing). It was a political gesture designed both to celebrate Clodius’ supposed achievements as tribune and to bring public disgrace upon Cicero’s actions as consul (when he ordered the execution without trial of several Catilinarian conspirators).

As the one charged with vowing the new dedication, Clodius would have savoured the opportunity to have his name paraded as the dedicator of the shrine. We can expect his name to have been carved on its exterior, and the

---

73 The following discussion of this episode is greatly indebted to the fastidious yet articulate work of Tatum (1993a) 13-20, (1993b) 319-28; and esp. (1999) 156-66, 187-93. His thorough account has been the basis for much of what follows. The scholarship on Cicero’s resulting speech *De Domo Sua* is vast, but the following are fundamental: Allen (1939); (1940); (1944); Nisbet (1939); Drumann and Groebe (1902) II. 216-24, 228-42, 253-66; Lenaghan (1969); Gelzer (1969) 135-66; Berg (1997) 122-143. Bergemann (1992) (in German) explores in some detail the political backdrop to this dedication, although unfortunately she has little to say about how the dedication empowered the presiding pontiff. For the legality of Cicero’s exile, Greenidge (1901) 360-5 is still useful. Most recently Stroh (2004) 313-70 has provided a detailed commentary on the legal problems in *De Domo Sua*, although his chapter on the speech makes quite difficult reading.

74 Cicero appears to have first earned Clodius’ enmity after shattering his alibi as a witness at the *Bona Dea* trial in 61: Cic. Att. 1.16.4-5. For a more detailed background on the origins of the great rivalry between Cicero and Clodius, see Gruen (1966) 120-30; Gelzer (1969) 135-66; Stockton (1971) 127-43, 188-96; and especially Tatum (1999) 62-86, 150-75.
site even housed an honorific statue of Clodius, erected by Menulla of Anagnia in gratitude for an unrelated piece of legislation (Cic. Dom. 81). The testimonial inscription on the portico of Catulus (in which the shrine very likely stood)\textsuperscript{75} was also erased and replaced with his own epigraphic display of triumph (Cic. Dom. 102-3, 114, 116). For the Roman aristocrat, the \textit{domus} (house) was more than just a residence; the space delineated the \textit{patris familias potestas} (power of the patriarch), it housed the family’s genealogy, their accomplishments and trophies, and it was the site of the family’s cult, the \textit{sacrum gentis} (the rites of their clan).\textsuperscript{76} It is little wonder that Cicero attached such importance to the recovery of the whole site when he returned from exile (Cic. Dom 146-7). Clodius as tribune had utilised a dedication as a tool for personal revenge to showcase his political triumph over Cicero, and the presiding pontiff to the dedication ceremony would have been well aware of this given his close political association with the tribune.

Upon his return to Rome in September 57, Cicero contested the validity of the dedication. He claimed that the site had no special religious status and that the shrine should be demolished. The senate, acting on the advice of M. Calpurnius Bibulus (cos. 59), referred the matter to the college of pontiffs for investigation and counsel (Cic. Dom. 69). On 29\textsuperscript{th} September 57, Cicero delivered the speech \textit{On His House (De Domo Sua)}, imploring the pontiffs to recommend the annulment of the dedication so that the site of his house might be returned to him.\textsuperscript{77} Two features of this episode warrant detailed consideration: first, the role and political influence of the lone young pontiff who assisted Clodius with the dedication; and second, the part played by the college of pontiffs as a whole as it deliberated on the case.

\textsuperscript{75} It has generally been assumed that the shrine cannot have been an independent building: Shackleton Bailey (1991) 37; and Cerutti (1997) 420.

\textsuperscript{76} See Cic. Leg. 2.42. On the symbolic function of the \textit{domus} in Roman society, see Tatum (1999) 159-62; Wallace-Hadrill (1988) 4-8; Saller (1994) 80-95; and Berg (1997) 122-3.

\textsuperscript{77} The speech was delivered before \textit{maxima frequentia amplissimorum ac sapientissimorum civium astante} (a great crowd of the wisest and most influential citizens) (Cic. Har. resp. 12), including the augurs (Cic. Dom. 34), who were perhaps present in an official capacity. Pompey was also amongst the attendees, perhaps in his capacity as augur, likely as an interested spectator (Cic. Dom. 25). The incident certainly attracted a great deal of public attention.
2.2. The Powers of an Individual Pontiff

2.2.1. Introduction: misrepresentation in Cicero’s version of events

Vobis hodierno die constituendum est utrum posthac amentis ac perditos
magistratus improborum ac sceleratorum civium praesidio nudare, an etiam
deorum immortalium religione armare malitis. Nam si illa labes ac flamma rei
publicae suum illum pestiferum et funestum tribunatum, quem aequitate
humana tueri non potest, divina religione defenderit, aliae caerimoniae nobis
erunt, alii antistes deorum immortalium, alii interpretes religionum
requirendi...

O, pontiffs, you on this day are called upon to decide whether from this time
onwards you prefer to strip crazed and unprincipled magistrates of the
protection granted by wicked and dastardly citizens, or actually to arm them
with the religious awe of the immortal gods. For if that pest and devouring
flame of the Republic [Clodius] should succeed in defending by means of
divine religion his iniquitous and ruinous tribunate, which he cannot defend on
grounds of human justice, then we shall have to seek new ceremonies, new
ministers of the immortal gods, and new interpreters of religious observances...

Cic. Dom. 2.

Cicero’s claim in this passage seems clear enough: Clodius has exploited Roman religious
ritual for political gain; the man has cynically utilised sacred lore in an attempt to uphold his
political actions as tribune in 58. At first glance, then, this episode provides an excellent
example of the way in which the spheres of religious and political influence could intersect
and create significant conflicts of interest. It also provides an example of a single pontiff
utilising his position as a priest to place himself at the centre of this controversy. But before
addressing the role of the young pontiff presiding over the dedication ceremony, it is
important to question how reliable Cicero’s version of events is; and to determine extent to
which is he distorting Clodius’ motives and actions for his own oratorical (and political) goals.

There are certainly grounds for suspecting misrepresentation in Cicero’s account of this dedication. Towards the end of the speech, for example, it is claimed that Clodius had planned to construct a magnificent palace complex that combined the site of his own house on the Palatine with that of Q. Seius and Cicero (Cic. Dom. 115-6). Many scholars have accepted Cicero’s accusation as genuine. But in fact there is no other evidence to support this claim. All that can really be ascertained is that a buyer called Scato (whom Cicero depicts as a mere ‘front man’ for Clodius) acquired the upper sections of Cicero’s confiscated land, whilst the remaining lower sections were allocated to the gens Clodia (Cic. Dom. 116), although for what purpose is unknown. Certainly, the construction of a grand house would be consistent with Clodius’ grand political ambitions overall; but we should be wary of taking at face value the motives that Cicero attributes to Clodius, especially when these motives are so patently designed to discredit him. There is good reason then to exercise caution when trying to recover the facts of the matter from Cicero’s account.

Nevertheless, two elements of Cicero’s version of events warrant close consideration. First, it is possible that this was the first time a tribune had presided over the dedication of an aedes. To be sure, there was a strong tradition of manubial building that celebrated military conquests; but usually these were performed by higher magistrates and triumphant generals, not by tribunes to boast of a personal political victory. Cicero makes reference to enemies of the Republic having their houses destroyed and shrines dedicated in their place, but he is careful to point out the differences in these previous cases: 1) these men had already been executed when a shrine was erected; 2) the construction of a shrine was by order of the senate, not the plebiscite; and 3) the shrines bore little or no symbolic reference to the actions of the former resident. Cicero therefore suggests that Clodius’ dedication is highly unusual

78 Nisbet (1939) 206-9; Lenghan (1969) 96-7; Bergemann (1992) 75; and Berg (1997) 133 (to name a few) all assume that this grandiose scheme was Clodius’ original plan, abandoned (or temporarily shelved) only after having provoked a quarrel with Pompey and the consul Gabinius in July 58 (cf. Dio Cass. 38.30). Contra Allen (1940) 292-3; and Stroh (2003) 320, n. 41, 321 n. 46.

79 Tatum (1999) 163, 302, n. 79; Mommsen (1905) III. 31-2. Tribunes were, however, often involved in the construction of public works.

80 One example is a dedication on the site of the house of the popular rabble rouser M. Fulvius Flaccus (cos. 125). Other examples of enemies of the Republic having shrines consecrated on the sites of their houses, all
(and therefore possibly invalid). Secondly, the role of the particular pontiff in this case was curious. According to Cicero, the man acted alone and was inexperienced in the execution of religious duties. Who was this individual then who took upon himself such an apparently unusual – and potentially controversial – role?

2.2.2. The role of the presiding pontiff L. Pinarius Natta

The pontiff’s name was Lucius Pinarius Natta, and it would appear that he was elected to this post between July and September 58, only a short time before the dedication. The ancient origins of this priest’s patrician ancestry harked back to the days of Evander, and the family was known for its association with the gentilician cult of Heracles. By the Late Republic the Pinarii seem to have faded from the Roman political scene, however, this particular Pinarius seems to have forged some useful political contacts. Cicero avoids mentioning Natta by name throughout his speech (Cic. Dom. 118, 134-5, 139-41), an indication perhaps of the disgust he felt towards the young man’s role in the dedication ceremony. Instead he refers to him in the persona of Clodius using the phrase *frater uxoris meae* (the brother of my [Clodius’] wife) (Cic. Dom. 118), and later mentions that he was stepson to L. Licinius Murena (*cos.* 62) (Cic. Dom. 134). Thus he can be identified as the same influential L. Natta who was accused of bribing equites to vote for his stepfather in the consular elections of 62 (Cic. Mur. 73). Nevertheless, attempts to identify Clodius’ wife, the sister to our L. Pinarius Natta, have remained speculative. Lily Ross Taylor supposed that it was through Clodius’ well-attested marriage to Fulvia that he gained Natta as a brother-in-

---

81 For prosopographical entries on Natta, see: Bardt (1871), Pont. 70; RE XX. 1402, 49-62.; MRR II. 119, 206; FS 2711.

82 Linderski (1972) 192-3 based on comments in Cic. Ad Brut. 1.5.3 and Fam. 8.4.1, 3 noted that the *comitia sacerdotum* (priestly elections) tended to fall after the consular but before the praetorian elections (likely between July and September). Thus Cicero’s comments that Natta’s induction into the pontificate was *paucis illis diebus* (only a few days before) the dedication in 58 may be accorded literal validity (Cic. Dom. 118). However, as Konrad (1996) 111-112 notes, the possibility of Natta’s election in 59 cannot be ruled out.

83 Cic. Dom. 134; Serv. Dan. 8.269. Based on this association it is possible that the family continued to be active in religious positions after their disappearance from public life.

84 From our available records, a Pinarius had not reached the consulship since 472 (L. Pinarius – f. – n. Mamercinus Rufus Pat.: MRR I. 29) nor held a praetorship since 181 (M. Pinarius Rusca (or Posca?): MRR II. 384).

85 In 56 Cicero professes his hatred for Natta confessing *oderam hominen* (I detested the man) (Cic. Att. 4.8a.3), presumably on the news of his death.
law. However, despite the appeal of her suggestion, this identification remains inconclusive. Nevertheless, it seems safe to assume that Natta had not yet gained significant office – a useful point for our study, since he is the only known pontiff in 58 who was not also a senator. This fact allows us to be sure that all his acts were carried out as a function of his religious office; we do not need to worry about distinguishing his role as the priest from the religious functions of the senator or magistrate.

Natta’s precise ceremonial role in the dedication, however, is difficult to determine. Cicero implies that, with his head covered, the man grasped a door post and uttered a solemn formula (Cic. Dom. 120, 122). Natta’s presence at the ceremony was an important part of the dedications success, since the involvement of a pontiff enabled the ex-tribune to rather smugly declare: ‘\textit{dedicatio magnam… habe[vi]t religionem}’ (this dedication… carried a grave binding force) (Cic. Dom. 127). Such appeals to the sanctity of the shrine would very likely have been the general thrust of Clodius’ defence. The ex-tribune claimed that the \textit{aedes Libertatis} had been consecrated in proper accordance with Roman ritual because of Natta’s presence as pontiff, and it was on this point which the whole issue might be said to depend. Given the scrupulous nature of ritual performance in Roman religion and the potential anxiety such serious religious issues could cause, the binding and seemingly irreversible nature of this religious act left Cicero in an extremely awkward position. Despite Clodius’ incessant claim that his dedication carried \textit{religio} though, there were a number of procedural issues which suggest that the Natta’s involvement could be perceived by the pontiffs as rather unusual.

\begin{itemize}
\item[86] Taylor (1942a) 396-7: thus Fulvia was Natta’s half-sister making Clodius Natta’s half brother-in-law. The alternative is that Clodius was married to some hypothetical Pinaria as supposed by Drumann and Groebe (1902) II. 309-10. Given that Clodius and Fulvia were married long enough to have had two children by 52 and that Cic. Phil. 2.48 insinuates that the two were likely married by 58, Taylor’s argument is attractive and would resolve a number of awkward issues. She is well-supported by Babcock (1965) 6-10 and Tatum (1999) 60-61, although Arkenberg (1993) 342-3 remains cautious.
\item[87] Nisbet (1939) 209-10; \textit{RE IV. 2. 896-902ush; contra Marquardt (1885) 3. 269 who argued that the magistrate and pontiff acted reciprocally.
\item[88] Clodius was probably also backed up by his notoriously observant brother, Ap. Claudius Pulcher (\textit{cos. 54}). Tatum (1999) 190, 311, n. 91 notes that Appius may have spoken on Clodius’ behalf as M. Calidus had in Cicero’s stead: Quint. \textit{Inst. 10.1.23}. Note also Cic. Dom. 103-9; 111-2, 137 and Att. 4.3.2 where Appius is the object of Cicero’s invective. Clodius and Appius may also have hoped their priestly status’ (Clodius perhaps as \textit{quindecimvir}, and Appius as augur) could lend a certain weight to their words, giving them religious authority to dictate what the pontiffs should recommend.
\item[89] Cicero seems to paraphrase carefully selected parts of Clodius’ defence of the shrine throughout his speech; one such example demonstrates Clodius’ reliance on Natta’s role: \textit{pontifex, inquit, adiuvit} (“But a pontiff was present,” said Clodius) (Cic. Dom. 117).
\end{itemize}
Cicero frequently asserted that, owing to his inexperience, Natta probably made mistakes in ensuring the ritual correctness of the ceremony (Cic. *Dom.* 134-5, 139-41). These claims of course are questionable: Cicero can provide no proof of his assertions (since he was not there), and it seems unlikely that such arguments would have been enough by themselves to sway the pontiffs on this point. More problematic for Clodius perhaps was the fact that only a single pontiff was involved in the dedication. This was an irregularity that Cicero was able to exploit in his speech (Cic. *Dom.* 117): *non te pudet, cum apud pontifices res agatur, pontificem dicere et non conlegium pontificum adfuisse* (... are you not ashamed, when the matter has now been brought before the pontiffs, that you summoned one pontiff, and not the whole college?). Although consultation of the college was not an enforced legal requirement, it was customary for the college to collectively approve of and preside over such a ceremony. Whilst Natta technically satisfied the assent of the religious authorities, he was not yet of an age to carry the moral weight to perform such an unprecedented action. The pontiffs then may have felt that he had abused his power. That the young pontiff proceeded without knowledge, without precedent, and without the backing of the pontifical college, likely caused a stir amongst the pontiffs and invoked a degree of outrage that would certainly have gone in Cicero’s favour.

### 2.2.3. *The political motives of the pontiff’s assistance*

The familial connections between Clodius and Natta provide an obvious explanation for their joint action in this affair. Indeed, Cicero directly accuses Clodius of pressuring Natta into providing his priestly assistance, suggesting that the young pontiff was acting against his own will. Cicero claims that *adfuit is, si modo adfuit, quem tu impulisti, soror rogavit, mater coëgit* (His presence, if he was present at all, was instigated by you [Clodius], by a sister’s

---

90 See Lennon (2010) 429. Tatum (1993a) 16 supposes that Natta’s improbable bungling was so lame an objection that Cicero dispensed with it rapidly.

91 Liou-Gille (1998) 58, n. 112 claims that at least three pontiffs were required to perform the ritual rites of a dedication (based on Cic. *Har. resp.* 12), yet this claim is unfounded; if true, Cicero would certainly have made use of such a salient religious legal requirement in his speech. Cf. Mommsen in *RSR* II. 14, 46, n.2 and Wissowa in *RKR* 514 who also both vouch for the legally binding nature of a decision rendered by three or more pontiffs.

92 Stroh (2003) 334 in his reconstruction of Cicero’s legal argument, asserts that it was only natural for Clodius to enlist the support of his brother-in-law, since he was a member of the pontificate that was personally close to him. However, given the unusual nature of Clodius’ dedication, it is more likely that Clodius wished to avoid consultation with other members of the college and to curb the collective authority of the pontiffs.
prayers, and a mother’s compulsion) (Cic. Dom. 118). By stressing the personal dimension, Cicero shrewdly undercuts the moral authority of the pontiff and suggests that the two conspired to undermine the spirit of pontifical lore: tamen quanta est in adolescens auctoritas, ea propter tantam coniunctionem affectionis minor est putanda (However, how much authority this young man possessed [is questionable], considering his close affiliation to Clodius through marriage) (Cic. Dom. 118). The tone of these passages implies that the pontiff was a mere puppet in Clodius’ scheme, that he was powerless to resist a demagogue’s provocation.

Cicero even goes so far as to imply that Natta owed his election as pontiff to Clodius, who may have canvassed support for his brother-in-law at the comitia sacerdotum in 58. This could explain how this adulescens – from a politically obscure gens and with few evident qualifications aside from his membership in the waning patriciate – was able to attain such a distinguished social accolade. However, there are a number of difficult issues which prevent any definitive conclusion on this suggestion, foremost being that this suggestion relies solely on a tortuous passage of Cicero’s speech:

* qui etiam tibi erat magis obstrictus beneficio recenti, cum se fratrem uxoris tuae fratri tuo ge[r]mano* antelatum videbat; etsi in eo providisti ne frater te accusare possit.

Moreover, Natta, the brother of your wife, was bound to you by recent kindness, since he saw that he himself had been preferred [to attain the vacant pontificate]* over your own brother by blood [Gaius]; although at least you have taken precautions that your own brother is not able to accuse you.

Cic. Dom. 118.

---

93 Cf. Cic. Dom. 139; if we follow the identification of Taylor (1942a) 396-7 Clodius’ wife and hence mother-in-law (see note 15) then we might identify the sister as Fulvia and the mother as Sempronia. Their support here for Clodius bears semblance to the same characteristic energy the two displayed at the trial of Milo in 52 for Clodius’ murder: Ascon. Mil. 40.

94 Following *germane* in the commentary of Nisbet (1939) 169, as opposed to the misprint of *gemano* in the Loeb edition (Watts (1923) 272).

95 Nisbet (1939) 169 provides a similar interpretation of this passage.
There is little doubt that the ‘brother by blood’ Cicero introduces in the above passage that ran for the vacant pontificate in 58 is C. Clodius Pulcher, already one of the Salii (priests of Mars) by 76. However, as always with Cicero’s accusations, we cannot simply take this comment at face-value. To suggest that Clodius would not support his own brother’s campaign for the vacant pontificate, and let pass the opportunity to have himself and his two brothers hold membership in each of the three major priestly colleges of the day, seems incredible. Cicero’s justification, as illustrated in the above passage, is that Clodius wished to protect his brother Gaius from the invective that Natta had now exposed himself to. However, this is not a particularly convincing explanation. As praetor two years later in 56, Gaius supported Clodius in his feud against Cicero by attempting to prevent the removal of a tablet on the Capitol that recorded the law under which Cicero had been banished (Dio Cass. 39.21.1-2; cf. Plut. Cic. 34). Evidently he did not fear being dragged into Cicero’s invective on this occasion. Cicero’s allegations here are again examples of the orator undermining the moral authority of the presiding pontiff, boldly implying that Clodius knew this dedication was doomed from the outset. Cicero would have his audience believe that Natta was in Clodius’ pocket, not just bound through family politics, but also greatly indebted to him for supporting his election over his own brother’s campaign. Thus the orator carefully depicts Natta’s assistance as an act of personal favour designed to curb the will of the pontificate.

Given the likely manipulation in Cicero’s depiction of events it is difficult to ascertain whether Natta really owed his pontificate to Clodius’ support. If not Clodius though, who else could have been the benefactor to this little-known member of the Pinarii in his pursuit of such a prestigious religious office? Taylor suggests that Natta was related by marriage to the pontifex maximus, C. Iulius Caesar, thus Natta’s son may have been the mysterious L.

---

96 Nisbet (1939) 169 is the first to suggest that the brother was Gaius, not the well-known Ap. Claudius Pulcher as once presumed. This identification was then inconclusively followed by Taylor (1942a) 397, n. 35. Two ancient passages conclude that it was Gaius beyond doubt: Appius, based on comments at Cic. Div. 1.105, was already an augur by Cicero’s consuls in 63 thus was extremely unlikely to have been pursuing a dual priesthood; and as Konrad (1996) 111, n. 40 points out, a passage in Pro Scauro, which neither Nisbet or Taylor were aware of, explicitly states that Gaius had run for the pontificate (Cic. Scaur. 34).

97 Nisbet (1939) 169; followed by Taylor (1942a) 396; Babcock (1965) 6; and Arkenberg (1993) 344, all take Cicero’s word that Clodius supported Natta’s election to the pontificate ahead of his own brother Gaius.

98 Ap. Claudius Pulcher as augur by 63 (Cic. Div. 1.105) and (perhaps) Clodius himself as one of the quindecimviri by 57 (based upon a direct statement in Cic. Har. resp. 26 and ironic reference to him as sacerdotes (priest) at Cic. Dom. 103). Evidently these members of one of the most powerful aristocratic families of the time were well educated on where power and influence could be acquired.
Pinarius Scarpus who became second heir to Caesar after Octavian.\textsuperscript{99} If true, this could indicate that the pontifex maximus, through the primacy of kinship, was probably in fact Natta’s chief benefactor to the vacant pontificate in 58. Caesar was after all accustomed to playing an instrumental role in the acquisition of priesthoods.\textsuperscript{100} Taylor also points out that of the nine men elected to the pontificate between 63, when the lex Labiena restored the popular election of priests, and Caesar’s dictatorship in 49, seven were adherents to the triumvirs and were from houses which held the consulship in these years.\textsuperscript{101} It is therefore possible, although tenuous, that Clodius’ support for Natta came at the request of Caesar. Thus the two great men could have worked together to orchestrate the young pontiff’s nomination and subsequent election. The fact that Cicero does not mention the pivotal involvement of Caesar in Natta’s election could be easily explained by the likelihood that he would not wanted to have unnecessarily invoked the wrath of Caesar within a matter of weeks of his return.\textsuperscript{102} This hypothesis may even explain why Clodius, if he did support Natta’s campaign for the vacant pontificate, snubbed his own brother’s bid for the pontificate. With the weight of Caesar’s support more or less guaranteeing Natta’s election Clodius could have seized the opportunity to back a winning horse.\textsuperscript{103} Although this cannot be proven, opportunism and clever innovation fit well with what we know about Clodius. This reconstruction could also permit Cicero’s suggestion that Natta’s assistance was carried out as repayment for Clodius’ support, stressing the possible cronyism and expediency associated with becoming a pontiff in the Late Republic.

\textsuperscript{99} Taylor (1942a) 397; supported by Babcock (1965) 6-7; see also Syme (1939) 128-9, n. 4.

\textsuperscript{100} See discussion above on the importance of patronage pg. 22-3. Cic. Att. 2.5.2; 2.9.2; Vat. 19-20; Fam. 2.16.7; 12.1-2; Caes. B.Civ. 1.22.

\textsuperscript{101} Taylor (1942a) 410: Thus Babcock (1965) 8, n. 16 suggests that Natta may have represented his father-in-law Murena’s place who was consul in 62.

\textsuperscript{102} After all it had been Cicero’s unsavoury words against the triumvirate during his defence of his consular colleague, C. Antonius Hybridus in 59, which caused Caesar (and Pompey) to bring about his downfall. The two triumvirs made possible Clodius’ election to the tribunate in 58 through their supervision of his adoption into a plebeian gens (Cic. Dom. 41; cf. Prov. cons. 42; Suet. Iul. 20.4; App. B. Civ. 2.14; Dio Cass. 38.10.1).

\textsuperscript{103} The biggest obstacle to this suggestion that Clodius and Caesar worked together to assist Natta’s election is the timing. Natta was (most likely) elected pontiff after the consular elections of 58, which Cic. Att. 3.13.1 indicates were held as usual in July or August. However, it was in June or July that Clodius called together a series of contiones (meetings) of the augurs to renew the optimize attack on the religious validity of Caesar’s actions during his consulship: Tatum (1999) 172-4; Cic. Prov. cons. 45-6; Dom. 40; Har. resp. 48 (see discussion of the incident in Chap. II, pg. 101-6). Thus to think the two were in cahoots whilst Clodius made such threats against him seems improbable.
2.2.4. Concluding remarks

In the wider context of the republican era, pontiffs do not appear to have exercised significant constitutional powers when compared to the role of magistrates. Magistrates were the ones that often executed the most important religious actions by performing state sacrifices, vows, and in this case dedications. The individual pontiffs like Natta acted as expert advisers assisting at ceremonies, or perhaps dictating the formula, but did not play the central coordinating role; they were never the ‘main actors’. By Cicero’s day, mos maiorum largely restricted dedications to be carried out by magistrates – praetors, consuls, censors, dictators, and the special duumviri aedi dedicandae – not the pontiffs (or tribunes for that matter). Even when a magistrate who was also a pontiff performed the consecration of a temple, he did so in his capacity as a magistrate and not as a pontiff.

There are good grounds for seeing this episode as an example of cynical exploitation of religious ritual (and hence too Natta’s religious office as pontiff) for political ends. Despite the partisan nature of Cicero’s account, the precedents for Clodius’ dedication were questionable and Natta’s action independent of the rest of the college appears to have flouted custom and been designed to support the interests of familial and political allies. Natta’s assistance as pontiff would formed an important part of this scheme, however, he was not autonomous in the performance of his religious duties. As tribune, Clodius was the presiding magistrate orchestrating the dedication, whilst Natta was recruited behind the scenes to ensure the ritual correctness of the ceremony. Natta’s role was to give the impression that the procedure was ritually unassailable and that the blessing of the appropriate religious authorities had been affirmed, although this in itself may not have been compulsory. Whatever the precise political machinations behind Natta’s election, the episode demonstrates the importance of political patronage when competing for priestly office, an approach to the value of priestly offices discussed in the first chapter. His role also highlights one of the attractions of pontifical office for members of the younger generation that will be

---

105 See Orlin (1997) 163-72; he also argues that a privatus could perform a dedication, so long as the dedicant had gained authorisation for their dedication from the appropriate body (the senate or the tribunes), 170-1.
106 As was the case when Q. Lutatius Catulus (cos. 78) (FS 2308) dedicated the Capitoline Temple of Jupiter with lavish games in 69; all sources indicate that he performed this dedication in his capacity as curator restituenati Capitolii, not as pontiff (Val. Max. 2.4.6; 6.9.5; Suet. Aug. 94.8; Plin. HN 19.23). From at least 304, a pontiff never appears to have conducted a dedication; they merely assisted the presiding magistrate in the ceremony; although Orlin (1997) 165 in his debate on the legislation of Livy in 304 (Liv. 9.46.6-7), insinuates that the pontiffs may have once had more control in determining who could perform dedications.
discussed in the fourth chapter: the entrée that it provided into a clique of prominent and influential men.

Natta’s unique involvement in the affair as pontiff did not make him especially powerful, nor did it grant him what we might call impressive constitutional ‘hard power’. Given the reality that the dedication was overturned by the pontifical college, it is quite clear that Natta’s part in Clodius’ scheme was not enough to uphold the sanctity of the aedes Libertatis. As we will see in the following chapters, the role of priest certainly required some degree of expertise in religious lore which could be utilised for personal gain on occasion; but we may wonder how significant a part this religious element played in the calculations of the ambitious Roman aristocrat and his family. To some extent, Natta was perhaps a pawn in the Clodius’ cynical schemes; but he may well have embarked on his course of action fully aware of its potential pitfalls, and willing to take the risks because of the potential political pay-off.
2.3. The Pontificate and the Authority of their Decree

2.3.1. Interpreting the pontifical decree: separating ius religionis and ius publicum

After Cicero delivered his speech on the 29th September 57, the pontiffs announced their recommendation through a decretum. According to Cicero, it read as follows:

\[
Si neque populi iussu neque plebis scitu is qui se dedicasse diceret nominatim \\
ei rei praefectus esset neque populi iussu aut plebis scitu id facere iussus \\
esset’ videri posse sine religione eam partem areae mihi\*108 restitui.
\]

If that person claiming to have dedicated the site [P. Clodius] was not commissioned by name through an order of the people or resolution of the plebs, neither charged to do so by an order of the people or resolution of the plebs, then it is possible for the part of the site in question to be restored to me without sacrilege.

Cic. Att. 4.2.3.

Cicero claimed that there was no doubt the decree indicated that his house had been adjudged to him (Cic. Att. 4.2.3). However, it is not immediately clear that the pontiffs had ruled in his favour. In fact, the pontiffs hinged their recommendation on the interpretation of a legal problem, specifically whether or not Clodius had properly attainted popular authorisation for his dedication. Therefore, before attempting to understand both why the pontiffs ruled in Cicero’s favour and the weight of their recommendation on the senate’s final verdict, it is worth undertaking a detailed examination of the decree itself. In doing so, we can more fully

---

107 Since the pontiffs explained their recommendation to the senate two days later on the Kalends (1st) of October (Cic. Att. 4.2.4), and Clodius had time to deliver a speech at a people’s assembly before the senate convened (Cic. Att. 4.2.3), the pontifical decree must have been presented either on the day of Cicero’s speech (the 29th September), or the following day (the 30th September). Note, therefore, the significantly short time-frame the priests operated within.

108 Cicero’s use of mihi here indicates that this is an adapted citation of the pontifical decree. It is therefore not certain if these were the exact words used by the pontiffs, or if this passage even represents everything that the pontiffs had to declare. See Tatum (1993b) 321, n. 10.

109 For the best commentaries interpreting the technical issues with the pontifical decree, see Linderski (1985) 216-218; (1986) 2161-2163; Beard (1990) 30-4; Tatum (1993a) 13-20; (1993b) 319-28.
appreciate the complexity of the college’s decision and the pervasive dualism between the role of the pontiff and the role of the senator.

The first point to note from the decree is the verdict of the pontiffs on the religious issue. The pontiffs concluded that it was possible for the section of Cicero’s house to be restored *sine religione* (without sacrilege), thereby resolving the religious difficulty to overturning Clodius’ dedication (Cic. *Att. 4.2.3*).\(^{110}\) Given the difficulty that Cicero faced overcoming the scrupulous nature of Roman ritual, this verdict on the religious issue was surely a huge relief for the orator. However, it is interesting to note that the pontiffs made no effort to explain how they reached their verdict on the solemn scriptures of *ius pontificum* (pontifical lore). Even when summoned to explain their decree before the senate two days later on the 1\(^{st}\) October, the senior pontiff speaking on behalf of his college, M. Terentius Varro Lucullus (*cos. 73*), drew attention away from the religious difficulty and towards an issue of *ius publicum* (civil law). The consul designate Cn. Cornelius Lentulus Marcellinus asked the priests *quid essent in decernendo secuti*\(^{111}\) (what they were driving at in their decision) (Cic. *Att. 4.2.4*). Lucullus responded:

> religionis iudices pontifices fuisse, legis *<es>* se senatum; se et collegas suos de religion statuisse, in senatu de lege statuitur *<tur>* os cum senatu.

The pontiffs had been judges of the religious issue, but the senate was the judge of the law; he and his fellow colleagues in the pontificate had decided on the religious issue [in their capacity as pontiffs], the legal issue would be adjudged by them as senators in the senate.

*Cic. Att. 4.2.4.*

In other words, it was not the senate’s business to enquire how the pontiffs had come to their decision on the religious issue. The pontiffs had their specialist domain of priestly competence, concerned with rigid points of pontifical lore and ritual formulae, whilst the

\(^{110}\) Cf. Cic. *Att. 4.1.7*; *religio* here denotes the state of impediment which had resulted from Clodius’ violation of *ius publicum* (civil law) (*OLD* 1605-6). Thus the difficulty or inviolability of the religious ceremony needed to be removed by the priests before the site of Cicero’s house could again be used in for a non-religious purpose.

\(^{111}\) Tyrrell (1886) 2. 91. 9: *secuti* (meaning ‘what was the purport, aim, of their decision’ or ‘what line had they taken’). Cf. Drumann and Groebe (1902) II. 265, n. 7.
senate was the judge of the law. The pontiffs decided that it was possible to sanction the removal of the shrine from the religious point of view. However, the senate still needed to determine whether Clodius had adequately obtained popular authorisation for his dedication, as he was required to by a little known tribunician law that the pontiffs isolated in their decree: the *lex Papiria*.

A great deal of scholarship has attempted to reconstruct the provisions of the *lex Papiria* and how they applied to Cicero’s circumstances. The *lex Papiria*, as Cicero himself notes, was concerned with *nec de pontificio sed de iure publico* (not the rights of the pontiffs, but the rights of the people) (Cic. *Dom.* 128). Thus it would be for the senate to decide if there had been any contravention of this law (not the pontiffs). Cicero made it quite clear that the law was not precisely relevant to his own circumstances. The law had originally envisaged gaining popular authorisation for the dedication of temples, sites or altars carried out by *imperatores* (generals) upon lands of a conquered enemy *sacrae nominatur* (in the name of public religion) (Cic. *Dom.* 128). The law also does not appear to have been intent upon regulating the dedication of shrines by tribunes on *privata domicilia* (private residences) (Cic. *Dom.* 128). One of Cicero’s most difficult tasks in his speech was therefore to compel the pontiffs to accept that an application of the *lex Papiria* in this case was possible so that they could refer to the law in their decree. This explains Cicero’s reference to a decision of the pontiffs in 154 regarding the dedication of a statue by the censor C. Cassius Longinus (*cos.* 171) (Cic. *Dom.* 130-138). The pontiffs on this earlier occasion chose to observe the spirit rather than the letter of the law, adapting their understanding of the law to include the dedication of a statue by a censor. Cassius was prevented from dedicating a statue to Concordia *nisi eum populus Romanus nominatim praefecisset atque eius iussu faceret* (unless

---

112 Other scholars with a similar interpretation of the priests decree include Nisbet (1939) 183-4, who rightly separates the religious validity of the dedication from the question of legality (thus separating the priests realm of influence from the senate’s). See also Shackleton-Bailey (1999) I. 294-5; and Tatum (1993b) 327-8. Stroh (2004) 339-42 suggests that (to a certain extent) Cicero’s speech is itself divided between dealing with the religious issue and the legal issue.


114 Livy originally envisioned that *mos maiorum* allowed only consuls and commander’s with *imperium* to dedicate a temple or other site (Livy 9.46.6). However, a special magistracy, the *duoviri aedí dedicandae*, was also established as early as 484 (Livy 2.42.5) for *imperatores* (generals) to perform dedications after their *imperium* had expired.

115 As argued by Tatum (1993b) 320.
the Roman people expressly nominated him to carry it out) (Cic. Dom. 136). Cicero therefore compelled the college of his day to take similar steps, extending their own interpretation of the law to encompass the dedication of a shrine carried out by a tribune: *quaeso, pontifices, et hominem cum homine et tempus cum tempore et rem cum re comparate* (I beseech you, gentlemen of the pontifical college, compare man with man, period with period, and circumstances with circumstances) (Cic. Dom. 130).

Naturally one may ask why the pontiffs felt the need to hinge their final verdict on the interpretation of a legal problem at all. Why could they not simply rule that they sanctioned the removal of the *religio* and the return of the site to Cicero? A likely answer is that the pontiffs needed to rely on some formal discrepancy in Clodius’ dedication to satisfy their own need for accountability, as well as the senate’s curiosity. There had to be a reason for their recommendation to carry any real weight, and the problems with Clodius’ legislation provided the pontiffs with the opportunity they needed to convince the senate of their verdict.

In his speech Cicero even asks the pontiffs why he needs to prove that there had been mistakes in the ritual formula of the ceremony (the religious issue) if he could prove that there had been legal mistakes concerning Clodius’ dedication (the legal issue) (Cic. Dom. 137-8). Cicero’s aim was to deliberately draw the pontiffs attention away from the religious issue and towards the legal issue, since he was fully aware that he has very little basis for an attack on the sanctity of the shrine from the viewpoint of pontifical lore. The pontiffs obliged Cicero’s request though, and drew the senate’s attention to Clodius’ apparent violation of the *lex Papiria* in their decree; however, Cicero’s legal argument did not stop

---

116 Lange (1879) 2. 634; Willems (1879-1883) 305-9; and most recently Ziolkowski (1992) 219-34, all assumed that Papirian law was the same one that Livy mentions as being passed in 304 (Livy 9.46.6-7). The low-born *novus homo*, Cn. Flavius, as curule aedile, dedicated a temple of Concord in the Roman Forum, much to the annoyance of the nobility. The *pontifex maximus*, P. Cornelius Scipio Barbatus (cos. 328), was forced to preside over the dedication by the people, even though Barbatus felt that *mos maiorum* only permitted a consul or a general with *imperium* to dedicate a temple. This prompted the senate to enact a law (which Lange, Willems and Ziolkowski equated with the *lex Papiria*) that forbade anyone to dedicate a temple or altar without express authorisation of the senate or a majority of the tribunes of the people (Livy 9.46.6). Although the *communis opinio* now rejects that this was the *lex Papiria* (see Tatum (1993b) 319) the episode reveals how politically charged such dedications often became. Cf. also a case in 217 where the *pontifex maximus* L. Cornelius Lentulus indicated that a sacred spring could not be vowed without authorisation of the plebs (Livy 22.10.1).

117 Tatum (1993a) 13-20 brilliantly sheds light on Cicero’s (philosophical) attempt to establish a link between personal morality and ritual correctness (expressions of thought that were ahead of their time and may well have risked backfiring). By emphasising the immoral and spiteful intent of Clodius, Cicero hoped that the college would choose to overlook the apparent efficacy of his ritual acts.
there. As indicated by the conditional nature of the pontiff’s decree, it remained to be debated within the senate whether or not Clodius had contravened the *lex Papiria* (Cic. *Att.* 4.2.4).

Clodius claimed that his dedication was authorised by the plebs through provisions enacted in the *lex Clodia de exsilio Ciceronis: tuleram, inquit, ut mihi liceret* (‘I had carried a motion giving me legal powers [to perform the dedication]’ he [Clodius] says) (Cic. *Dom.* 106). The *lex Clodia* had transformed Cicero’s exile into a legal and permanent banishment, indicating loss of property and (according to Clodius) permitting the dedication of a shrine. This motion was Clodius’ second law concerning Cicero’s exile and was promulgated immediately after Cicero had fled Rome in early March 58. Clodius (as the administrator of the law) confiscated the site of Cicero’s house (Cic. *Dom.* 44, 51) and perhaps even supervised the sale of the remainder of the site at auction (Cic. *Dom.* 48, 107-9, 116). Cicero clearly refuted throughout his speech any suggestion that Clodius had satisfied the requirements of the *lex Papiria* in the performance of his dedication. However, our knowledge of the law derives solely from Cicero’s extended criticism of it in his speech (Cic. *Dom.* 43-99); thus its exact provisions – and importantly the question of whether the legislation was in fact technically flawed – remain irrecoverable. All that can really be ascertained is that the tribune had included some mention of a shrine in the law, although the pontiffs were evidently not convinced that the law’s stipulations satisfied the specific requirements of the *lex Papiria*. Why Clodius overlooked the need for exactitude in the provisions of the law has also been subject to some scholarly debate. However, Clodius and his advisor on legal drafting, Sex. 

---

118 Well noted by Tatum (1999) 156.

119 Scholarly opinion varies in degree as to what was wrong with the law. Nisbet (1939) xxii, 175-7, 209-10; Gelzer (1969) 154; Lenaghan (1969) 19, 96-7; and Shackleton Bailey (1991) 38 (amongst many others) presumed that Clodius’ law did not expressly gain authorisation *at all* (however, comments at Cic. *Dom.* 51 and 106 appear to make this unlikely). Moreau (1987) 468 figured that the law was lost by the time Cicero and Clodius were battling it out before the pontificate, thus they were arguing about what the law had once said. Stroh (2003) 323-332 in his legal reconstruction makes these legal mistakes so minor that he risks underestimating the very importance of ritual formula that he himself believes Cicero was constrained by: Stroh figured that Clodius, in the wording of his legislation, had said ‘*dedicatio*’, not ‘*consecratio*’, despite the fact that these two terms are often used synonymously (as suggested by Nisbet (1939) 209-10; and Tatum (1993b) 319, n. 3). Stroh also suggests that the law did not expressly name Clodius (*nominatim*) as the dedicator. Stroh’s argument is very compelling, however, it does not hold some ultimate truth as the author seems to claim and is just as tenuous as other attempts to reconstruct the faults in Clodius’ law. Tatum (1993b) 327; and (1999) 157 probably comes closer to the truth by proposing that Clodius had himself authorised to build a shrine in the law, but not to dedicate it. Suffice to say though there were inadequacies with the wording of Clodius’ legislation.

120 See Nisbet (1939) 206-9; Lenaghan (1969) 148-9; and Tatum (1999) 164, 192 for some suggestions.
Cloelius (Cic. Dom. 83, 129), probably enacted the law at a time when it was not possible to foresee it coming under such close scrutiny, and requiring such a detailed defence.

Given our assessment of the legal problem, we can now better appreciate Cicero’s statement that the recommendation of the pontiffs was in his favour (Cic. Att. 4.2.3). The pontiffs had extended their interpretation of the *lex Papiria* to apply to the unusual circumstances of Clodius’ dedication, and must have had misgivings (political or religious) with Clodius’ legislation given the specifications of their decree. Why else would they have drawn attention to the legal requirements of the *lex Papiria*? However, given the conditional nature of their decree, the decision of the pontiffs was not conclusive. The legal issue now needed to be debated in the senate (Cic. Att. 4.2.4), and the senate still had to ratify their decree by ballot. It was the senate’s responsibility to decide whether or not the *lex Clodia* sanctioned the dedication in accordance with the *lex Papiria*. This uncertainty enabled Clodius to initially spin the pontifical decree in his favour. Immediately after the pontiffs had delivered their decree, Clodius – at his brother Ap. Claudius Pulcher’s invitation – addressed a people’s assembly and re-iterated his stance on the legal issue. Clodius was adamant that his legislation *had* sufficiently observed the *lex Papiria* and that his dedication *was* binding in the eyes of gods and men (Cic. Att. 4.2.3). This attempt by Clodius to portray the pontificate’s verdict as favourable in hindsight looks like a desperate last-ditch attempt to rally support; however, it was in fact a genuine attempt to sway the senate’s judgement of the legal issue to his advantage.122

2.3.2. *The augmented authority of the pontiff-senator*

The pontiffs presented their recommendation to the senate on 1st October, and Cicero leaves us in no doubt that they had adjudged in his favour. Following the senior pontiff Lucullus’ explanation of his college’s decree, each priest – in their capacity as senators, but with the augmented authority of their priestly status – gave their verdict on the legal issue. They concluded that the *lex Clodia* was insufficient to sanction Clodius’ dedication: *itaque suo quisque horum loco sententiam rogatus multa secundum causam nostrum disputavit* (And so each one of them [the pontiffs] discussed my case in turn, arguing [the legal issue] much in favour of my cause.) (Cic. Att. 4.2.4). This course of action by the pontiffs poses some

121 Linderski (1985) 217.
122 As Stroh (2003) 331 notes, this claim by Clodius that the pontiffs had decided in his favour would seem incomprehensible if he had not – broadly speaking – intended his law to authorise the dedication.
interesting questions: to what extent did the duties of the pontiffs overlap with their duties as senators? Did those senators who were also pontiffs have more impressive authority as senators? And to what extent was this sequence of events determined by Cicero’s political supporters in the pontificate?

With very few exceptions, all pontiffs were (or would become) senators. As such, their constitutional position as leaders of the community was not restricted to senatorial functions; rather, these duties were often combined with priestly responsibilities. Thus the senator who was also a priest appears to have been granted a certain pre-eminence in legal debates that overlapped with religious lore. The pontiffs were (or were at least perceived as) experts of the law and written word; their compiled decrees and responses in short formed an entire jurisprudence. Given this overlap between pontifical lore and public law, the priests must have been perceived as experts not just of ius sacrum, but also ius publicum. The pontifex maximus Q. Mucius Scaevola (cos. was, for example, a renowned jurist of civil law having written iuris civilis libri XVIII (Dig. 1.2.2.41; Cic. Leg. 2.47, 52; Off. 3.70; Gell. NA 5.19.6). This perception that the pontiffs were also legal experts provided members of the pontifical college with the opportunity to debate the legal issue on the senate floor (as senators), much to Cicero’s advantage. It is still possible though to separate the collective role of the pontiffs from their role as senators. The pontifical college’s decree was able to reduce the problem of the aedes Libertatis to a legal issue, which then provided those pontiffs who were also senators with the opportunity to debate the legal issue in their capacity as senators. Whilst priestly prestige and senatorial pre-eminence were ‘interwoven’ here, the pontiffs were still able to draw a clear distinction between their role as a priestly college and their roles as senators (as shown by Lucullus’ comments quoted above). What remains an interesting problem though is why the priests chose to issue a decree in support of Cicero. It seems incredibly likely that the priests were in fact influenced by their political support for Cicero’s cause, as opposed to any particular genuine religious concerns with the propriety of Clodius’ dedication.

123 For more on the complex overlap between the role of the priest and the senator, see Bleicken (1957) 345-66; Szemler (1971) 118-9; but esp. Scheid (1993) 55-84.
124 As noted by Nisbet (1939) 183-4, the ius sacrum or pontificum was probably regarded by most Romans as a part of ius publicum.
125 Szemler (1972) 196.
2.3.3. The political sentiment of the pontificate

In a system of governance where political and religious offices were not separated, it would be naïve not to acknowledge the likelihood that political prejudices had some sway on the decision of the pontiffs. Given that Cicero also devoted over two-thirds of his speech to a political attack on Clodius’ motives, the orator clearly placed great importance on earning the political favour of the pontiffs. With all but one of the pontiffs being senators, Cicero’s aim was to utilise the wave of anti-Clodian political sentiment that swept the senate in 57. Amongst the pontiffs, including seven consulares (eight if we include the absent pontifex maximus Caesar) and two future consuls, were several members of the élite with good cause to dislike Clodius. The pontiff M. Terentius Varro Lucullus (cos. 73) who delivered the pontifical decree to the senate may have been the clarissimum virum (most renowned man) whom Clodius had made an enemy of (Cic. Dom. 110). Many of the pontiffs, including M. Valerius Messalla Niger (cos. 61) and C. Fannius (tr. pl. 59), had also taken an active part in the famous prosecution of Clodius de incestu during the Bona Dea scandal of 61 (Cic. Att. 1.13.3, 1.14.5-6). This explains why Cicero recurrently refers to the scandal throughout his speech (Cic. Dom. 105, 110, 136). Even if the nullification of the dedication was difficult from the viewpoint of pontifical lore, Cicero wanted to turn the decision of the pontiffs into means of halting Clodius’ political ascent after his controversial tribunate. Cicero would also have been relying on his close political ties with the most distinguished pontiffs. For example, the orator was close friends with the pontiff and consul of 57, P. Cornelius Lentulus Spinther (cos. 57), who was an influential spokesman for the orator’s recall (Cic. Red. sen. 21, 24; Red. pop. 11; Dom. 30, 70). The pontiff P. Servilius Vatia Isauricus (cos. 79), perhaps the oldest consularis and princeps within the senate, had opposed the Catilinarian conspirators in Cicero’s consulship (Cic. Dom. 132; Att. 12.21.1) and aided Cicero’s restoration through initiating a reconciliation with the reluctant consul Q. Metellus Nepos (Cic. Fam. 5.4.2; Red. sen. 25; Sest. 130; Prov. cons. 22). Cicero may also have relied upon the goodwill of the pontiff Q. Caecilius Metellus Pius Scipio Nascia (cos. 52), whom he defended at trial in 60 against the charge of bribery (Cic. Att. 2.1.9).

126 Cicero attacks the basis of Clodius’ tribunate (Cic. Dom. 32-42), challenges the legal basis of Clodius’ law on his exile (Cic. Dom. 43-99), and even felt the need to defend his support for Pompey’s appointment as agrarian commissioner (Cic. Dom. 3-31). Only towards the end of his speech does Cicero actually attempt to address the salient religious issue at hand (Cic. Dom. 100-147).
However, to assume that this political momentum guaranteed Cicero a favourable outcome would risk overlooking the complexity of the college’s decision. Some pontiffs may also still have remained on amiable terms with Clodius in 57. The father of the pontiff M. Licinius Crassus (quaest. 54) (the triumvir of the same name) had apparently assured Clodius’ acquittal in 60 through heavy bribery (Cic. Att. 1.16.5; Har. resp. 36; Schol. Bob. 85, 90) and may have felt obliged to defend him.\(^{127}\) Clodius would have been supported by his ‘partner in crime’, the pontiff L. Pinarius Natta that presided over the dedication with him. The pontiff C. Scribonius Curio (cos. 76) (FS 2996) would have likely defended Clodius, having already defended him in the senate at his trial de incestu (Cic. Att. 1.14.5, 1.16.10; Schol. Bob. 85-6, 89). Curio was himself also the subject of bitter words and humiliation in a pamphlet written by Cicero which circulated during his exile (Cic. Att. 3.12.2, 2.7.3, 3.15.3).\(^{128}\) Cicero was also ever mindful upon his return of the occultus irascus, aperte invidus (secret resentment yet obvious jealousy) (Cic. Att. 4.2.8) of those same men that defended him during his absence. The purchase of his imposing house on the Palatine from M. Crassus in 62 for HS 3,500,000 (Cic. Fam. 5.6.2; Gell. NA 12.12) had caused a great deal of public displeasure. It represented a move so spectacularly upward that a few members of the pontificate probably thought the novus homo was living well beyond his means.\(^{129}\) Thus some members of the pontificate, overcome with envy and the great pride for their own illustrious ancestry, could have viewed the dedication of the aedes Libertatis as an opportunity to banish Cicero from Rome’s most fashionable neighbourhood.

In a letter to Atticus written around 10\(^{th}\) September 57, the orator hardly inspires confidence in the pontificate’s impending verdict as he considers the distinct possibility that the pontiffs might rule against him:

\(^{127}\) Chap. 122, n. 328 for a discussion on the identification of this pontiff as the son of the triumvir as opposed to the triumvir himself.

\(^{128}\) Fragments of the speech survive: Schol. Bob. 85-6, 89. The publication of the pamphlet was according to Cicero a regrettable accident that he claims to have played no part in. He even asked Atticus to try and pass it off as a forgery in an attempt to patch up any damage caused (Cic. Att. 3.12.2; 3.15.3). Perhaps Cicero was fearful that the elder Curio as pontiff could obstruct the annulment of Clodius’ dedication and thus wanted to ensure his support.

\(^{129}\) Cf. comments in Cic. Att. 4.2.5: ‘verum iidem, mi T. Pomponi, iidem, inquam, illi, quos ne tu quidem ignores, qui mihi pinnas inciderant, nolunt easdem renasci.’ (In truth, my dear T. Pomponius, those same men, whose names not even you do not know, who clipped my wings and do not wish to see them grow again).
qui si sustulerint religionem aream praeclaram habemus, superficie
consules ex senatus consulto aestimabunt; sin aliter, demolientur*130 suo
nomine locabunt, rem totam aestimabunt.

‘If they remove the religious impediment, I will have a splendid open space
and the consuls by senatorial decree will estimate the value of the building. If
not, it [the current shrine] will be demolished; the consuls will let out a
contract in their own name and make an estimate for the whole site.’

Cic. Att. 4.1.7.

Cicero here is facing the very real possibility that the pontiffs may prove too conservative, or
even too scrupulous, to recommend overturning the dedication of an aedes.131 Testament to
both Cicero’s fears and the importance of ensuring the political favour of the pontiffs is the
weighty and seemingly off-topic introduction to his speech. Cicero begins by responding to
Clodius’ provocation that he was a henchman of Pompey (Cic. Dom. 3-32) and that his
ostentatious support for Pompey’s extraordinary appointment in charge of the corn-supply
should offend the pontiffs (Cic. Dom. 31). That Cicero felt obliged to respond so forcefully to
such accusations suggests that these measures were unpopular amongst a number of pontiffs
and that some of these consulares did harbour suspicions against Pompey’s triumphant return
to the political scene.132 The tribune Messius had even hoped to grant Pompey more
extensive powers giving him control over the treasury, command of great fleet and army, and
authority over provinces equal to that of governors (Cic. Att. 4.1.7). The consulares fremunt
(consulars were seething) at this proposal and so Cicero had rather cautiously chosen to
remain silent on the matter: ‘nos tacemus, et eo magis quod de domo nostra nihil adhuc
pontiferes responderant’ (I remain silent, and I would rather do so because the pontiffs have
not yet given an answer about my house) (Cic. Att. 4.1.7). Cicero evidently attaches a great
deal of importance to receiving a sympathetic hearing from the pontiffs, and holds genuine

130 Demolientur here either refers to the aedes Libertatis (which would be destroyed and replaced by a shrine
disassociated from the tribune) or the edited portico of Catalus and surrounding alterations. Either way, a shrine
would remain on the site and this would prevent the orator from ever again being able to (or wanting to) live on
the site.

131 Stroh (2003) 323; although Cicero’s comments a year later on the destruction of a shrine to Diana by L.
Calpurnius Piso (cos. 58) seem to suggest de-consecration may not have been unprecedented (Cic. Har. resp.
32).

132 For a political commentary on Pompey’s return to prominence in 57, see Seager (1979) 101-9.
fears that the priests might not rule in his favour based on political sentiment. Maintaining the goodwill of the pontiffs was therefore crucial if he wished to succeed and overcome the more perplexing issue at hand, the meticulous complexity of ritual technicality and religious scruple.

2.3.4. The influence of the pontifical college’s decree

At vero meam domum… causa cognita, duobus locis dicta, maxima frequentia amplissimorum ac sapientissimorum civium astante, omni religione una mente omnes liberaverunt.

‘But in truth [the pontiffs]… having investigated the issue of my house on two separate occasions, in the presence of a great number of the noblest and wisest of the citizens, all unanimously pronounced my house free from all religious obligation.’

Cic. Har. resp. 12.

On 1st October at the meeting of the senate, after each pontiff who was also a senator had debated the legal issue much in Cicero’s favour, Clodius launched a lengthy defence of his legal standpoint (three-hours long if we are to believe Cicero) (Cic. Att. 4.2.4). By this point it was probably quite clear that a majority of senators would rule in Cicero’s favour. The senators eventually cut short Clodius’ diatribe with shouts of disapproval. Despite the tribune Sex. Atilius Serranus Gavianus attempting to interpose a veto, cum sententiae gravissimae dicentur, senatui placere mihi domum restitui (some very powerful speeches were delivered to the effect that it was the senate’s desire that [Cicero’s] house should be restored) (Cic. Att. 4.2.4). On the following day, the senate carried a senatus consultum which included provisions permitting the reconstruction of Cicero’s house on the Palatine, the restoration of the portico of Catulus, and the allotment of HS 2,000,000 to Cicero for damages (Cic. Att. 4.2.4-5) (HS 1,500,000 less than he had purchased it for just five years earlier). Thereafter, Cicero could justly assert that his title was cleared by the voters of the comitia centuriata, by the decree of the pontiffs, and by a senatus consultum. The senate had acted in accordance with what the pontiffs had recommended in their decree. We have already seen how the pontiffs formulated their verdict, and what motivated them to rule in Cicero’s favour; it remains to be debated just how much political influence the pontificate collectively exercised
in the formal processes of their inquiry. Were the pontiffs really the final and binding authority on Roman *religio* during the Late Republic?\textsuperscript{133}

Traditionally scholarship has tended to stress the structural supremacy of the senate in relation to the decrees of the three major priestly colleges. Johann Marquardt was one of the first to stress the overriding authority of the senate, and his view has continued to influence the *communis opinio*.\textsuperscript{134} The pontiffs certainly would not have been able to produce a decree had the senate not first taken the initiative and referred the matter to the college for investigation and adjudication. In the case of Cicero’s house, the senator and eminent consular M. Calpurnius Bibulus (*cos. 59*) first recommended that the senate consult the college before the official inquiry commenced:

\begin{quote}
*eodemque consilio M. Bibuli, fortissimi viri, senatus sententiam secutus est, ut vos de mea domo statueretis…*
\end{quote}

And with the same idea the senate adopted the opinion of Marcus Bibulus, a most fearless man, that you pontiffs should decide the question relating to my house…

\textit{Cic. Dom. 69.}

Cicero makes it quite clear that Bibulus petitioned the senate to refer the issue of the *aedes Libertatis* to the pontiffs. The senate, in the same mind as Bibulus, then acted upon the recommendation of Bibulus and officially consulted the pontiffs. W. Jeffrey Tatum perceptively notes that between Cicero’s departure in March 58 and the motion of Bibulus in July 57 (Cic. *Dom. 69*) the pontiffs almost certainly did not raise any public objection against the religious validity of the dedication.\textsuperscript{135} If they had, Cicero would surely have mentioned it in his speech. The formal process for consultation of the pontiffs may explain why the college raised no qualm publically with Clodius’ dedication. Only through a motion of the senate could the voice of the pontiffs constitute any real power, and the priests were well aware of that reality.\textsuperscript{136}

\textsuperscript{133} As suggested by Thomas (2005) 139.

\textsuperscript{134} Marquardt (1885) III. 219-21.


\textsuperscript{136} Linderski (1985) 216-7.
Livy’s accounts on the pontiffs being consulted throughout the republican era also make this formal process quite clear. Only the senate could refer an issue to the pontiffs for adjudication, either by their own initiative, or at the direction of a magistrate or senior senator. In 217, a praetor was able to initiate an official inquiry of the pontiffs: *consulente collegium praetor* (a praetor consulted the college) (Livy 22.10.1). The preceding passages of Livy clearly indicate that the senate played a coordinating role in the affair: *senatus... M. Aemilium praetorem, ex collegii pontificum sententia omnia ea ut mature fiant, curare iubet* (The senate... ordered Marcus Aemilius the praetor, as the college of pontiffs had recommended, to ensure that all these measures were promptly put into effect) (Livy 22.9.11). In 200 a consul was directed by the senate to consult the pontiffs: *ad collegium pontificum referre consul iussus* (the consul, having been ordered to [by the senate], referred the issue to the pontifical college) (Livy 31.9.8). The senate also consulted the college directly in 187: *senatus pontificum collegium consuli iussit* (the senate ordered for the pontiffs to be consulted) (Livy 39.5.9; cf. 41.16.2). We have no record of the pontiffs ever initiating this process; it always came at the behest of the senate, which played the central coordinating role in this process.

There is also nothing to indicate from the incident surrounding Cicero’s house (or cases recorded by Livy) that the decrees of the pontiffs were ‘binding’ on the senate.\textsuperscript{137} The pontifical decree in the case of Cicero’s house only determined that it was possible (*posse*) to return the section of Cicero’s house in question, not that it had to be (Cic. *Att.* 4.2.3). The pontiffs declared that the religious impediment to overturning the dedication could be lifted, and that the site could be returned to Cicero *sine religio*; however, their *decretum* did not definitively state that the dedication was invalid or that the site must to be returned to Cicero.\textsuperscript{138} It was the senate who finally ruled (in accordance with priestly opinion) that the dedication had been invalid and that Cicero could reoccupy the site of his house (Cic. *Att.* 4.2.4; *Har. Resp.* 13).\textsuperscript{139} Even the final words of Cicero’s speech to the pontiffs reiterated the influence of the senate in the affair:

\textsuperscript{137} Szemler (1971) 119-20 draws up a plausible *modus operandi* for consultation of the priests.

\textsuperscript{138} See Beard (1990) 32-4.

\textsuperscript{139} Cf. Cic. *Dom.* 58, 147.
I beg and entreat you, O pontiffs, now, since it is the will of the senate that you should do so, to place me, whom you have restored by your authority and zeal and votes to my country, with your own hands in my house.

Cic. Dom. 147.

The senate’s central coordinating role in decisions of the pontiffs is also demonstrated by an earlier incident of the Late Republic, the Bona Dea scandal.140 In the winter of 62, Clodius (again embroiled in a religious conflict) was said to have intruded upon the ceremonial rites of the Bona Dea dressed as a woman. He was supposedly intent upon seducing the hostess Pompeia, the wife of Caesar (the pontifex maximus). In January 61 a senatorial decree referred the matter to the pontiffs (Cic. Att. 1.16). The pontifical college pronounced that Clodius’ behaviour was nefas (a sacrilege), thus the consuls chose to act upon this by promulgating a bill which instituted a formal trial against Clodius (Cic. Att. 1.16.4-5). In this case the senate directed and coordinated attempts to resolve the rupture between the human and divine whilst the pontificate acted in an advisory, subordinate role. In the end, the college’s recommendation was not acted upon because Clodius (through heavy bribery according to Cicero) was able to secure acquittal in the trial (Cic. Att. 1.16.11).

Livy’s accounts and terminology also support the supremacy of the senate as the final authority on the decision-making process. In 187, senatus pontificum collegium consuli iussit (the senate ordered the pontifical college to convene) to decide if it was permissible for M. Fulvius Nobiliior (Cens. 179) to spend a hundred pounds of gold on the games for his lavish triumph (Livy 39.5.7-10):


cum pontifices negassent ad religionem pertinere, quanta impensa in ludos fieret, senatus Fuluio quantum impenderet permisit, dum ne summam octoginta milium excederet.

When the pontiffs had replied that from the point of view of religion it was immaterial how much should be spent on the games, the senate granted permission to M. Fulvius for whatever amount he should spend, provided that he did not exceed a total of eighty thousand sesterces.

Livy 39.5.9-10.

The senate asked the pontiffs whether there was an issue from the viewpoint of pontifical lore for so much to be squandered on a triumph. The pontiffs refrained from passing judgement though, likely because nothing in their books determined it to be any sort of violation. Nevertheless the senate put a cap of eighty thousand sesterces on the games. Thus the senate chose to make a decision to limit the amount Fulvius spent on his games in spite of the pontifical verdict that no cap was necessary. We also have record of a *responssum* of the pontiffs being ignored by the senate in 113 (Livy *Per.* 63).141 In this case, the pontiffs had absolved the Vestal Virgins of any wrong-doing following accusations of sexual promiscuity. However, the *comitia tributa* (Tribal Assembly) ignored their verdict and condemned three Vestal Virgins to death. Although this is the only known instance in Livy of a decision of the pontiffs being completely ignored, the advice of the *decimviri sacris faciundis* (another of the three most coveted priesthoods) was ignored in both 144-3 and 140. The priests attempted to declare it to be *nefas* for Q. Marcius Rex to construct an aqueduct that would carry water to the Capitol.142 The senate though, influenced heavily by Q. Marcius Rex’s entourage, rejected the advice of the *decimviri*, and the Aqua Marcia was constructed against their will (Frontin. *Aq.* 1.7). Since the ancient evidence only provides an incomplete picture, these rare instances of the senate rejecting priestly advice are enough to indicate that the senate could make a decision contrary to the priests’ recommendation.

---

141 See *MRR* I. 537 for full list of ancient references.

142 The dispute may have been on religious grounds, since the *decimviri* could have felt that bringing water to the area would encourage further settlement and diminish the sanctity of the site (cf. Livy 5.50.4, 6.20.13); however, that the *decemviri* were already examining the books before making their announcement, suggests they were always intent upon opposing the aqueduct’s construction (Frontin. *Aq.* 1.7). Q. Marcius Rex. Marcius’ enemies clearly wanted to deprive him of the credit and prestige he stood to gain through the completion of the aqueduct. See Morgan (1978) 49 for a discussion of the incident. *RKR* 540, n. 2 also notes the political basis for the obstruction of the *decimviri*. 

53
Despite the authority of the senate in this decision-making process, the recommendation of the pontiffs still must have had some influence on the final verdict of the senate though. Recent scholarship has tended to stress the importance of sacerdotal colleges and how the priests of the three major colleges were empowered (albeit only slightly) through this consultation process.\footnote{For example Scheid (1993) 70 states that it was customary for the senate to follow the advice of the priests. See also Szmeler (1972) 22; Beard (1990) 30-4; North (1990a) 52; Gordon (1990) 180; Orlin (1997) 165; and Davies (2004) 73-8.} There are at least seventeen examples preserved by Livy of the senate having consulted the pontiffs in an official capacity throughout the Early and Middle Republic.\footnote{1) Livy 5.23.8 (in 396); 2) 22.9.11 (in 217); 3) 24.44.9 (in 214); 4) 27.4.14 (in 210); 5) 27.37.4, 7 (in 207); 6) 29.19.8, 20.10 (in 204); 7) 30.2.13 (in 202); 8) 31.9.7-10 (in 200); 9) 32.1.9 (in 199); 10) 34.45.7 (in 194); 11) 37.3.1 (in 191); 12) 38.44.5 and 13) 39.5.9-10 (both in 187); 14) 39.22.4 (in 186); 15) 40.19.2 (in 181); 16) 40.45.2 (in 180); and finally 17) 41.16.2 (in 177). See Davies (2004) 63-78.} It would appear from the cases documented by Livy that it was customary to follow the recommendations of the college (Livy 24.44.9; 27.4.14; 27.37.4, 7; 34.45.8; 39.22.4; 40.45.2). Thus the advice of the pontiffs seems to have carried considerable weight and authority. Their consultation was not just an inconsequential formality. If this were the case, the advisory role of the pontiffs in relation to the senate would seem arbitrary. Rather, the pontiffs functioned as a repository of religious knowledge which the senate could call upon in times of uncertainty. We might presume that such instances caused a great deal of religious anxiety amongst the general populace and the élite alike, thus the senators requested the advice of the priests to ensure they acted in accordance with religious lore. Throughout his speech, Cicero emphasises the sapienta (knowledge) (Cic. Dom. 1; 2; 33) and scientia (expertise) (Cic. Dom. 121; 138) of the pontiffs, which granted the priests considerable auctoritas (authority).\footnote{Beard (1990) 37, n. 49. Note also Cicero’s hesitancy in his discussion of Natta, a living contradiction, as pontiff supposedly without knowledge (Cic. Dom. 117-8).} As a subcommittee of the senate, the pontiffs utilised their specialist knowledge to relieve the senate of making a decision on a certain specialist areas of pontifical lore, and produced recommendations not likely to be overturned by that parent committee. However, the pontiffs never usurped the formal authority of the senate, and their decrees were never binding on the senate.\footnote{Thomas (2005) 119-40 boldly asserted that the decrees of the pontiffs were ‘binding’ on the senate. However, his work fails to acknowledge the central co-ordinating role of the senate, and makes some misleading generalisations about the power of the pontiffs.}
2.4. Conclusions

The episode is arguably our most documented case example of the pontiffs being consulted in an official capacity by the senate, and certainly our most detailed example from Cicero’s lifetime. The pontiff L. Pinarius Natta, through his assistance in the dedication ceremony, was able to utilise his position to the advantage of his political ally and brother-in-law Clodius. Natta was thus able to have an impact on a noteworthy political issue without having yet even become a senator. However, in this case, the young novice was still subordinate to more powerful political figures, with Clodius as tribune pulling the strings and other senior political figures likely playing a part in his election to the pontificate.

Given that the pontiffs were also able to override Natta’s role in the dedication ceremony through their recommendation to the senate, it would be reasonable to postulate that the collective might of the college was greater than that of a single little-known pontiff. Collectively the pontifical college was able to flex its muscles as a subcommittee of the senate with considerable effect. The members of the college utilised their expertise and position in Roman society to confidently declare that the site of Cicero’s house could be returned sine religione, a decision that was partially motivated by political favour towards Cicero and resentment against Clodius. However, the influence of the pontiffs was kept in check by the central coordinating role played by the senate: the pontiffs had to first be summoned by the senate before initiating their inquiry, they had to provide an explanation for their decree, and the senate had to ratify their decree through a senatus consultum. The pontiffs were therefore ultimately accountable to the senate. The decisions of pontiffs were not laws in themselves, but decrees, effective only after they were supported by a senatorial majority.

In light of these conclusions, the pontiffs were not granted overwhelming powers to interfere in Roman public affairs. The priests acted as guides to magistrates whom sought their assistance, and as advisors to the senate if summoned and consulted on matters that pertained to their expertise. The strict procedures in place for consultation of the pontiffs also limited the frequency of their involvement in public affairs. In fact, during the lifetime of Cicero

147 Although it is interesting to note that this may not have been so easy if say Caesar as pontifex maximus had been the presiding pontiff to the ceremony.
there are only two recorded instances of the pontiffs being consulted in an official capacity by the senate: on the *Bona Dea* scandal and on the dedication of the *aedes Libertatis*. In the case of the *Bona Dea* incident, Clodius was acquitted of sacrilegious behaviour through heavy bribery; thus the pontiffs’ assertion that he had committed a *nefas* went unpunished. And in the case of Cicero’s house, the pontifical decree could not prevent Clodius from launching fresh allegations in 56 that the hallowed site of Cicero’s house had been profaned through the nullification of his dedication (*Cic. Har. resp.* 1). The high-profile nature of these cases certainly gave the impression that the college was a learned and influential institution. However, the reality drawn from these late republican case examples was that their decrees only appear to have influenced the lives of private individuals (important individuals, but individuals nonetheless). In the lifetime of Cicero, the pontiffs never appear to have been summoned to question the fundamental mechanisms of the *res publica*; for example there are no records of the pontiffs challenging controversial legislation or the basis of an election. The case on Cicero’s house had significant repercussions for Cicero’s future, but in the grander scheme of things, did not shape the Roman political climate or make a substantial difference to the course of history. Although the advisory role of the pontiffs may provide some limited justification for why men so eagerly pursued this religious office, their limited direct ‘hard power’ forms only a small part of a bigger picture. Before we attempt, however, to investigate the final approach to why Roman aristocrats vied for priestly office, it is necessary to consider the powers of the augurs in the Late Republic.
III

THE POLITICAL POWERS OF THE AUGURS

Adverse auspices and the obstruction of public business in the Late Republic

3.1. Introduction

Maximum autem et praestantissimum in re publica ius est augurum cum auctoritate coniunctum. neque vero hoc, quia sum ipse augur, ita sentio, sed quia sic existimare nos est necesse.

But the greatest and most important authority of the State is that of the augurs, who are bestowed with great powers. However, I do not feel this way because I myself am an augur, but because we augurs are compelled by the facts to think it is so.

Cic. Leg. 2.31.

The auspices were signs sent from the gods – namely Jupiter (Cic. Leg. 20) – expressing divine approval or disapproval for any action at a given time. Heeding these signs was perceived as a way to preserve the favourable link between the Republic and the gods, ensuring Rome’s perpetual success at home and in the field of battle. Given the central importance of the auspices in the foundation of Rome, it is hardly surprising that they became a fundamental mechanism governing the decision-making processes in Roman legislative and electoral assemblies. As Livy tells us through the speech of Ap. Claudius Crassus Inregillensis (cos. 349), auspiciis bello ac pace domi militiaeque omnia geri (all things during peace or war, at home or abroad, were done only after consultation of the auspices) (Livy 6. 41. 4-5).\(^{148}\) By the Late Republic, most instances of adverse omens being reported and

\(^{148}\) The Romans prided themselves on their reverence for the gods, and attributed to this trait their great success in the field of battle and in government: Cic. Nat. D. 2.3.8; Cic. Div. 1.3; cf. Livy 5.1.6, Polyb. 6.56.6-8; Cic. Har. resp. 9.19: cum deos esse intellexerit, non intelligat eorum numine hoc tantum imperium esse natum et
utilised to obstruct legislation or elections were carried out by magistrates with the right to consult the auspices (known as obnuntiatio).\textsuperscript{149} However, the augurs as experts on augural lore appear to have possessed ‘exclusive’ access to an archaic formula for reporting adverse omens known as alio die (declaring that business was to be conducted ‘on another day’), which it has been suggested carried more weight than a magistrates obnuntiatio. The augural college also acted collectively as a constitutional authority on the validity of legislation, elections or other public business suspected to have been carried out contrary to the will of the auspices. If there was any mistake in the process of consulting the auspices, known as a vitium, the augurs could be consulted and issue a decree in collaboration with the senate (much in the same way as the official inquiries carried out by the pontiffs). However, given the central importance of the auspices in Roman public life, the decrees of the augurs could have been more impressive than those of the pontiffs, with the power to invalidate legislation or election results. This chapter will aim to determine the extent to which the augurs of the Late Republic were perceived as powerful, and whether it was the allure of these powers that could have encouraged prospective candidates to pursue this religious office.

The following analysis on the political influence of the augurs will investigate the apparent powers of the priests using the same method as the previous chapter, by separately analysing the powers of individual augurs and the powers of the collective augural college.\textsuperscript{150} Given that the ancient sources mention the augurs more frequently during the Late Republic than the pontiffs though, this section will examine several cases where the augurs seem to have exercised influence. This examination will start by outlining the historical development of the auspices and outlining the technical processes in place for consultation of the auspices; since without a sound appreciation of the importance that the auspices played in Roman public life, it would not be possible to understand the significant role played by the augurs. It is

\textit{auctum et retentum?} (Or who, once convinced that divinity does exist, can fail at the same time to be convinced that it is by its power that this great empire has been created, extended and sustained?).\textsuperscript{149} The scholarship on obnuntiatio is vast, but the following are essential: Mommsen in RSR I. 76-116, esp. 109-16; Valeton’s four ground-breaking monographs entitled \textit{De modis auspicandi Romanorum} (1889-90) and his two part \textit{De iure obnuntiandi comitiis et conciliis} (1891) (they make extremely difficult reading, but as Linderski (1986) 2311 observes, they ‘constitute the foundation of modern augural scholarship’); Wissowa in RKR 523-34; Linderski (1986) 2162-77, 2195-215 (impeccably detailed but inaccessible to non-specialists of Roman religion). For more recent discussions on the technical intricacies of a magistrate’s right to obnuntiatio, see: Weinrib (1970); Bergemann (1992) 89-113; De Libero (1992) 56-64; and Heikkila (1993) 117-42.

\textsuperscript{150} Linderski (1986) 2151 also wisely distinguishes between the role of the singuli augures and the collegium augures.
important to acknowledge at the outset that holding office as an augur was not a prerequisite for being able to utilise the obstructive force of the auspices though, since most recorded cases of adverse omens were in fact carried out by magistrates who held no such priestly office. Thus through a brief overview of all seven recorded instances of magistrates utilising their right to obnuntiatio that occurred between 59 and 44, it will be possible to draw some firmer conclusions on the customary procedures for magistrates consulting the auspices, and on the role played by the augurs in this process. This section will also address the unique role afforded to individual augurs to utilise their position and knowledge to either assist a magistrate’s obnuntiatio or to persuade the senate to invalidate laws. Particular attention will be paid to the role of the consul and augur L. Marcus Philippus (cos. 91), whose recommendation compelled the senate to invalidate a series of controversial laws carried by the tribune M. Livius Drusus (tr. pl. 91).

The second section of this chapter will discuss the individual powers of the augurs to utilise their own ius nuntiationis (right to report omens), assessing their ability to utilise the ritual formula alio die to delay or potentially invalidate proceedings. Cicero’s constitutional treatise De Legibus, which discussed in theoretical terms the role of the augurs in his ideal Roman constitution, suggested that individual augurs had a veto on any public transaction through the declaration alio die (Cic. Leg. 2.31). However, the use of the archaic ritual formula by the augurs seems to have fallen into disuse by the Late Republic. The only definitive incident of an augur utilising this means of obstruction was the infamous case of M. Antonius (cos. 44) in the year of his consulship declaring alio die in an attempt to prevent the election of P. Cornelius Dolabella as consul suffectus (Cic. Phil. 2.80-4). Although Cicero undoubtedly exaggerated the power of the priestly college to which he himself belonged, the case study involving Antony is a fascinating one and worth detailed examination.

The third section will discuss the combined authority of the augurs, determining the extent to which the augurs had the ability to collectively issue ‘binding’ decrees to nullify laws carried contrary to the auspices (contra auspicia). In his encomium of augury, Cicero begs to ask quid enim maius... est legem si non iure rogata est tollere, ut Titiam decreto conlegi... (What

---

151 The only other likely case of alio die was carried out by Cn. Pompeius Magnus (cos. I 70) in 55, during his second consulship, whereby he obstructed the elections to prevent M. Porcius Cato (pr. 54) from successfully being elected praetor. This episode will also be discussed and an explanation will be offered to indicate that Pompey was more likely to have acted in his capacity as augur, not consul.
power is greater... than the right [of augurs] to abolish a law if it was not carried in accordance with the auspices, as was the case when the Titian Law was annulled by a decree of the augurate? (Cic. Leg. 2.31). However, the competency of the augurs to influence debate on constitutionally dubious legislation was certainly not as straightforward as Cicero suggests here. From the limited evidence we possess during the Late Republic, it would appear that only in relatively exceptional circumstances were the augurs collectively summoned and asked to issue a decree on the validity of legislation. Since we only have scant references to the augurate issuing decrees in the Late Republic, the unprecedented long-distance ‘obnuntiationes’ of Caesar's consular colleague, M. Calpurnius Bibulus (cos. 59), and the ensuing debate among the augurs on the constitutional validity of Caesar’s legislation, will provide an interesting case study on the limitations of the augural college. Through a detailed analysis of this example, it will be possible to highlight how difficult it had become at the nadir of the Republic to initiate an official inquiry of the augurate, as the college became increasingly constrained and divided by the tense political climate. This discussion will suggest that by the time of Caesar’s dictatorship the augurs had effectively become a rubber-stamp committee with little independent initiative.
3.2. The Science of Augury

3.2.1. The origin of the augurs and their lore

*quo modo autem haec aut quando aut a quibus inventa dicemus?*

Again, how, when, and by whom, shall we say that our system [of Roman augury] was invented?

Cic. *Div.* 2.80

Any attempt to unravel the powers of the augurs in the Late Republic must start with a historical assessment of their function as priests. The earliest augurs and their lore remains something of a mystery to us, the origin of their augural science perhaps forever lost in time. Cicero was himself an augur and no doubt had access to augural records, yet, in his philosophical treatise *De Divinatione*, even he was unable to shed much light on the origin of the augural discipline. He was simply aware that the science predated the founding of Rome itself (Cic. *Div.* 1. 31-2, 107).\(^{152}\) Romulus was generally perceived not only as the founder of Rome, but the founder of the public auspices, on which the whole Roman state was said to depend (Cic. *Rep.* 2. 16, 26; *Nat. D.* 3.5; Livy 1.6.4-7.3; Dion. Hal. *Ant. Rom.* 1.86).\(^{153}\) Indeed, Romulus was often accredited with the creation of a state sanctioned college of augurs (Cic. *Rep.* 2.26). Initially the college was three in number with one chosen from each of the three ancient patrician tribes, the *Ramnes*, *Titienses* and *Luceres* (Livy 10.6.7-8). Dionysus of Halicarnassus recorded that Romulus instituted the significance of the auspices by decreeing that they should be observed by all his successors, and that no one should accept the title of king or any other magistracy until the gods had first given their sanction through the auspices (Dion. Hal. *Ant. Rom.* 2.6.1).\(^{154}\) Dionysus also claimed that Numa Pompilius (the

---

\(^{152}\) Even Roman myth is not certain on the origin of augurs and augury: Cicero tentatively suggests that Attus Navius was the originator of augury, yet acknowledged Romulus and Remus (*ambo augures*) lived many years earlier (Cic. *Div.* 2.80). Cicero was under no illusions about the historicity of such stories though; they were – in his own words – *commenticiae fabellae* (fictional stories).

\(^{153}\) For a list of ancient references which frequently use the term *auspiciis condita*, see Vahtera (2001) 96-7, n. 12. Cf. Cic. *Rep.* 2. 16 where Romulus is perceived as the founder of the Roman branch of augury and chose men to become augurs: *qui sibi essent in auspiciis, ex singulis tribubus singulos cooptavit augures* (He [Romulus] chose augurs, one from each tribe, to act with him in taking the auspices).

\(^{154}\) Cf. Dion. Hal. *Ant. Rom.* 2.22.3.
second king of Rome between 715–673) was responsible for the formal induction of the augural college as part of his institutionalisation of Roman priesthoods (Dion. Hal. Ant. Rom. 2.64.4), perhaps also increasing the number of augurs to five (Cic. Rep. 2.26; Livy 1.18; Dio Cass. 1.6.4).

The influence that the earliest augurs had in public affairs is unclear. The legendary story of the augur Attus Navius opposing a proposal of L. Tarquinius Priscus (the fifth king of Rome between 616-579) would appear to indicate that the augurs once possessed great powers. However, the story does not necessarily indicate that these priests were enormously influential, but merely implies that there was an ongoing power struggle between the authority of the state and augurs in regards to who possessed ultimate control over consultation of the auspices. That the king Tarquinius is humbled (and somewhat humiliated) whilst the augur vindicated is not evidence of the supreme power of the augurs, since the moral of this story – recorded by late republican writers – has a very obvious pro-republican message. Classicist and lexicographer William Smith suggested that the augurs were originally only employed as assistants in the consultation of the auspices, and that the kings probably retained the final say on the ability to discern the will of the gods. Smith notes that the dignity of the augurs gradually increased as they were employed at the inauguration of kings, and became depositaries of the augural science; however, the king still retained overruling access to the auspices. Eminent scholars such as Theodor Mommsen and Jochen Bleicken also indicated that the augurs of the Early Republic had an essentially passive role in comparison to the magistrates, as interpreters of the augural discipline rather than actually consulting the auspices themselves. Thus these two scholars suggested that it was the magistrates who first took on the major responsibility of consulting the auspices that the kings once possessed, not the augurs. This theory proposes that the augur’s nuntiatio (the ritual formula alio die) developed after magisterial obnuntiatio and was the later of the two phenomena.

---

155 For the varying accounts of this famous Roman legend, see Cic. Div. 1.17; Livy 1. 36; Dion. Hal. Ant. Rom. 3.71; Dio 2.8.1.
156 Smith (1875) 177; cf. Cic. Rep. 2.16.
157 On the possibility that the Roman kings were inaugurated by the augurs, see Vaahtera (2001) 112-22.
158 Mommsen in RSR I. 110-1; Bleicken (1957) 469.
159 Followed also by Ericsson (1936) 294-302 and Weinrib (1970) 409.
Another approach which is equally supported by a number of distinguished scholars, including the likes of Isaac Valeton, Stefan Weinstock and Kurt Latte, proposes an alternative view. These scholars supposed that, after the expulsion of the last king of Rome and the founding of the Republic, the augurs had a monopoly on the right to consult the auspices, and that it was not until the early fifth century that magistrates began to observe auspices themselves. Thus according to this theory members in the augurate were originally granted impressive powers to interfere in Roman public life. Given our lack of evidence on this early period in Rome’s history, however, it must be stressed that it is impossible to ascertain which of these approaches is correct. I would be inclined to accept the former view, that the magistrate’s use of the ritual formula obnuntiatio predated that of the augur’s use of alio die. One reason for this is because our earliest record of the augurs acting as a priestly authority on the auspices in the Early Republic depicts the augurate as a consultative body which issued rulings at the senate’s request, not as a religious body with exclusive access to the auspices (Livy 4.31). According to Livy, in 426 a technical debate arose concerning whether a consular tribune was ritually qualified (had the correct kind of auspices) to nominate a dictator; augures consulti eam religionem exemere (the augurs were consulted and they removed the ritual obstacle) (Livy 4.31.4). The function of the augurs was to provide magistrates and the senate with the technical guidance necessary to make the ritually correct decision, since they were a body dedicated to understanding and interpreting messages sent from the gods. The dignity of the augurs gradually increased in consequence to them becoming the preservers and depositaries of this augural science. Eventually the augurs were present at popular assemblies not only in order to assist the presiding officer at their request (siquid usus poposcisset), but also to exercise their own independent right of declaration (ius nuntiationis), through their observation and interpretation of unsought omens (auspicia oblativa) and the declaration alio die.

160 Valeton (1891) 83-4; Weinstock (1937a) 215-6 (cf. Weinstock in RE XVII. 2. 1726-35); Gardner (1958) 313; and Latte in RRG 397.
161 Weinstock (1937) 216 captures well the basis of these conclusions, which is pure scholarly guesswork: ‘As we hear in all periods that augurs acted as assessors in these matters [the auspices], it is a fair assumption, indeed the most natural assumption, that in the beginning they were in unrestricted control of all auspicio.’
162 Linderski (1986) 2180-2183 provides the best discussion concerning who was ritually qualified to appoint a dictator, a problem that Sulla and Caesar also faced in the Late Republic (Cic. Att. 9.9.3; 9.15.2). See discussion below on pg. 93-5 on how both Sulla and Caesar utilised the augurs to produce a decree which ensured the legitimacy of their titles as dictator.
163 Linderski (1986) 2195.
3.2.2. The technical procedures for consultation of the auspices

The auspices could be observed in several different ways. The earliest method was to examine the flight patterns or cries of birds (signa ex avibus).¹⁶⁴ Most commonly though, and especially in the Late Republic, these signs came from the observation of celestial phenomena (signa ex caelo) such as thunder and lightning, the surest expression of Jupiter’s will. According to Cicero the augural annals proclaimed *Iove tonante, fulgurante comitia populi habere nefas* (When Jove thunders or lightens it is impious to hold an election) (Cic. Div. 2.42). In all other cases *fulmen sinistrum* (literally lightning on the left but in augural reality observed in the east) was the best of auspices favourable for all enterprises, public or private (Cic. Div. 2.43, 74).¹⁶⁵ By the Early Republic, there was a crucial distinction between two methods for consultation of the auspices: *auspicia impetrativa* (impetrate signs) and *auspicia oblativa* (oblative signs).¹⁶⁶ Impetrate signs were actively sought by the presiding magistrate of an assembly or other ritually qualified person before proceedings began.¹⁶⁷ Oblative signs were observed without being actively solicited, occurring suddenly and unexpectedly during a course of an action.¹⁶⁸ The late fourth century AD grammarian M. Servius Honoratus makes this classification clear in his commentary of the Aeneid: *auguria aut oblativa sunt, non poscuntur, sed casu eveniunt aut impetrative, quae optata veniunt* (Omens are either oblative – not requested, but happen by chance – or they are impetrate, which appear after having been requested) (Serv. Dan. 6.190).

The *auspicia impetrativa* were routinely carried out by the presiding magistrate of an assembly (usually the consul), or another qualified magistrate, before any public transaction took place. Great importance was placed on obtaining favourable *auspicia impetrativa* before legislative or electoral assemblies convened. As noted by Cicero: *…exactis regibus nihil*

---

¹⁶⁴ See Cic. Nat. D. 2.160; Div. 1.120; Varro, Ling. 6.76. The word *auspicia* itself derives from *avis specere* (to watch birds). See Linderski (1986) 2291-6 on the etymology of, and technical difference between *auspicia* and *augurium.*

¹⁶⁵ Cf. Dio Cass. 38.13.3-6; Serv. Dan. 2.693.

¹⁶⁶ Valeton (1891) 107 suggests a tripartite division, however, this is difficult to reconcile with the available evidence. See also Linderski (1986) 2198.

¹⁶⁷ The word *impetrate* derives from the root of the word *impetrio*, which according to OLD 845 means ‘to seek a favourable omen for’. Cf. also to the word *impetro*, meaning ‘to obtain by request or entreaty’. The word *impetrate* is itself a post-classical creation defined by Lewis & Short (1879) 902 as ‘having obtained by entreaty or vows… [through] augurium’.

¹⁶⁸ The word *oblativa* derives from the root word *oblatio*, defined in OLD 1214 as ‘the offering of something, tender, presentation; also, the right to offer something.’ The word is also a post-classical creation, defined by Lewis & Short (1879) 1235 as ‘freely given; voluntarily presenting *auguria*.’
publice sine auspiciis nec domi nec militiae gerebatur (after the expulsion of the kings, no public business was carried out at home or abroad without first consulting the auspices) (Cic. *Div.* 1.3). This was to ensure that the gods had granted permission for public business to be conducted on a given day. The augur’s role during this process was effectively submissive to the presiding magistrate. The magistrate would actively seek favourable omens; whilst the augur (or augurs) would only assist as advisors should the auspiciating magistrate or the obstructing magistrate have the need for their expert advice. Customarily the presiding magistrate would observe the necessary favourable omens and business would commence as usual (so-called *adnuntiatio*), but occasionally, and especially towards the end of the Late Republic, the report of adverse omens (*obnuntiatio*) by another magistrate with the right to consult the auspices could cause public business to come to a halt. It may not have been uncommon for magistrates who were also augurs to report unfavourable omens through *obnuntiatio* more readily. The use of *obnuntiatio* by another qualified magistrate presented the presiding magistrate of an assembly three choices: 1) push ahead and ignore the report of adverse omens, which could to bring the validity of any subsequent business into question at a later date should the senate launch an inquiry (Jer. *De vir. ill.* 73.6-8; Cic. *Leg.* 2.31; Dom. 40; Har. *resp.* 48); 2) abandon the day’s business, and continue to repeat the auspices each day (*repetere auspicia*) until the opposing party’s political support dwindled and they were forced to back down (this path often resulted in a gridlock during elections) (Cic. *Att.* 4.3.3-4; *QFr.* 3.3.2); or 3) heed the report and abandon the course of action that warranted the use of *obnuntiatio* by the obstructing magistrate (Cic. *Phil.* 2.99). From what ancient evidence survives, option two appears to have been the most popular, which is why *obnuntiatio* became recognised as a useful delaying tactic for magistrates to exploit.

Only magistrates with *spectio* (the right to consult the auspices) were able to utilise the obstructive force of *obnuntiatio*, and this is fundamental in any attempt to deduce which group wielded the most influence through the consultation of the auspices. Qualified magistrates could declare *se de caelo servare* (literally that they were ‘to watch for something from the heavens’) the day before an assembly (typically by posting edicts in the Forum), and

---


170 The late fourth century AD grammarian and teacher of Roman rhetoric, Aelius Donatus, attests to the distinction between *obnuntiatio* and *adnuntiatio*: *qui malam rem nuntiat, obnuntiat, qui bonam, adnuntiat* (the report of a negative omen was *obnuntiatio*, the report of a positive omen was *adnuntiatio*) (Donat. *Vit. Verg.* 4.2.9). The term *adnuntiatio* is nontechnical though and was probably an invention of later ancient writers.

171 The term *repetere auspicia* is technical as indicated by Livy 9. 39.
could consult the auspices from midnight until dawn. It has been suggested that by the Late Republic the announcement se de caelo servare may have been enough to deter a presiding magistrate from holding an assembly the following day, since more often than not the magistrate watching the heavens could see, or could potentially fake obnuntiatio. However, if the presiding magistrate proved obdurate in his desire to hold an assembly, the omen watcher was still technically required to report the unfavourable sign by declaring obnuntiatio in person, on the day of the assembly before proceedings had begun. The declaration se de caelo servare may have entailed the threat of obnuntiatio, but it did not legally bind the presiding officer to delay an assembly. Only the declaration of adverse omens in person amounted to obnuntiatio. If a presiding magistrate ignored a binding declaration of adverse auspicia impetrativa by a qualified magistrate, as suggested by option one above, and as Bibulus and his supporters claimed Caesar had done in 59, or if there had been an honest mistake in the ritual process, then the legislation in question could be deemed vitiosus (ritually flawed) on the advice of the augurs at a later date, and be nullified or require re-enactment by the senate.

The exercise of obnuntiatio is further complicated by a complex hierarchical structure for the varying powers of those magistrates with spectio. It would appear that the consul as the highest magistrate was not bound to accept the report of obnuntiatio by a lower magistrate (and the praetor was not bound to accept the report of an aedile or lower magistrate, and so on). Officials with imperium (consuls, praetors and censors in that pecking order) were

172 This faking of the auspices was known as ementita auspicia; Valeton (1891) 94, 109 suggests that this ‘pretence’ was originally assisted by the fact that the assembly met early in the day and that the watching for auspicia impetrativa occurred in the early hours of the morning when summer lightning was common in southern Europe. Few would therefore have been in a position to deny that lightning had occurred on a particular night. Denniston (1926) 182 outright declares that se de caelo servare was nothing more than a fiction utilised purely as a political obstructionist tactic. However, we must be wary that our ancient sources are flawed; we (rather naturally) only have recorded instances whereby unfavourable auspices are observed (often from the skewed perspective of Cicero) and as a result the announcement appears to have the desired political effect of delaying or preventing proceedings. We do not (and cannot expect to) have recorded any instances of the norm, where the auspices were favourable (presumably the ritual formula adnuntiatio) and business carried on as usual. It is possible that a magistrate with spectio could have declared se de caelo servare and not actually followed through with the formally necessary announcement of obnuntiatio, since he may not have observed any adverse omens and, taking his religious duties with the upmost severity, did not want to ‘fake’ unfavourable auspices. Not all magistrates would have shared Cicero’s philosophical views towards the utility of the auspices.

173 Valeton (1891) 82-3, 101-2; Linderski (1965) 425-6. Both Cic. Att. 4.3.3-4 and Cic. Phil. 2.81 stress the importance of timing and the physical presence for the auspicating magistrate.

174 Unfortunately this extremely complicated problem of investiture and the legislation on obnuntiatio cannot be gone into in any great detail here. Most discussions are centred on the exhaustive examination of two laws, the
said to possess *maxima auspicia*, whilst those of lower magistracies (such as aediles and quaestors) were called *minora auspicia* (Gell. NA 13. 15). To determine what is meant by *minor magistratus*, Aulus Gellius relies on the words of the late republican augur and author of a work *de auspiciis*, M. Valerius Messalla Rufus (*cos. 53*). Messalla noted that *maxima sunt consulum, praetorum, censorum* (the greatest [auspices] are those of the consuls, praetors and censors).\(^{175}\) This meant that it would be highly unlikely a *minor magistratus* would be able to obstruct an assembly in controversial circumstances through *obnuntiatio*, since higher magistrates (such as the consuls or praetors) were not bound to accept their observations. E. J. Weinrib (1970) convincingly challenged the long-held presumption that the *lex Aelia* permitted a consul to ‘obnuntiate’ against a tribune, instead arguing that the law permitted tribunes to ‘obnuntiate’ against one another.\(^{176}\) Furthermore by the Late Republic, a consul could certainly ‘obnuntiate’ against another a consul, as Bibulus did against Caesar in 59, and a tribune could ‘obnuntiate’ against both a consul (Cic. *Sest.* 79, 83; *Phil.* 2.99; QFr. 3.3.2; *Att.* 4.3.3-4; 4.17.4) and a censor (Cic. *Att.* 4.9.1).

The second method of observing the auspices known as *auspicia oblativa* (unsought omens) was to witness and report an unfavourable omen during the course of an action. As Isaac Valeton articulately put it, the *vinculum temporis* (bond of time) was the only sure indicator that a particular sign referred to a particular action.\(^{177}\) The most common (and effective) negative *auspicia oblativa* during an assembly was the report of thunder or lightning, but could also be observed through *dirae*, which were a heterogeneous collection of ominous signs archived by the augurs and *quindecimviri sacris faciundis*.\(^{178}\) The observation of *dirae* could be especially effective at obstructing legislation or elections because they technically

---

\(^{175}\) Cf. Festus, *Gloss. Lat.* 152 L recording a decree of the augurs after a dispute had arisen as to the precise meaning of the terms *maior* and *minor*. Linderski (1986) 2177-80 provides a detailed commentary of this decree.


\(^{177}\) Valeton (1891) 92-3.

\(^{178}\) For a list of *auspicia oblativa* see Greenidge (1901) 162-3. A *vitium* (ritual flaw), caused by ignoring the observation of unfavourable *auspicia improtrativa*, could result in the observation of *dirae* according to Linderski (1986) 2162-177.
vitiated an action that was in progress, not just the day on which the business was being conducted. By the Late Republic, the right of announcing a course of action to be an unfavourable auspiciwm oblativum belonged to all Roman citizens, and was not just confined to augurs or magistrates. However, the presiding magistrate retained the right to respect or ignore the announcement of these adverse omens, and so in some circumstances these signs were disregarded and a magistrate’s course of action continued. The augur’s observation of auspiciwm oblativa (known as nuntiatio) though was apparently of especial significance and carried a great deal of weight. This was supposedly a politically direct mechanism that these priests had at their disposal should they wish to intervene in public affairs. The practical application of these powers will be reviewed in due course. First it is necessary to review several cases of obnuntiatio by magistrates during the Late Republic, and to examine the role played by the augurs in these instances.

3.2.3. Magistrates and Obnuntiatio (59-44)

In the fifteen year period between 59 and 44, there were at least seven instances of magistrates exercising, or attempting to exercise, their magisterial right to report the observation of unfavourable auspiciwm impetrativa through obnuntiatio. This compares with just two cases (one of which is presumed) of augurs utilising their individual right to declare adverse omens. Obnuntiatio, however, was not a straightforward way for magistrates to obstruct public business, since four out of the seven recorded cases were either ignored or prevented through violence. By July 57, the use of obnuntiationes had become such a hindrance to public business that the senate had the capacity to issue a senatus consultum declaring that no one was to watch the heavens as a means of obstructing a particular action. Cicero, for example, claims that the senate carried such a decree to prevent individuals (namely Clodius and his supporters) from utilising the auspices to obstruct his recall from exile:

---

179 This was the hope of the tribune C. Ateius Capito (tr. pl. 55) when he repeatedly declared the observation of dirae (which Cicero tells us were fabricated) to prevent the consul M. Licinius Crassus from taking command of the war against the Parthians at the end of his tenure as consul in 55 (Cic. Div. 2.29-30).

180 For example in 100 L. Appuleius Saturninus (tr. pl. 100), despite the apparent protests of the people (and no doubt his political rivals) that unfavourable auspiciwm oblativa had occurred, continued with his legislative programme (Ap. B. Civ. 1.30; cf. Cic. Sest. 101). In cases where a magistrate chose to disregard such ominous signs though, his legislation was at risk of being nullified at a later date by the senate on the advice of the augurate, as was the case with the lex Titia in 99, or on the advice of a prominent individual augur, as was the case with the Leges Liviae in 91 (Cic. Leg. 2.31).
Or what was decreed on the next day [in the senate]... that no one should watch for signs from the heavens, nor try to delay proceedings; and that anyone who did otherwise would clearly be a destroyer of the Republic, and the senate would take the most grave view of such an act; and that the matter should immediately be referred to it for consideration.

Cic. Sest. 129.

It is difficult to know how much weight such a decree had and what the outcome would have been had a noncompliant magistrate chosen to ignore the block on obnuntiationes. Perhaps the senate would have referred the matter to the augural college to investigate any possible falsification of auspices and to remove the religio (impediment) from allowing Cicero’s return. The incident also clearly indicates the central coordinating role played by the senate, who could dictate when obnuntiation was not appropriate and take action against nonconformists.\(^{181}\) It also represents a decision taken by a political body (the senate) concerned with exploitation of religious lore for private political ends.

The first of the four cases of attempted obnuntiationes that occurred between 59 and 44, and one of the most infamous cases (which will be discussed in further detail in the final section of this chapter), was carried out by M. Calpurnius Bibulus (cos. 59). His long-distance obnuntiationes from his house in 59 were ignored by his consular colleague Caesar, and only succeeded in temporarily brining the validity of Caesar’s acta into question.\(^{182}\) In the second case, three tribunes (Cn. Domitius Calvinus, Q. Ancharius and C. Fannius) attempted to obstruct legislative assemblies and elections by declaring that they were watching the heavens in support of Bibulus in 59 and were also ignored (Cic. Vat. 16; Sest. 113). The next

---

\(^{181}\) For further commentary on the senatus consultum, see McDonald (1929) 173-5; Balsdon (1957) 15-6; and Sumner (1963) 356-7. Rather than discussing the implications that this decree could have had on the function of obnuntiatio in the wider context of Roman political life, these scholars have all concentrated on what the decree meant for the convoluted debate on the ‘repeal’ of the lex Aelia and which magistrates were invested with the power to utilise the obnuntiatio.

\(^{182}\) Cic. Att. 2.15.2; Fam. 1.9.7; Vat. 5.16, 21-2; Sest. 113; Dom. 40; Har. resp. 48; Suet. Iul. 20; Dio Cass. 37.6; Plut. Caes. 14.6; Cat. Min. 32; Pomp. 48.
instance occurred on 23rd January 57, where it appears that a praetor (likely Ap. Claudius Pulcher the augur) attempted or at least considered declaring unfavourable omens at a legislative assembly. However, the assembly was broken up by violence before the praetor had the opportunity to make his declaration (Cic. Sest. 78). Finally, Cicero also alleged that P. Sestius (tr. pl. 57) as tribune a few weeks later in February 57 was intent upon declaring obnuntiatio at what appears to have been a legislative assembly of the comitia tributa, but the assembly erupted into a brawl and Sestius was supposedly lucky to have escaped with his life (Cic. Sest. 79, 83; Q.Fr. 2.3.6; Dio Cass. 39.7). Cicero’s portrayal of events in this final incident, however, seems skewed to suit his argument, since he is defending Sestius against the charge of maiestas. Clodius is thus depicted as the instigator of the violence, and Sestius as the brave defender of the Republic and preserver of the auspices. Nevertheless, it is quite possible that Sestius was equally to blame for the bloodshed, and perhaps that he was never intent upon declaring obnuntiatio. Cicero could have fabricated Sestius’ plan to utilise this sacrosanct means of obstruction in order to depict Sestius as the innocent victim in the attack. Faking a report of unfavourable omens had become an accepted means to obstruct the actions of a political rival in the Late Republic.

The use of obnuntiatio by magistrates, however, was not always doomed to fail or be disrupted by violence. On three occasions influential magistrates with the backing of powerful allies successfully utilised obnuntiationes to obstruct election assemblies. On 19th November 57, the tribune T. Annius Milo, at the height of his popular backing, repeatedly obstructed the aedilician elections to prevent Clodius’ candidacy for the office (Cic. Att. 4.3.3-4). Cicero’s letter to Atticus details the rather amusing circumstances of the incident, demonstrating the importance of the physical presence of the obstructor and stressing that the

---

183 McDonald (1929) 174-5; Weinstock (1937) 219; and Sumner (1963) 353-4 all provide some useful commentary on the difficulties in the translation of Cic. Sest. 78. McDonald (1929) 174-5 suspected that Appius’ attempted obnuntiatio would have been illegal, in contravention of Clodius’ own law on obnuntiatio which according to his theory prevented curule magistrates from utilising the auspices at legislative assemblies. However, had this been the case, surely Cicero would have relished in the opportunity to point out how Clodius’ own brother did not intend to adhere to the new regulations imposed on the use of obnuntiatio.

184 See McDonald (1929) 172 and Sumner (1963) 354-6 for some general commentary on the incident. Linderski (1966) (Polish article) suggests that Sestius’ obnuntiatio was intent on hindering Clodius’ candidacy for the aedileship. However, Kaster (2006) 293 correctly notes that it was more likely a legislative assembly of the comitia tributa, since some of the mob attacked Sestius with chunks of wood torn from the barriers (saepta) set up to organise the people for a vote at a legislative assembly. The comitia centuriata and elective assemblies of the comitia tributa also met outside the pomerium in the Campus Martius; only a legislative assembly of the comitia tributa would meet at the temple of Castor, which was where the assembly was taking place.
report had to be made before proceedings began. The consul Q. Caecilius Metellus Nepos (cos. 57), becoming frustrated by Milo’s use of *obnuntiatio* in the Campus Martius to postpone the elections, told Milo that he would need to make his report of unfavourable omens in person in the Forum where he would be taking the necessary auspices before going to the Campus to take the votes. Milo and his entourage accordingly arrived at the Forum before sunrise to serve the notice. However, they had been deceived; Metellus was already stealthily hurrying to the Campus to commence the voting before he could be obstructed by Milo. A cat-and-mouse chase ensued, but Milo managed to overtake Metellus and serve his notice in person before the voting began. The next day was a *nundinae* (market day) so no public business could be conducted on that day or the next; the elections were not held until two months later, on 20\textsuperscript{th} January 56 (Cic. *Fam.* 5.3.2).\(^{185}\) If Milo’s aim was to simply hold up the elections, he was successful; if his aim was to prevent Clodius’ election as aedile so that he could be liable for prosecution under charges of violence, he failed. This serves to illustrate the limited capacity of *obnuntiatio* to influence political proceedings in most cases.

The second example involves the tribune (and augur) Q. Mucius Scaevola, who repeatedly declared *obnuntiationes* to hold up the consular elections from July until October 54: *comitiorum quotidie singuli dies tolluntur obnuntiationibus, magna voluntate bonorum omnium* (Each day of elections is being held up every day by *obnuntiationes*, to the great satisfaction of all good men) (Cic. *QFr.* 3.3.2).\(^{186}\) That Q. Mucius was politically motivated is clear from Cicero’s concluding remark, although what these motives were remains unknown.\(^{187}\) His ability to delay the consular elections for four months is impressive and may have derived in part from his status as an augur. His privileged access to knowledge concerning the auspices perhaps afforded him a unique position to dictate the ritual formula with confidence, and may have boosted his authority as a magistrate. Those magistrates without membership in the augurate which attempted to oppose him may have found it all the more difficult in light of his combined power and influence as both tribune and augur. Finally, in early 44 the tribune L. Antonius (*tr. pl.* 44) (brother of the consul and augur M.

---


\(^{186}\) See also Cic. *Att.* 4.16.6; 4.17.4.

\(^{187}\) McDonald (1929) 171-2 argues that the tribune Scaevola was a bitter enemy of Pompey and thus was being used by the *Boni* to obstruct the *comitia consularia*, and so to prevent the election of M. Aemilius Scaurus (*pr.* 56) as consul, who was backed by Pompey.
Antonius) successfully utilised obnuntiatio to obstruct the censorial elections (Cic. Phil. 2.99), which following Caesar’s assassination were never carried out.

3.2.4. The skilled assistance of an augur

These seven cases indicate that it was magistrates, not augurs, who in the Late Republic were most effective at utilising the auspices and exploiting religious lore for political gain. But this is not to say that the augurs did not have a role to play in such circumstances. The skilled assistance of an individual augur could be sought by the presiding magistrates of an assembly to assist in the interpretation of the auspices, providing authority to a magistrate’s declaration. According to Cicero, however, this advisory role of an augur was rarely utilised and came to be neglected by the end of the Republic: apud maiores nostros adhibebatur peritus, nunc quilibet (Our ancestors [in magistracies] used to consult experts [augurs], now they consult anyone) (Cic. Div. 2. 71). This is not to say that the augurs were never consulted. Varro preserved a vivid example of how a ‘good’ augur made himself available to bestow his wisdom as late as 54: comitiis aediliciis… Appium Claudium augurem sedentem invenimus in subselliis, ut consuli, siquid usus poposcisset, esset praesto (During the election of aediles [in 54]… we find Appius Claudius, the augur, sitting on a bench so that he might be on hand for consultation, if need should arise) (Varro, Rust. 3.2.2). This extract indicates that the augurs remained important because of their perceived role in society as the constitutional authority on augury, a perception that overlaps with themes discussed in the third chapter.

Two case studies from 100 and 91 also attest to the influence that a skilled, prominent augur could have in the senate’s decision to annul legislation. In 100 the validity of laws carried by the tribune L. Appuleius Saturninus (tr. pl. 100) was fiercely opposed by the prominent political figure and augur Q. Caecilius Metellus Numidicus (cos. 109). When Appuleius was carrying his agrarian bill in the assembly, those magistrates who attempted to obstruct the passage of the law were driven away from the platform through violence and perhaps

188 Linderski (1986) 2195-6 discusses the advisory role of the augurs in more detail.
189 Beard (1990) 40-43 and North (1990b) 585 stress how their knowledge of the auspices gave them a critical role in constitutional controversies of the Late Republic.
prevented from utilising *obnuntiatio*\(^\text{191}\) According to Appian the masses then attempted to utilise their own right to observe *auspicia oblativa* by also announcing that thunder had been heard during the enactment of the bill (App. B. Civ. 1.30-1). Appuleius ignored these pronouncements and proceeded with the promulgation of his bill. When the laws were discussed in the senate, the consul and augur Marius clearly indicated that the laws had been carried *per vim* and when thunder had been announced, and so were not valid. Appuleius therefore demanded that all senators swear an oath upon the law, but Metellus refused, for he persisted that the law was *non iure rogata* (Cic. Sest. 101).\(^\text{192}\) As a prominent augur, Metellus would have been well equipped to ascertain a violation of augural law. As a result of his staunch opposition to Appuleius’ laws and reluctance to oppose the tribune by force, Metellus resigned from the senate and fled into voluntary exile. The laws of Appuleius were eventually annulled (or perhaps simply disregarded) by the senate after his very public and violent demise at the end of 100 (Cic. Leg. 2.14). To our knowledge this was the first law to be annulled by the senate on the grounds that it was contrary to the auspices.

Another well-documented incident of an augur utilising his knowledge to considerable effect occurred in 91, when the consul at the time and augur L. Marcius Philippus (*cos. 91*) convinced the senate to annul the laws of the tribune and pontiff M. Livius Drusus (*tr. pl. 91*).\(^\text{193}\) The incident shows that Philippus, a prominent political figure and consul, could utilise his influence and social position as an augur (as Metellus did nine years earlier) to challenge the validity of laws suspected of being *contra auspicia*. Drusus, backed by the famous orator and pontiff L. Licinius Crassus (*cos. 95*), initially enjoyed a great deal of support from the senate, especially for his proposal to transfer control of the courts from the *equites* to the senate (Livy Per. 70-1; Asc. Corn. 61A; Vell. Pat. 2.13). However, his attempts to appease the conflicting interests of the senate, the equestrian order, the Roman populace and the Italian Allies backfired and culminated in his downfall towards the end of his tribunate (Livy Per. 71). With growing unrest amongst non-Romans, Philippus accused Drusus of inciting allied unrest with his proposals for land reform in exchange for

---

\(^{191}\) The suggestion that *obnuntiatio* was involved relies on the translation of Jer. De vir. ill. 73.6-8. According to Linderski (1986) 2167, n. 63 and Heikkilä (1993) 134 the word *obrogantes* is a corruption of the original *obnuntiationes*.

\(^{192}\) Heikkilä (1993) 134-5 comes to the conclusion that this was because Appuleius had committed a violation of the auspices by preventing an *obnuntiatio* by force.

\(^{193}\) For a list of ancient sources on the incident, see MRR II. 20-22. See recently the chapter in Dart (2014) 69-98 (esp. 88-92).
enfranchisement of the Italians. Drusus’ proposal to grant Roman citizenship to the Italian Allies also met widespread opposition from the senate and the equestrians alike (Vell. Pat. 2.13). Several allegations were levelled against the leges Liviae, amongst which was the suggestion that they had been carried contra auspicia latae (carried contrary to the auspices) (Asc. Corn. 61C) and in contravention of the lex Caecilia et Didia (Cic. Dom. 41). Renowned expert on the augurs Jerzy Linderski believed that Philippus himself had tried to present an obnuntiatio to Drusus but was violently stopped, thus explaining why the laws were deemed contra auspicia.194 All that Cicero tells us though is that the laws were nullified by a decree of the senate (Cic. Leg. 2.14), consilio Philippi consulis et auguris (on the direction of Philippus, both consul and augur) (Cic. Leg. 2.31), not long before Drusus’ assassination. The annulment of these laws directly resulted in the outbreak of the disastrous Social War waged across Italy between 91 and 88.

Unfortunately the ancient sources provide very little detail on the constitutional aspects of the procedure or how Metellus and Philippus utilised their roles as augurs to challenge the validity of the Livian laws. However, a few assertions can be drawn from the latter incident which suggests that Philippus in particular was able to exploit his position as a prominent member of the augural college to considerable effect. Cicero clearly felt that the incident demonstrated the influence of an individual augur’s opinion, given that he referenced the advice of Philippus in his great praise for the augurs in the constitutional treatise De Legibus (Cic. Leg. 2.31). Cicero’s account also juxtaposes the advice of an individual augur with the power of an augural decree: quod (sc. religiosius)... legem si non iure rogata est tollere, ut Titiam decreto conlegi, ut Livias consilio Philippi consulis et auguris? (And what [is more sacred than] the power of the augurs to nullify laws, which have not been carried in accordance with the auspices, as in the case of the Titian law, which was annulled by a decree of the augural college, or that of the Livian laws, which were annulled on the wise direction of L. Marcius Philippus, consul and augur) (Cic. Leg. 2.31). Thus Philippus’ advice as an individual augur was probably on the same legal level as a decretum conlegi (a decree of the

---

194 Linderski (1983) 454-5. Rüpke (2008) 790 (FS 2381) indicated that Philippus used his augural prerogative of objection through the augur’s nuntiatio in precipitating the senatorial decision to quash the legislative programme of Drusus. Nowhere in the sources though does either Cicero (Cic. Leg. 2.14) or Asconius (Asc. Corn. 69C) indicate that Philippus utilised his augural prerogative of alio die though, nor does he appear to have attempted obnuntiatio in his capacity as consul. Weinrib (1970) 399 also dismissed the likelihood that consular obnuntiatio was involved, but like Rüpke presumed Philippus utilised the augur’s nuntiatio.
However, it must be stressed that the recommendations of both Metellus and Philippus were not in themselves enough to repeal the Appuleian and Livian laws, since Cicero makes it quite clear that they were both rescinded _uno versiculo senatus_ (by one verse of the senate) (Cic. _Leg._ 2.14; cf. _Asc._ _Corn._ 60-61C). Furthermore, it cannot be ignored that Metellus and Philippus were also the leading members of the opposition to the reforms proposed by Appuleius and Drusus. Their positions as augurs did not exist in a vacuum; their influence as priests complimented rather than determined their ability to oppose these laws. As both consul and augur, Philippus in particular was in a unique position as to act as an intermediary between the senate and the augurs. The following discussion will look in more detail at how the augurs retained their own _ius nuntiationis_ (right to issue a declaration) and the ability to consult the auspices: the ritual formula _alio die_. The following section will focus on the extent to which the ritual formula _alio die_ empowered the augurs of the Late Republic.

---

195 As proposed by Linderski (1986) 2165 n. 54 (and followed by Dyck (2004) 344.
3.3. The Powers of an Augur

3.3.1. The ritual formula alio die

*Quid gravius quam rem susceptam dirimi, si unus augur 'alio <die>\' dixerit?*

What is more important than the abandonment of any business having already begun, should a single augur declare ‘on another day’?


The augur’s declaration *alio die* (‘on another day’ – which was the priest’s equivalent formula for the observation of *auspicium oblativum*) appears to have been difficult for a presiding magistrate to ignore. Traditionally, scholars took the above passage of Cicero’s *De Legibus* at face-value and often overestimated the capacity of the augurs to intervene in political affairs through the ritual formula *alio die*. Distinguished classicists such as Theodor Mommsen, Isaac Valeton, William Warde-Fowler, Georg Wissowa and John Denniston all went so far as to conclude that the augurs of the Late Republic still in theory possessed a veto on every public transaction.196 However, these comments form only a small part of a much bigger puzzle, and to infer from them alone that priesthoods were – above all else – coveted because it granted impressive political powers would be a grave miscalculation. It was not necessarily that the announcement of an augur was legally binding on the presiding magistrate (as the above passage of Cicero suggests and countless scholars have implied), but to ignore it ran a greater risk for the action to be ritually vitiated by the senate later on (likely on the advice of the augural college). As the expert of augurs and augury Jerzy Linderski points out, the *auspicia oblativa* of the augurs were public acts afforded pre-eminence because the augurs possessed the special knowledge necessary to interpret the often

---

196 Mommsen in *RSR* I. 109 says the augur’s ‘*Nuntiation mit rechtsverbindlicher Kraft*’ (*nuntiatio* had legally binding force); Valeton (1891) 94 also draws this distinction between the *obnuntiatio cogens augurum* (the binding announcement of an augur) and *obnuntiatio non cogens privatorum* (the non-binding announcement of private citizens); Warde-Fowler (1901) 305 (for some valid - yet slightly harsh - criticisms of his work, which still deserves some credit despite its overtly Christianised (mis)treatment of Roman religion, see Linderski (1986) 2207, n. 226); Wissowa in *RKR* 457-8 (cf. *RE* I. 2334) cites Cic. *Leg.* 2.31 as evidence for the various powers of the augurs, including their abilities to grant or refuse permission to hold an assembly, to stop proceedings in the middle, and to adjourn assemblies presided over by a consul; and Denniston (1926) 182. See also Smith (1875) 177; Greenidge (1901) 172; Taylor (1949) 83-4; and Lieberschuetz (1979) 13.
ambiguous meaning of these signs. Thus the observation of auspicium oblativum by an augur could delay an assembly until another day, or potentially nullify an action in progress if they declared the observation of dirae. However, given that there are only two case studies (one of which is not definitive) preserved in the ancient evidence of individual augurs utilising this ability to disrupt public business, it would appear that the formula alio die was only utilised in fairly exceptional circumstances by exceptional men during the Late Republic. The following discussion will review these two cases of alio die, and the extent to which the augurs involved – Cn. Pompeius Magnus and M. Antonius – were empowered.

3.3.2. Pompey's obstruction of the aedilician elections in 55

In 55 the consul and augur Pompey may have utilised the ritual formula alio die as augur to prevent M. Porcius Cato’s election to the praetorship (Plut. Cat. Min. 42; Pomp. 52). Pompey supposedly heard thunder in a clear sky and dismissed the election assembly. The terminology in Plutarch’s account is quite explicit: the unfavourable sign that Pompey apparently faked had appeared ‘suddenly’ (ἐξαίφνης) (Plut. Cat. Min. 42). Since Pompey’s announcement was also made after the first tribe had voted in the comitia praetoria (thus the day’s business was already well under way), the unfavourable auspicia would appear not to have been impetrativa. Thus the nuntiatio was likely oblativa, and announced by Pompey in his capacity as augur by declaring alio die. On this occasion, Pompey was able to impressively utilise his eminence as augur and prevent the election of Cato as praetor. However, Pompey was an immensely powerful figure by 55, working alongside his consular colleague and fellow triumvir Crassus who was presiding over the election assembly. It is therefore unlikely that Pompey’s augurate can be seen as the sole determining factor in the success of this religious obstruction. He simply utilised what means he had at his disposal to prevent the election of a political rival. The augural obstruction was perhaps initially favoured over other means of resistance to avoid violence. However, Pompey eventually

---

198 ἐξαίφνης ὁ Πομπήιος βροντῆς ἄκρηκοεν ψευσάμενος αἴσχριστα, ἔλεγε τὴν ἐκκλησίαν, εἰθαμίνων ἀφοσιοῦσθαι τὰ τωάτα καὶ μηδὲν ἐπικοροῦν διοσημίας γενομένης (Then suddenly Pompey lyingly declared that he heard thunder, and most shamefully dissolved the assembly, since it was customary to regard such things as inauspicious, and not to ratify anything after a sign from heaven had been given) (Plut. Cat. Min. 42).
199 A point noted by Mcdonald (1929) 175; cf. Botsford (1909) 193.
200 Pompey was certainly an augur by 59, since he assisted as augur in the adoption of P. Clodius Pulcher into a plebeian gens (Cic. Att. 8.3.3; Leg. 2.20-1, 31; Dio Cass. 38.12.2). He was probably co-opted much earlier under Sulla as reward for his extraordinary military services; FS 2757 dates an aurei with Pompey bearing symbols of his augurate to 71.
turned to more coercive tactics to prevent Cato’s election, including extensive bribery (Plut. *Cat. Min.* 42; *Pomp.* 52) and violence in the Campus Martius to stop the voting (Dio Cass. 39.31-2, and Val. Max. 7.5.6). As a result of these factors combined, Pompey was able to ensure the election of a supporter for the triumvirs, the Caesarian tribune of 59, P. Vatinius (Livy *Per.* 105. 1-3).

### 3.3.3. Antony’s declaration ‘alio die’ in 44

The second and more instructive instance of an augur utilising the ritual formula *alio die* was carried out by Mark Antony in 44, the year of his consulship with Caesar. In the Second Philippic – composed in October 44 and constructed as a fictional speech delivered to the senate on 19th September 44 – Cicero alleged that Antony had fabricated unfavourable auspices in an attempt to prevent the election of P. Cornelius Dolabella as *consul suffectus* earlier that year (Cic. *Phil.* 2.79-84). As an augur himself, Cicero utilised his extensive knowledge and lofty priestly status to lecture his fellow augur on this apparent abuse of the auspices. On 1st January, Caesar had declared in the senate that he would step down as consul later in the year so that he could embark on his Parthian campaign. Caesar then presented Dolabella as a worthy candidate to be elected *consul suffectus*, with a view to him taking his place as consul on his departure. However, Antony defied Caesar’s choice; he detested Dolabella and aspired to be sole consul in Caesar’s absence. According to Cicero, at that same meeting of the senate, Antony publically denounced Dolabella and stated that he would use his position as augur to obstruct his election (Cic. *Phil.* 2.80, 81, 83 99). On the day of the election in the *Comitia Centuriata* (not long before the Ides of March) Antony followed through with this promise. Once it appeared Dolabella had secured enough votes to

---

201 Antony was elected augur in 50 to replace the deceased long-serving augur Q. Hortensius Hortalus (*cos.* 69) (*Cic. Phil.* 2.4; *Fam.* 8.14). He successfully campaigned for the augurate with the support of Caesar, defeating L. Domitianus Ahenobarbus (*cos.* 54) in the election (*Caes. BGall.* 8.50.1-3).

202 The fullest modern discussion of this incident is the recent work of Santangelo (2013) 273-8. See also Denniston (1926) 144-9, 180-6; McDonald (1929) 168-71, 175; Weinstock (1937) 221-2 and Konrad (2004) 182-5.

203 Cicero was elected augur before Antony in 53 or 52, replacing P. Licinius Crassus (younger son of the triumvir) who perished with his father at Carrhae (*Plut. Cic.* 36.1). Cicero was nominated to stand for election to the augurate by Hortensius and Pompey (*Cic. Phil.* 2.4), defeating C. Lucillus Hirrus (*tr. pl.* 53) in the election (*Cic. Fam.* 2.15.1; 8.3.1). Cicero also alleged that M. Antonius ran against him (or at least considered doing so) (*Cic. Phil.* 2.4).

204 On the enmity between Antony and Dolabella, see Huzar (1978) 25, 67-8, 74-5; and Cristofoli (2004) 209. Antony had been forced to divorce his second wife (and cousin) Antonia in 47 after she was accused of committing adultery with Dolabella (*Cic. Phil.* 2.99).
be elected, Antony claimed to have seen an unfavourable omen whilst the voting was in progress and declared *alio die* (Cic. *Phil.* 2.83, 4). Whether or not the assembly was dissolved by Antony’s utterance of *alio die* though is unclear. The following discussion on this incident and Cicero’s account will concern itself with three important issues: how Cicero challenged Antony’s philosophical views towards the function of the auspices; how Cicero compared the powers of the augurs and magistrates in relation to the auspices; and the impact of Antony’s declaration *alio die*.

In Cicero’s diatribe against Antony, the orator deconstructs the method Antony deployed for his augural obstruction, utilising the incident as evidence for Antony’s lack of intellect and knowledge of augury: *stupiditatem hominis cognoscite* (see the stupidity of the man!) (Cic. *Phil.* 2.80). As Cicero reminds his audience, the augurs had the right to report the observation of *auspicium oblativum*, which occurred suddenly and unexpectedly during the course of an action; only the magistrates could perform a *spectio*, actively looking for *auspicia impetrativa* and reporting them to the presiding magistrate to halt proceedings before they began (Cic. *Phil.* 2.81). However, Antony had allegedly made clear his intention to prevent Dolabella’s action on the first day of his consulship. Cicero’s terminology in his interrogation is informative: *Quisquamne divinare potest, quid vitii in auspiciis futurum sit, nisi qui de caelo servare constituit?* (Who can divine what flaw there will be in the auspices, except he who has decided to watch the heavens?) (Cic. *Phil.* 2.81). In other words, how could Antony know that he was going to observe a sudden and unexpected adverse omen on the day of voting in his capacity as augur? Cicero accused Antony of confusing his capacity to consult the auspices as a magistrate with his responsibilities as an augur. Cicero further claimed that Antony had not even bothered to inspect the sky before declaring that he had observed an unfavourable omen on the day of the elections: *Quid videras, quid senseras, quid audieras?* (What had you seen? What had you sensed? What had you heard?) (Cic. *Phil.* 2.83). Thus Cicero accuses Antony of falsifying the auspices, and in doing so putting the Republic at risk of a great calamity: *Ergo hercule magna, ut spero, tua potius quam rei publicae calamitate ementitus es auspicia, obstrinxisti religione populum Romanum...* (Therefore, in truth, you have falsified the auspices, to your own great misfortune, I hope, rather than to that of the Republic; laying the Roman people under the obligations of *religio*) (Cic. *Phil.* 2.83). The following discussion will determine whether there is any substance to these accusations that Antony both misused and fabricated the auspices.
Cicero’s first accusation, that Antony had confused his role as magistrate with his role as augur, completely misrepresents Antony’s means of obstruction, and likely exploited his imagined audience’s lack of knowledge on augury. Given that Antony had been an augur for over five years, he was likely well aware of the two basic methods for consultation of the auspices, and that auspices were either impetrativa or oblativa. The issue Cicero raised here can be better appreciated within the context of the philosophical debate on the prophetic reach of the augury. Cicero categorically asserted that Antony could not foresee unfavourable omens as an augur; however, there was in fact no clear consensus in the augurate on whether the auspices could predict the future and foresee unfavourable omens. In the philosophical treatise De Divinatione, Cicero refers to an ongoing debate on this very issue between two leading members of the augurate, Ap. Claudius Pulcher and C. Marcellus (Cic. Div. 2.75). Appius believed that the auspices could be used to divine the future, whilst Marcellus determined that the auspices retained only an approbative function, affirming or denying the right of an action to take place at a given time. Cicero appears to betray his own views on the matter both in De Divinatione and his attack Antony, agreeing with the latter view that augury does not have the capacity to predict the future (Cic. Div. 2.75; Phil. 2.81). However, Antony could easily have adopted the same view as the ‘Appian school’, that an augur could foresee an unfavourable omen. As Jerzy Linderski justly noted, ‘the augural doctrine… was not a monolithic theory and it allowed for divergent interpretations of even its essential tenants.’ Thus by declaring early in his consulship as augur that the auspices would not allow Dolabella’s election, his report of unfavourable auspices on the day of the election proved his prediction to be right. Cicero therefore presents in his speech a partisan view of the method which Antony deployed in his augural obstruction.

Cicero may have been on firmer ground with his second accusation that Antony had falsified the auspices (ementita auspicia) by faking his observation of an unfavourable omen on the

---

205 Cf. Cic. Leg. 2. 33; Div. 1.47.
207 In De Legibus, Cicero determines that the augurs could foretell the future from portents and auspices (Cic. Leg. 2.21, 33). However, this was in the context of his constitutional treatise envisioning the role of the augur in his ideal Republic. On Cicero’s philosophical views towards augury, see Beard (1986) 33-46; and Schofield (1986) 47-65.
day of the elections. Although we do not know specifically what Antony reported having seen on the day of the election, given the number of people present at the assembly it is likely that this allegation was accurate. Cicero conceded in his speech that *ementita auspicia* still had to be heeded according to augural doctrine: *ementitis auspiciis, quibus tamen parere necesse erat...* (Falsified auspices, which were still necessary to obey...) (Cic. Phil. 2.88). This is supported by Cicero’s account of the tribune C. Ateius Capito’s repeated declaration of ‘faked’ *dirae* at the end of 55 (Cic. Div. 1.29-30; 2.84). As tribune Ateius allegedly made a false of report of *dirae* to prevent the consul Crassus from taking command of the war against the Parthians. Crassus ignored the reports of these signs, went to Syria, and met with death and destruction at Carrhae in 53. The augur Appius Claudius held the view that even faked auspices were binding, and thus could result in a catastrophe if they were not properly adhered to; Crassus’ defeat was testament to this conclusion. That is not to say that Appius condoned such blatant disregard of the auspices by Ateius or others, whose actions faking the observation of *dirae* effectively created an impending disaster. As Censor in 50, Appius expelled Ateius from the senate for falsification of the auspices. Antony was not shameless enough to fake the occurrence of *dirae* to prevent Dolabella’s election from ever taking place though, doing so could have resulted in undermining his integrity as augur. His declaration *alio die* quite literally was intent upon delaying the election until ‘another day’, or (as suggested below) was intent upon making Dolabella’s election ritually flawed.

Cicero mocked Antony over his choice of procedure and suggested that it would have been ‘much easier’ for him to utilise his magisterial prerogative of *spectio* as consul than it was for him to declare *alio die* as augur: *istud, quod te sacerdoti iure facere posse dixisti, si augur non esses et consul esses, minus facere potuisses? Vide, ne etiam facilius* (Could that obstruction, which you declared you had been able to carry out by the powers invested in you as a priest, not have been carried out even if you were only consul, instead of both consul and

---


210 For other ancient accounts of the incident, see Plut. Crass. 16.4-8; App. B. Civ. 2.18; and Dio Cass. 39.39.5-7. For modern discussions, see Linderski (1986) 2200-3, 2212-3 and Konrad (2004) 181-5. Cf. also Cicero’s remarks regarding evil omens being announced before two governors departed for their provinces in 58 and 56, resulting in calamitous defeats in their territories Macedonia and Syria (Cic. Sest. 71).


212 A *dirae* had the capacity to invalidate the action taking place, not just the day’s proceedings; however, ‘normal’ negative *auspicia oblativa* (which could have been any number of less obvious omens including bird signs, but usually thunder) simply invalidated the action from occurring on a particular day. See Valeton (1891) 92-3; Linderski (1982) 2203; Konrad (2004) 185.
augur? Perhaps you could even have carried it out more easily) (Cic. Phil. 2.81). However, Cicero appears to exaggerate how much easier it would have been to obstruct the elections through the consul’s right to obnuntiatio, given that a series of laws (the *lex Aelia* and *lex Clodia de Obnuntiationes* to name just two) dictated a strict formula for this process: *quod [sc. se de caelo servare] neque comitiis per leges, et, si qui servavit, non comitiis habitis, sed priusquam habeantur, debet nuntiare* (It is not permitted to watch the heavens during the elections by law; and if anyone has watched the heavens, he ought to formally declare his report not after the *comitia* has assembled, but before the elections have begun) (Cic. Phil. 2.81). In other words the formal declaration *se de caelo servare* was required before a magistrate could utilise his right to obnuntiatio, and he was required to report the adverse omen both before the elections began and in person. By utilising *alio die* (which was perhaps quite a rare and unusual phenomena), Antony was also able to wait until the last possible moment to deploy his augural obstruction and was not restrained by an elaborate process. This enabled him to wait and see if Dolabella was going to be successful in his bid to become consul suffectus, and if Caesar was really intent upon allowing the election of a man under legal age. But there were also disadvantages to deploying his obstruction. Antony likely had to blatantly falsify unfavourable omens in the middle of an assembly, where many would have been in a position to deny that unfavourable omens had occurred.

The question remains though: was Antony’s declaration *alio die* successful?

Cicero’s account of Antony’s augural obstruction at no point definitively states whether or not the declaration *alio die* postponed or prevented the elections of Dolabella. According to Plutarch, the presiding magistrate of the election assembly (Antony’s co-consul Caesar) not

---

213 Despite the assertions of Mommsen in *RSR* I. 109-14 and Greenidge (1893) 158-61, both curule magistrates and tribunes retained the right to ‘watch the heavens’ at election assemblies after Clodius’ law on obnuntiatio in 58. That curule magistrates retained *spectio* at elections is attested by Cicero’s comments at Cic. Phil. 2.81 and the unlikelihood that only tribunes could use the auspices to halt an election. That the tribunes certainly had this ability from 58 onwards is illustrated by the frequent *obnuntiationes* of tribunes at elections: T. Annius Milo as tribune in November 57 (Cic. Att. 4.3.3-4); Q. Mucius Scaevola as tribune in 54 (Cic. Q Fr. 3.3.2; Att. 4.17.4); and L. Antonius (brother of Antony) as tribune in early 44 (Cic. Phil. 2.99).

214 A similar interpretation of this passage is produced by McDonald (1929) 168-71.

215 Valeton (1891) 96 (supported by Denniston (1926) 185) also draws upon this advantage of utilising the report of *auspicia oblativa* over the *auspicia impetrativa*.

216 Perhaps this is what Cicero is driving at in Cic. Phil. 2.81 where he suggests it would have been easier for Antony to have deployed his right to ‘watch the heavens’, since few would have been in a position to deny the occurrence of unfavourable *auspicia impetrativa* if they were observed in the early hours of the morning, and it may have been easier to prevent the elections from convening before they began.
only acknowledged the report of unfavourable omens on the day of the election, but completely abandoned attempts to have Dolabella elected *consul suffectus* (Plut. *Ant.* 11). However, Cicero’s assertion that Antony’s falsification of the auspices had ‘laid the people of Rome under the obligation of religio’ (*obstrinxisti religione populum Romanum*) (Cic. *Phil.* 2.83) suggests that the presiding magistrate did in fact ignore Antony’s *nuntiatio* and that Dolabella was elected. Given that Cicero himself acknowledged even falsified auspices were binding (Cic. *Phil.* 2.88), there would have been no breach of religio if the presiding magistrate adjourned the assembly and heeded the observation of unfavourable omens. Cicero could only have suggested that the Roman people were implicated in a breach of religio had that there existed a *vitiosus* (ritual flaw) in the election of Dolabella, which only could have resulted from the presiding magistrate ignoring Antony’s attempted augural obstruction. Cicero hoped that the consequences of Antony’s false omens being ignored by Caesar would be confined to the falsifier of the auspices (or the presiding magistrate of the assembly) rather than falling on the whole *res publica* (Cic. *Phil.* 2.83). However – as the falsification of the auspices by Ateius previously indicated – there was a risk of calamity befalling the Republic. Antony’s obstruction as augur therefore failed to prevent Dolabella’s election, but perhaps that was never his intention.

One recent scholar, Federico Santangelo, has convincingly argued that Antony knew he had no real chance of defying Caesar’s orders and preventing Dolabella’s election; instead he deployed his augural obstruction as a clever political stunt from which to launch an attack on

---

218 See Denniston (1926) 149 for discussion on why Plutarch’s account is likely inaccurate. The account appears to result from confusion with Cicero’s assertion that Caesar had initially promised Dolabella the consulship of 44 and then changed his mind (Cic. *Phil.* 2.79). However, this was a separate incident from Caesar’s decision to support Dolabella’s election as *consul suffectus*.

219 As convincingly argued by Konrad (2004) 182-3, 5. Cic. *Phil.* 3.9 supports the assertion that Dolabella’s election went ahead despite Antony’s obstruction: *servabant auspiciis reges; quae hic consul augurque neglexit, neque solum legibus contra auspiciis ferendis, set etiam conlega una ferente eo, quem ipse emenitis auspiciis vitiosum fecerat* (The kings paid due regard to the auspices, which this man [Antony], though both consul and augur, has neglected, not only by passing laws in opposition to the auspices but also by making his consular colleague [Dolabella], whom he himself had made irregularly appointed by falsifying the auspices, join in passing them). Cf. Cic. *Phil.* 5.9.

220 It may not have been an idle hope that the magistrate in charge on the day of the elections suffer punishment for ignoring Antony’s falsified auspices; the presiding magistrate was none other than Caesar, and he was to be brutally assassinated not long after Dolabella’s election (Cic. *Phil.* 2.88).
the validity of Dolabella’s constitutional position. By simply announcing *alio die* in the assembly, Dolabella was at Antony’s mercy. To remove this potentially fatal hurdle to his position as *consul suffectus*, Dolabella would have to come to an arrangement with Antony. Cicero avoids pressing this inquiry on the validity of Dolabella’s consulship too far in his Second Philippic, instead choosing to focus his attack on Antony’s flagrant disregard of the auspices. However, Cicero does suggest that the augural college to which he himself belonged may have been required to retrospectively determine whether Dolabella’s consulship was *vitiosus* and his actions as consul invalid: *nolo plura, ne acta Dolabellae videar convellere, quae necesse est aliquando ad nostrum collegium deferantur* (I will say no more, lest I should seem to be pulling to pieces the acts of Dolabella; which must inevitably sometime or other be brought before our augural college) (Cic. Phil. 2.83). According to Cicero, the validity of Dolabella’s election was what Caesar intended to discuss on the Ides of March in the senate (Cic. Phil. 2.88); it was evidently in the dictator's best interests to have the validity of the election formally vindicated and for Dolabella and Antony to be reconciled before his departure from Italy. After Caesar’s assassination, Antony realised that he needed Dolabella, and so used his augural obstruction as leverage to offer him complete recognition as consul in exchange for his support. Dolabella welcomed this opportunity and there was a spectacular rapprochement between the two, putting aside their personal enmity to form a pact that lasted until Dolabella’s death in the summer of 43 (Cic. Phil. 1.31).

### 3.3.4. Concluding remarks

Both case examples of *alio die* by Pompey and Antony indicate that the augural prerogative could be utilised with varying degrees of success at election assemblies. Pompey’s use of the formula was initially successful, but he was eventually forced to resort to violence. Antony’s use of the formula was ignored, but this may have been his intention all along; there were far more serious long-term repercussions for the magistrates deemed to have been elected under flawed auspices. However, given the lack of ancient evidence on *alio die*, and that the only case studies of the ritual formula being utilised were by immensely powerful political figures who were also consuls at the time, it would be reasonable to conclude that the augurs exercised their right to *nuntiationes* infrequently and with a great deal of caution. It is

---

221 Santangelo (2013) 276-7; cf. Denniston (1926) 149 who reached a similar conclusion of the incident (‘the election was apparently carried out, though its validity questioned’). However, Denniston did not discuss the prospect of this being Antony’s original intention.

222 See also App. B. Civ. 2.129, 132; Dio Cass. 44.53.1.
interesting to note that both cases of alio die obstructed election assemblies as opposed to legislative assemblies. Perhaps both Pompey and Antony favoured utilising their ability to declare unfavourable auspicia oblativa as augurs because it allowed them to wait until the last minute when the election results indicated that the candidate would secure the office they were a candidate for. Had the augurs acted in their capacity as consuls, by making it known that they were ‘watching the heavens’, they could have also increased the likelihood of violence in the build up to the election assemblies convening. The announcement se de caelo servare was an open invitation for opponents to attempt to prevent the auspicking magistrate from reaching the election assembly.\textsuperscript{223} The advantage of deploying alio die was that it was unexpected. A religious aspect should also be considered among the motives for deploying alio die. Despite both Pompey and Antony being consuls, using their position as augurs enabled them to mount a weightier opposition involving their priestly status and expertise. By deploying their obstruction as augurs, the two men could shift the controversy of the obstruction from a political level to a religious one.\textsuperscript{224} For Antony the augur, this shrewdly prevented the political fallout that came with opposing Caesar, and made the dispute on the validity of Dolabella’s election a matter of disagreement between augurs rather than a disagreement between consuls.

\textsuperscript{223} As indicated by Bibulus’ heaven-watching in 59 as consul, which was followed by Caesar’s use of force to expel Bibulus from the senate (see discussion below); and the attempted obnuntiatio of the tribune P. Sestius in 57 at a legislative assembly in the Temple of Castor against the consul Q. Caecilius Metellus Nepos, which was according to Cicero prevented by violence (Cic. Sest. 79, 83; QFr. 2.3.6).

\textsuperscript{224} Santangelo (2013) 274.
3.4. The Collective Powers of the Augurate

3.4.1. An introduction to augural decrees

Quid magnificentius quam posse decernere, ut magistratu se abdicent consules? ...quid, legem si non iure rogata est tollere ut Titiam decreto conlegi?

What power is more impressive than being able to decide that consuls must resign their office? ... Or the right to abolish a law if it was not carried in accordance with the auspices, as was the case when the Titian Law was annulled by a decree of the augurate?

Cic. Leg. 2.31.

The collective authority of the augurate emanated from interpretations or decrees issued when doubts or difficulties arose concerning *ius augurale* (augural law). The enactment of such decrees was one of the most important functions of the college, and has often been perceived by scholars as a way for the priests to influence political proceedings. Our record of those augural decrees that pre-date the Late Republic superficially depict the priests as a supreme constitutional authority on all matters related to the auspices and augury. Examples recorded by Livy from the Early to Middle Republic clearly indicate that the augurs often got caught up in significant political conflicts of their time, from the Struggle of the Orders (Livy 8.23.14-16) to infighting between political factions (Livy 22.33.8-34.11). Out of the fourteen cases recorded by Livy where the augurs were consulted, three nullified the elections of *tribuni militum* (Livy 4.7.3; 5.17.2; 10.47.1), another forced a censor to resign his office.

---

225 On the collective functions, prerogatives and obligations of the augurate see Linderski (1986) 2151-90.

226 Livy records just fourteen (seven definite) case examples from the Early and Middle Republic (not including those involving military auspices in the field) where the augurs were consulted in an official capacity by the senate (i.e. *consulti augures; iussos adesse; augurum decreto; vocati augures; augures responderunt*), all of which had a significant impact on some ongoing political controversy. The following eight cases are the definite examples where the augurs are explicitly mentioned: Livy (1) 3.20.6 (in 460); (2) 4.7.3 (in 444); (3) 4.31.4 (in 426); (4) 8.15.6 (in 336); (5) 8.23.14-16 (in 328); (6) 22.33.8-34.4 (in 217); (7) 23.31.12-15 (in 215). There are also a further seven cases referring to the occurrence of *vitia* (a ritual flaw), which presumably led to official inquiries of the augurs (although the priests’ involvement is assumed): Livy (1) 5.17.2; (2) 6.27.3-6; (3) 6.38.9; (4) 8.17.4; (5) 9.7.14; (6) 10.47.1 (7) 30.39.8
(Livy 6.27.4-6), one invalidated the election of a consul (Livy 23.31.12-15), and another the election of plebeian aediles (Livy 30.39.8), whilst at least five resulted in the abdication of a dictator and his magister equitum (Livy 8.15.6; 8.17.4; 8.23.14-16; 9.7.14; 22.33.8-34.4; and perhaps 6.38.9). Only one recorded incident survives in Livy’s Ab Urbe Condita which resulted in the annulment of legislation (Livy 3.20.6). This may be indicative of the impressive authority that the college once possessed; however, it may also be indicative of how Livy idealised the role of the augurs in his history of Rome. The dignity of the augurs probably did gradually increase in consequence to the priests becoming the preservers and depositaries of the augural science as knowledge passed down to their successors. However, much like the pontificate, the augurate never possessed overarching powers, nor did they issue decrees without first being sanctioned to by the senate.\footnote{Szemler (1971) 110 and Taylor (1949) 80-1, 83-4 cited Cicero’s praise for the augurs in the passage quoted above (Cic. Leg. 2.31 cf. 2.12) as proof that the augurs had the collective might to declare laws and elections invalid during the Late Republic; Wissowa in RE XVII. 2. 2333, 67 was more judicious in his remarks: having assumed that the augurate initially functioned in an advisory capacity, he claimed that the college acquired a great deal of politically expedient formalism by the Middle Republic.} The augural college acted as an advisory body to the senate, infrequently summoned to make a decision based on religious scruple which could in turn have a political impact on some controversial issue. This view will be reflected throughout the following discussion on the collective function and influence of the augurate during the Late Republic.

Before scrutinising the case studies of decrees preserved by the ancient evidence though, it is necessary to discern the scope and nature of augural inquiries, and what their immediate function was within the framework of Roman religion. For our own purposes it makes sense to divide the decrees into two categories: 1) those issued independently by the augurs, which were essentially concerned with the disciplina auguralis (augural science) and had little to no bearing on any ongoing political crisis; and 2) those which came at the request of (or were reported to) the senate or influential magistrates, concerned with the application of ius augurale in public life and with seemingly impressive political consequences. The first type strictly speaking sought to establish, or to clarify, the theoretical tenets of augury, since it was a major duty of the college disciplinam tenere (to preserve the augural discipline) (Cic. Leg. 2.20-1 cf. Div. 1.25).\footnote{According to Cicero, the augurs used to routinely meet on the nones of each month for this very purpose, commentandi causa (for the sake of deliberation) (Cic. Amic. 7). However, this practice had fallen into disuse by Cicero’s own day (Cic. Div. 227).} According to Cicero, the augurs used to routinely meet on the nones of each month for this very purpose, commentandi causa (for the sake of deliberation) (Cic. Amic. 7). However, this practice had fallen into disuse by Cicero’s own day (Cic. Div. 228).
1.90).\(^{229}\) Only one example of such a decree survives in our ancient evidence: Cicero refers to an incident where the augurs declared that during the consultation of military auspices *omnem avem tripudium facere posse* (any bird could make a *tripudium*) (Cic. *Div.* 2.73).\(^{230}\) It is impossible to conclude with any certainty whether these less intrusive decrees were more frequent than the inquiries initiated by the senate. Ancient historians quite naturally preferred to narrate the dramatic social and political struggles of the Republic, as opposed to detailing mundane decrees concerned with augural theory which provided little inspiration for the construction of a compelling historical narrative. Thus it is quite probable that there existed far more explanatory decrees, which sought to explain unclear notions in augural doctrine.

The second type of decree was concerned with the *ius augurale publicum*. These occur more regularly in our ancient evidence and will be the primary focus of our discussion. They can be further divided into two distinct categories. First, there were those decrees that dealt with the occurrence of *vitium* (a ritual flaw violating augural rules already in place); in such instances a mistake in the augural formula had already been made and the decree was carried *post actionem*.\(^{231}\) These are by far the most frequent in our ancient sources; however, this is not necessarily because they were the most common, but because once again they appear to have had the greatest historical significance.\(^{232}\) These cases provide some good examples of augural decrees having an impressive influence on public affairs, since they almost always led to the annulment of legislation or more often the abdication of a magistrate. As we will see from a closer inspection of reconstructions in Livy and Cicero, however, formality and technical procedure appear to have given the senate the upper-hand in most of these cases.

The second category featured decrees that sought to remove *religio* (a ritual pollution or

---

\(^{229}\) Linderski (1986) 2155 suggests that the important results of these meetings were probably recorded and promulgated as augural *decreta*; Cic. *Amic.* 7 indicates that these meetings were still commonplace in 129.

\(^{230}\) See Linderski (1986) 2155-8 for further discussion on the augural context of this particular decree.

\(^{231}\) Any official state business, including an election or the enactment of legislation, could be deemed as *vitosus* (ritually flawed) if it had been carried out in spite of an unintentional mistake in the augural ritual formula, or following a deliberate disregard of the auspices by the presiding magistrate of an assembly. Thus a *vitium* could occur during any public action performed after the consultation of *auspicium impetrativum* (a requested omen), or if a valid report of *auspicium oblativum* (an unsought omen) had gone ignored. See Paschall (1936) 219-31; but esp. Linderski (1986) 2162-77.

\(^{232}\) These make up thirteen out of our fifteen case studies from Livy: Livy (1) 4.7.3; (2) 5.17.2; (3) 6.27.4-6; (4) 6.38.9; (5) 8.15.6-7; (6) 8.17.4; (7) 8.23.14-16; (8) 9.7.14; (9) 10.47.1; (10) 22.33.8-34.4; (11) 23.31.12-15; (12) 30.39.8; (13) 45.12.10. This list does not include those *vitium* which resulted from mistakes in consulting the auspices during military operations, i.e. C. Flaminius in 217 (Livy 22.1.5-7) or Q. Petilius Spurinus in 176 (Livy 41.18.8), since the practice of consulting military auspices had fallen into disuse by Cicero’s own day (Cic. *Div.* 2.72-3).
obstacle) in order to validate a new course of action which might seem ritually susceptible. These types of decree are very infrequently mentioned by our ancient sources – only once by Livy (Livy 4.31.4) and twice by Cicero (Cic. Att. 9.9.3-4; 9.15.2) – yet this was probably a major official function of the college. Before any constitutional innovation could be carried out, the augurs were first obliged to remove the religio and ensure that the act was ritually valid. Although this might give the impression that the augurs acted as a constitutional check on all new courses of action, our discussion of the surviving case examples will suggest that by the Late Republic the augurate simply acted as a rubber-stamp committee, approving requests made by more influential political figures with little hesitation. The augural college never appears to have had the collective authority to deny requests from those magistrates anticipating the successful removal of religio.

This discussion will first focus on the influence of the augurs through the three recorded augural decrees of the Late Republic. These decrees will be divided into two categories. The first will examine the only recorded decree that dealt with the occurrence of a vitium during the lifetime of Cicero: the decree that recommended the nullification of the lex Titia in 99. Cicero’s terminology clearly indicates the involvement of the augurs by declaring that the law was annulled decreto conlegi (by a decree of the college [of augurs]) (Cic. Leg. 2.31; cf. Obseq. 46). The two remaining case studies will look at the second category of augural decrees which sought to remove religio in order to validate a new course of action. Both case examples from the Late Republic of this kind of augural decree seemingly permitted a previously ritually unqualified magistrate to appoint a dictator, in the first instance allowing an interrex to nominate Sulla in 82 (Cic. Att. 9.15.2) and in the second allowing a praetor to nominate Caesar in 49 (Cic. Att. 9.9.3-4; 9.15.2). The aim of this discussion will be to understand the process for an official inquiry of the augurs, looking at how the college operated alongside the senate, how (if at all) it differed from the process for the consultation of the pontiffs, and the extent to which this process empowered the augurs.

The second section will attempt to explain why the augural college became relatively inactive during the Late Republic (when compared to what appears to have been relatively high activity in the Middle Republic). In particular this section will look at why the college was

233 On the vexed etymology of religio, see Michels (1975) 36-77, who counterbalances the two important elements in the nature of term: the fear and awe of the gods, and the sense of obligation.
not consulted officially by the senate during perhaps the most notorious incident concerning alleged disregard of auspices: the attempted *obnuntiationes* of Caesar’s consular colleague, Bibulus. Lily Ross Taylor suspected that the augural college was constrained by the unstable political climate of the time.\(^{234}\) There also appears to have been a general division within the college itself. Following Caesar’s blatant disregard of the auspices, a number of augurs opposed to his regime did attempt to challenge the constitutional validity of his *acta* through a series of *contiones*. However, rifts within the augurate, as well as the college’s subordinate position to the senate and more powerful political figures, meant that the priests were never officially consulted on the validity of Caesar’s actions during his consulship. Thus the augurs appear to have had little scope to significantly influence political proceedings during the final years of the Republic when it really mattered. This section will first reconstruct the year’s events from the viewpoint of the augurs, who as a college may not only have been divided on political lines but also on the ritual correctness of Bibulus’ so-called *obnuntiationes*. The second half of this section will examine the attempt by a number of the augurs to influence this constitutional debate on the validity of Caesar’s *acta* at a series of *contiones* in 58 and 57, and the political effect that this debate had.

### 3.4.2. The repeal of the *lex Titia* decreto conlegi: augural decrees on *vitia*

The first augural decree recorded from the lifetime of Cicero occurred in 99 and led to the annulment of the *lex Titia*. It is the only case from the Late Republic of a decree resulting from the occurrence of *vitia*, and one of just two recorded cases of legislation being annulled on the advice of the augurs (cf. Livy 3.20.6 in 460). The ancient evidence on the incident relies mostly on a passage of Cicero’s encomium of augury in the constitutional treatise on Roman law: *De Legibus*. He attempted to use this case to stress the overwhelming powers of the augural college (Cic. *Leg.* 2.31). However, given that Cicero must go back over fifty years to provide the only definitive reference to an augural decree repealing legislation from the Late Republic, it can be assumed he greatly exaggerated the powers of the augurate. When he stated that the augurs had the power to abolish (*tollere*) laws, it would appear he was referring to a power that the priests once possessed.\(^{235}\) If it were true, surely Cicero would have been able to provide either more recent examples of decrees, or at least have provided more than just one example of such a decree. This does not mean to suggest that

---

\(^{234}\) Taylor (1949) 95-6.

\(^{235}\) This foreshadows Cicero’s own point in his philosophical treatise *De Divinatione*, where he laments that the art of augury had fallen into desuetude (Cic. *Div.* 1.15).
other decrees of the augurs did not exist. Cicero’s own threat to initiate an official inquiry of the augurs in 44 suggests that these decrees were relatively common practice (Cic. Phil. 2.83). However, Cicero had to go back fifty years to find a case that illustrated his point that decrees of the augurs could have a significant impact when the stakes were high. The repeal of the *lex Titia* may well have been the only high profile case of an augural decree repealing controversial legislation from the lifetime of Cicero.

The facts of the incident surrounding the repeal of the *lex Titia* are sketchy. The tribune Sex. Titius proposed an agrarian reform similar to the measures proposed a year earlier by the tribune L. Appuleius Saturninus (*tr. pl. 100*). Iulius Obsequens in his Book of Prodigies indicated that two ravens fought in the air above during the legislative assembly, which the haruspices suggested was a *prodigium* (Obseq. 46). Titius proceeded to ignore the report of unfavourable omens, which were reported either through an attempted *obnuntiatio* from qualified magistrates, or through *auspicia oblativa* reported by multiple witnesses at the legislative assembly. Given accusations that the law had been carried in defiance of the auspices, the senate referred the matter to the augural college, which produced its recommendation in the form of a decree (Cic. Leg. 2.31). Much like the pontiffs, it appears to have been customary practice for the senate to launch an official inquiry of the augurs; the augurs do not appear to have had the capacity to issue decrees on the validity of legislation or elections of their own accord. The advice of the augurs was that the *lex Titia* was *non iure rogata* (not carried correctly) (Cic. Leg. 2.31); the priests probably pointed out that the fighting of crows above an assembly belonged to the category of *dirae*. But the augural decree was not in itself sufficient to render a law inoperative. The senate still had to ratify the college’s recommendation by carrying a specific decree *quaes lex lata esse dicatur, ea non videri populum teneri* (which said although the law was passed, it is not binding on the people) (Asc. Corn. 68C).

---

236 There is not enough ancient evidence on the incident to draw any firm conclusions on how the augurs operated in this case. See Lintott (1968) 134-6; Linderski (1986) 2152, 2165, n. 54; Heikkila (1993) 135-6.

237 Heikkila (1993) 135 suggested that Titus’ fellow tribunes attempted *obnuntiatio*.

238 Livy’s terminology for his accounts of augural decrees from the Early and Middle Republic make it quite explicit that the augurate was consulted or summoned by the senate before producing a *decretum* containing their expert advice and recommendation: Livy 3.20.6: *augures iussos adesse* (the augurs were ordered to appear); 4.31.4; 8.23.14: *augures consulti* (the augurs, having been consulted…); 23.31.13: *vocati augures* (the augurs, having been summoned); 41.18.8: *postea augures responderunt* (afterwards the augurs responded…).

239 This was usually carried out through the promulgation of a *senatus consultum* (Livy 22.9.8); see Szemler (1971) 119-20.
repealed by the senate on the advice of individual augurs, Cicero makes it quite clear that it was *uno versiculo senatus* (one verse of the senate) (Cic. *Leg.* 2.14) that repealed the *lex Titia*, not the advice of the augurs. In fact, we do not know of a single law that was annulled simply by a decree of the augural college, or by any other priestly college for that matter.²⁴⁰

Some scholars tended to assume that the collective advice of the sacerdotal colleges through the promulgation of *decreta* was binding on the senate, and that the *senatus consultum* was a mere legal technicality.²⁴¹ However, Cicero’s account on the repeal of the *lex Titia*, the pontifical decree on Cicero’s house discussed in chapter one and the terminology in Livy’s accounts of priestly advice all make clear the involvement of the senate. Even if the recorded evidence in Livy throughout republican history suggests that the senate always accepted the recommendations from the augurate and the pontificate, the senate still theoretically had the final say, and it was with them that the effective power of this decision-making process lay.²⁴² The senate also had the ability to pick and choose when they referred issues to particular priestly college, and this formal process especially hindered the effectiveness of the augurs during the Late Republic, given that the augurate had once been such a politically influential body. Livy’s accounts throughout republican history indicate that the augurs never initiated their own inquiry, the priests were called (*vocati*) (Livy 23.31.13), consulted (*consulti*) (Livy 4.31.4; 8.23.14), or a question was referred to them (*ad relatum est*) (Livy 45.12.10).²⁴³ This does not mean to suggest that a decree of the augurs was unimportant or worthless; once the senate had instituted an augural inquiry it would seem inconceivable for them to not act upon their advice. However, it was the senate that played the central coordinating role, and on their authorisation that the augurs had the capacity to flex their muscles as a religious body in the first place.

²⁴⁰ Lintott (1968) 140 and Fears (1977) 106-7 both mistakenly assert that a decree of the augurate was in itself enough to annul an invalid law. However, Linderski (1986) 2165, n. 54 correctly points out the flaws in this assertion and notes that a *lex non iure rogata* was still a valid law until the senate invalidated the law.

²⁴¹ Mommsen in *RSR* I. 112-5; 3, 364-70; Szemler (1971) 120; but most recently Thomas (2005) 225-258 in relation to the decree of the pontifical college.


²⁴³ The possibility cannot be ruled out that Livy was projecting the procedures that were in place by the Late Republic onto his historical accounts of these incidents.
3.4.3. The nomination of Sulla and Caesar as dictators: augural decrees removing religio

A particularly thorny technical issue, which the augurs were repeatedly consulted on and had major political repercussions throughout the republican era, was determining who was ritually qualified (had the correct kind of auspices) to appoint a dictator. In 426 the consular tribune A. Cornelius wished to nominate Mam. Aemilius Mamercinus dictator for a third time as the commonwealth plunged into despair: *odisse tribunos, poscere dictatorem* (the consular tribunes were detested, and the people demanded a dictator) (Livy 4.31.4). Although a religious impediment prevented Cornelius from being able to nominate a dictator, the augurs were able to remove this technical difficulty through an augural decree: *et cum ibi quoque religio obstaret ne non posset nisi ab consule dici dictator, augures consulti eam religionem exemere* (and when a religious impediment was met, since only a consul could nominate a dictator, the augurs were consulted and removed the religious impediment to the ceremony) (Livy 4.31.4). Whether or not consular tribunes (an office also held by plebeians) had the auspices to nominate a dictator was obviously perceived as a question for the augurs to decide. The college’s decision here could have had major repercussions for the status of plebeian magistrates in relation to their access to the auspices, and so provided a platform from which the augurs appear to have exerted political influence in public affairs. Evidently, in what could be seen as a landmark case for the plebs, the augurate was able to argue that consular tribunes did in fact possess full consular *imperium* and hence *auspicium*, thus were able to perform a valid *dictio* (nomination).

During the Late Republic, both Sulla and Caesar were faced with a similar problem in their respective nomination as dictators. This leads to a discussion of the remaining two augural decrees of the Late Republic. Evidently the ceremony of nominating a dictator was a controversial act that would come under close scrutiny, with Livy recording at least five of dictators being forced to resign their office after being found *vitio creatus* (Livy 8.15.6; 8.17.4; 8.23.14-16; 9.7.14; 22.33.8-34.4; and perhaps 6.38.9). In a letter to Atticus on 17th March 49, Cicero intimated that Caesar, who had requested an audience with him, was canvassing the support of augurs in a bid to secure a valid nomination as dictator (Cic. *Att.*

---

244 Sources: Livy 4.31.4; Cic. *Att.* 9.9.3-4; 9.15.2. Linderski (1986) 2180-2184 provides the best discussion on this complicated technical issue with a decent overview of the current scholarship.

245 On the problem concerning who was ritually qualified to nominated a dictator, see Linderski (1986) 2180-4.

246 Versnel (1970) 358 n. 2 disputed whether a dictator’s *auspicia* were superior to a consul’s, however, as shown by Linderski (1986) 2181, n. 124 in his discussion of Livy 4.41.3, it does appear to have been the case.
Cicero even suspected that Caesar was intent upon having carried an augural decree which would permit a praetor to nominate him: *aberit non longe quin hoc a me decerni velit neque sit contentus Galba, Scaevola, Cassio, Antonio, tótpé μοι χάνοι ε瘩εια χθόν* 247 (Before long he will be demanding my vote in an augural decree; he will not be content with the support of [my fellow augurs] Ser. Sulpicius Galba, Q. Mucius Scaevola, Q. Cassius Longinus, and M. Antonius. Then let the wide earth gape and swallow me) (Cic. Att. 9.9.3-4). From Cicero’s understanding of augural theory, which according to him was enshrined in the ritual books of the augurs, a magistrate with *maius imperium* could not create a magistrate with *minor imperium* (Cic. Att. 9.9.3). Thus there does not appear to be any known case of a praetor conducting consular elections, let alone the nomination of a dictator. Cicero’s approach to augural doctrine is shared by his fellow augur M. Valerius Messala (Rufus), who wrote extensively on the subject in his work *de auspiciis*. However, Messala was unable to find anything more authoritative than the brief commentary of C. Sempronius Tuditanus (cos. 129), the late republican historian. 248 Cicero’s (and Messala’s) line of argumentation here, which stressed the authority of custom and *mos maiorum*, is probably exaggerated and should be taken with a grain of salt; it was not necessarily that a praetor was forbidden from nominating a dictator, but that such a method of appointment was unprecedented, or at least highly unusual. Therefore, Caesar required a decree of the augurs if he wanted his nomination as dictator to be carried out *sine religione* (without contravening augural lore) and to be perceived by the senate, the people and the gods as legitimate.

In another letter to Atticus dated 25th March, Cicero’s confirms his suspicions of Caesar’s machinations: *volet enim, credo, senatus consultum facere, volet augurum decretum (rapiemur aut absentes vexabimur), vel ut consules roget praetor vel dictatorem dicat; quorum neutrum ius est. sed si Sulla potuit efficere ab interreges ut dictator diceretur et magister equitum, cur hic non possit?* (For he [Caesar] will, I believe, want a decree of the senate, as well as a decree of the augurs (we shall be hurried off to Rome or harassed out) to permit a praetor to hold consular elections and nominate a dictator, neither of which is constitutional. But if Sulla was able to secure nomination as dictator by an *interrex*, why should Caesar not be able to?) (Cic. Att. 9.15.2). 249 Both Caesar and Sulla followed tradition

247 Hom. *Ill.* 4.182.
248 Unfortunately Messala’s work only survives in fragments in Gell. *NA* 13.15.3.
249 Sulla was appointed dictator in 82 by the *interrex* and *flamen Martialis* L. Valerius Flaccus (Cic. *Leg. agr.* 3.5; *Leg.* 1.42; Livy *Per.* 89.3; Vell. 2.28.2; Plut. *Sull.* 33.1-2; App. *B. Civ.* 1.3, 98-9; Dio Cass. 36.31.4).
by having enacted legislation (the * lex Aemilia* and * lex Valeria* respectively) which legally authorised their nomination as dictators. However, what was highly unusual, and required affirmation through a decree of the augurs, was that this legislation expressly named magistrates who could be deemed as ritually unqualified to perform this ceremony (a *praetor* and an *interrex*). As noted by Linderski, ‘a law could remove legal obstacles, but not religious doubts.’

Thus Caesar got his decree, and Cicero, despite his personal protests, voted that there was no *religio* in the ritual procedure.

Modern historians who accuse the two dictators of acting against *leges et mos* often overlook the fact that both Caesar and Sulla went to great lengths to ensure their appointments were not in contravention of any law, human or divine. Although a direct line of comparison can be made between the annalistic case of 426 and the *dictiones* of 82 and 49 from a technical perspective, the augurs certainly appear to have had less influence in the two late republican case examples. Rather than acting on their own initiative, the priests were summoned (as Cicero was) or kindly asked (as Caesar’s supporters were) by immensely powerful political figures of their time to fulfil an important, albeit somewhat staged, formality. The augural college acted as a rubber-stamp committee, with little independent initiative and under the thumb of more senior influential political figures such as Sulla or Caesar. However, perhaps we cannot safely rely on these two case examples as evidence of the dwindling political relevance of the augurs in the Late Republic, given that these incidents were under exceptional circumstances in the lead-up to two of Rome’s most powerful political figures assuming Rome’s highest unofficial magistracy. It is possible that cases existed where the augurs were faced with a similar problem, but they were not forced into rendering a verdict one way or another. The following discussion will review why else the influence of the augurate was constrained in the Late Republic, and examine why the priests appeared to be less effective than they were throughout the Middle Republic.

---

Linderski (1986) 2183-4, asserts that not only did Sulla have legislation carried through the centuriate assembly enabling him to become dictator, but he also (like Caesar) procured a decree of the augurs.

250 Linderski (1986) 2184.
3.4.4. The validity of Bibulus’ heaven-watching in 59

Non Bibulo quiddam nuper sed Caesare factum est; nam Bibulo fieri consule nil memini.

In Caesar's year, not Bibulus’, an act took place of late; for naught do I remember done in Bibulus' consulate.

Suet. Iul. 20. 2.

Given that there is scant evidence of augural decrees from the Late Republic, the following discussion will utilise a case study involving the augurs that is perhaps the most documented case of the auspices being utilised for political gain. In 59, the infamous year of Caesar’s first consulship, the magistrate’s right to watch the heavens and declare *obnuntiatio* was both exploited and ignored on a seemingly unprecedented scale, causing a great deal of political controversy and religious anxiety.251 Through a discussion of this incident, it may be possible to theorise why the augural college was relatively ineffective and rarely consulted during the last decades of the Republic. This section will aim to establish specifically why the college was not consulted officially by the senate on the validity of attempted *obnuntiationes* by Caesar’s consular colleague Bibulus, especially in light of the fact that the college was consulted forty years earlier under similar circumstances leading to the annulment of the *lex Titia* (Cic. Leg. 2.31). Lily Ross Taylor suspected that the augural college was constrained by

---

251 This episode has been continually discussed by scholars, but rarely from the viewpoint of the augurs. Perhaps one of the more entertaining descriptions (and most accessible to non-specialists of Roman religion) of the years events, including some commentary of augural formula in layman’s terms, is Tatum (2008) 66-70 (although without references); cf. his judicious remarks on the incident in reference to Clodius’ law *de obnuntiatio* of January 58: Tatum (1999) 125-33. There appear to be four distinct categories of scholarship that all discuss Bibulus’ heaven-watching from very different angles: (1) A number of more traditionally orientated scholars refer to the episode as an indication of the political manipulation and hence decline that Roman religion faced at the nadir of the Republic: Warde-Fowler (1901) 301-2; Drumann and Groebe (1902) II. 191-5.; Taylor (1949) 82-3; Goar (1972) 29, 49; Gray-Fow (1990) 180-1; (2) Disputes on the chronology of Caesar’s legislation, therein including discussion on matters related to augury and the (in)validity of Bibulus’ so-called ‘obnuntiationes’: Taylor (1951a) 254-68; Linderski (1965); Taylor (1968); (3) Legal treatments of the episode in an attempt to settle the age-old debate over which magistrates had the right to *obnuntiatio* in the Late Republic: Greenidge (1893) 158-61; McDonald (1929) 165-7, 178-9; Weinstock (1937) 218; Balsdon (1957) 15-6; Sumner (1963) 352-3; Weinrib (1970) 401-2, 405-6, 415-6; Mitchell (1986) 172-6; Tatum (1990) 189-90; and (4) more recent discussions which attempt to re-work the narrative of the episode in a way that is not detrimental to the vitality and diversity Roman religion in the Late Republic: North (1990a) 52-53; Beard (1994) 739-40.
the unstable political climate of the time. There also appears to have been a general divisiveness within the college itself. Following Caesar’s blatant disregard of the auspices, a number of augurs opposed to his regime did attempt to challenge the constitutional validity of this *acta*, which culminated in a series of *contiones*. However, the following argument will suggest that rifts within the augurate, as well as the college’s subordinate position to the senate and more powerful political figures, meant that the priests were never officially consulted on the validity of Caesar’s actions during his consulship. Thus the augurs appear to have had little scope to significantly influence political proceedings during the final years of the Republic. First though this section will provide some much needed narrative for what transpired in 59.

One of Caesar’s first actions as consul was the proposition of an agrarian bill (*Att*. 2. 3. 3). The conservative faction, led by Bibulus and Cato, perceived the bill as a means to amass a disturbing level of popular support and so they sought to obstruct Caesar’s bill by any means at their disposal. Initially Bibulus stalled the passage of the law in the *comitia tributa* by declaring *ἱερομηνίαι* (or *suppllicationes*), placing moveable festivals only the consul could set on comital days (Dio Cass. 38.6.1). Growing impatient though Caesar eventually set a day for the passage of the bill, likely in late January (probably the 29th). Bibulus then turned to the auspices as a means of obstruction and issued edicts *se de caelo servare* (that he would watch the heavens) the day before Caesar’s assembly. Caesar was not discouraged though and refused to take notice of Bibulus’ heaven-watching, making his way to the Temple of Castor on the morning of the 29th as planned. Bibulus therefore made his way to the Forum with his three henchmen in the tribunate, Cn. Domitius Calvinus, Q. Ancharius, C. Fannius (Cic. *Vat.* 16; *Sest.* 113), to follow through with the procedurally necessary declaration of adverse omens in the Forum in person. However, when Bibulus and his entourage arrived

---

252 Taylor (1949) 95-6.
253 Taylor (1968) 173-193 convincingly relies on Suetonius, Dio, and Cicero (who in *Att*. 2.3.3 anticipates having to take a stand on the law in January) to suggest that Caesar, not Bibulus, held the *fasces* first and thus the promulgation and voting on the first *lex agraria* can be dated to the end of January. For a good basic discussion of land bills (from to famous tribunate of Tiberius Gracchus in 133 to those of Caesar) see Richardson (1980) 1-11; see also Taylor (1951b) 68-78.
254 However, Dio’s suggestion that Bibulus hoped to use this method of obstruction to nullify all 195 remaining comitial days of the year seems highly improbable. Much more likely Bibulus hoped to delay the passage of the bill until February, at which point he would hold the *fasces*. See Taylor (1968) 178.
255 For the best discussion on the dating of Caesar’s legislation, with extensive bibliography, see Taylor (1968) 173-193.
Pompey’s veterans were there waiting for them. Violence ensued and Bibulus was forcibly prevented from declaring *obnuntiatio* before Caesar’s legislative assembly began.²⁵⁶ Bibulus and his supporters still managed to force their way into the Temple of Castor though, whilst Caesar was presiding over his assembly. Bibulus then attempted to exercise his right *intercedere* (to veto).²⁵⁷ Caesar was not impressed by this political sideshow though, and so his ruffians (perhaps led by the tribune P. Vatinius) forcibly ejected Bibulus from the temple (Plut. *Pomp.* 48. 1 tells us he had a bucket of excrement dumped on him for his trouble) whilst his tribune supporters received blows (Dio Cass. 38.6.1-4; Suet. *Iul.* 20; Plut. *Pomp.* 48).

Bibulus, clearly a little worse for wear, decided to retire to his house and carry out his augural obstructions through edicts only for the rest of the year, declaring every day of public business that he was watching the heavens (*se de caelo servare*) and that Caesar’s actions were in contravention of the auspices (Suet. *Iul.* 20; Dio Cass. 38.6.5; Cic. *Att.* 2.16.2; 2.20.4; *Dom.* 40). Bibulus may have attempted to leave his house and serve notice of his *obnuntiationes* in the procedurally correct manner on several occasions (Cic. *Att.* 2.16.2), however, according to Cicero, Caesar’s puppet in the tribunate P. Vatinius prevented him from doing so by show of force (Cic. *Vat.* 22).²⁵⁸ Bibulus’ non-stop and long-distance attempt to declare *obnuntiatio* appears to have no place in the strict rules of augural law though and was in itself an unprecedented abuse of the auspices, perhaps no better than Caesar’s response to flout and ignore him. Many scholars presume that the public response to this whole episode entailed unquestionable support for Caesar and his bill throughout the year;

²⁵⁶ Suet. *Iul.* 20; Plut. *Caes.* 14.4-5; *Pomp.* 47.4-5, 48. 1; Dio Cass. 38.6.2; all indicate that the Forum was occupied by Pompey’s veterans; evidently it was from here that Bibulus was required to declare his observation of an adverse omen (a point often ignored by scholars). Cf. Cic. *Att.* 2.16. 2; 4.3.3, which details the correct procedure of *obnuntiatio* and also indicates that the obstructive notice was served in the Forum.

²⁵⁷ Suet. *Iul.* 30 tells us that Caesar’s legislation was later deemed as having been carried *adversus auspicias legesque et intercessiones* (against the auspices and in contravention of vetoes); cf. Cic. *Att.* 2.16.2 where Cicero indicates in a letter to Atticus from May that a veto of the first agrarian law was prevented: *agrariam legem sibi placuisse, potuerit intercedi nec ne nihil ad se pertinere* (Thus he (Pompey) had been in favour of the agrarian bill, but whether or not opportunity for a veto was given was no concern of his). As Taylor (1968) 179 points out, since the people had not yet divided into their tribes and begun the voting (Dio Cass. 38.6.2-3), a veto could still be valid.

²⁵⁸ Cic. *Vat.* 22: *M. Bibulum foro, curia, templis, locis publicis omnibus expulisses, inclusum domi contineres* (You drove M. Bibulus from the Forum, the senate-house, the temples and from all public places, and you kept him shut up in his house).
after all it was considered good sport to spit on the senate. However, comments in Cicero’s letters indicate that by July, following the enactment of Caesar’s second even more audacious agrarian law (the lex Campana) in May, the tables had turned in Bibulus’ favour:

Scito nihil umquam fuerit tam infame, tam turpe, tam peraeque omnibus generibus, ordinius, aetatis offensum, quam hunc statum qui nunc est, magis mehercule quam vellem, non modo quam putarem. Populares isti iam etiam modestos homines sibilare docuerunt. Bibulus in caelo est, nec quae re scio, sed ita laudatur quasi ‘unus homo nobis cunctando restituit rem.’

The truth is that the present regime (the triumvirate) is the most infamous, repugnant, and equally offensive to all classes and ages of men that there ever was, more than I could wish, by Hercules, let alone could have thought. These popular politicians have taught even quiet folk to hiss. Bibulus is in high praise; I do not know why, but they laud him as though he were ‘the man who by singly delaying restored the state to us all.’

Cic. Att. 2.19.2.

This popular sentiment against Caesar, and in support of Bibulus’ edicts issuing decrees se de caelo servare, was also exhibited during gladiatorial games, where the triumvirs were overwhelmed by the hisses of the crowd, and in the theatre, where an actor at the Games of Apollo Diphilus made fun of Pompey to the crowd’s great amusement (Cic. Att. 2.19.3). Cicero also tells us that Bibulus’ edicts had become so popular and agreeable to the general populace that no one could get past the crowd of eager readers in the Forum where they were posted (Cic. Att. 2.21.4).

259 Grey-Fow (1990) 180 rather poetically writes that ‘Cato and his friends lauded Bibulus’ esoteric obstructionism; Caesar ignored it, and the people thought it ridiculous.’ He argues that Bibulus, acting as a bulwark of traditional conservatism, had proved totally ineffective, and with the ability of hindsight this conclusion seems reasonable enough.

260 Shackleton Bailey (1999) 1.190-1: this is a famous line of Ennius’ Annals, 370 describing Fabius Cunctator (the ‘delayer’), who defeated Hannibal in the Second Punic War by avoiding pitched battle. ‘Cunctator’ gradually exhausted Hannibal’s army through a long war of attrition. There is a subtle jibe against Bibulus here, since in a similar manner he deployed obstructionist tactics against Caesar to delay the legislative process.
The augurs up until this point are scarcely even mentioned by the ancient sources, a demonstration in itself that it was magistrates, not the augurs, that more commonly had the capacity to utilise the auspices for political gain. However, a number of prominent augurs expressed their thoughts on Bibulus’ heaven-watching throughout 59. Many conservative members utilised their priestly status to support the actions of Bibulus, and probably helped to manipulate public opinion against Caesar. Dio tells us that one of the fiercest recalcitrants to the law was the augur Q. Caecilius Metellus Celer (cos. 60), who alongside Cato refused to take the oath of obedience to Caesar’s first agrarian bill (Dio Cass. 38.7.1). Another distinguished augur, L. Licinius Lucullus (cos. 74), also initially demonstrated his support for Bibulus (Suet. Iul. 20; Dio Cass. 38.7.5; Plut. Pomp. 48.1-3; Cat. Min. 31.5). Other stern conservatives of the augurate that likely utilised their knowledge on the technicalities of augural lore to rally public opposition against Caesar included M. Valerius Messalla (Rufus) (cos. 53), C. Claudius Marcellus (pr. 80), Ap. Claudius Pulcher (cos. 54) and perhaps Q. Hortensius Hortalus (cos. 69). We might also imagine that Caesar had supporters in the augurate attempting to justify his decision to ignore Bibulus’ heaven-watching, including the augurs Pompey (perhaps as president of the augurs), Caesar’s cousin L. Iulius Caesar (cos. 64), perhaps Ser. Sulpicius Galba (pr. 54) and probably Pompey’s son-in-law C. (Faustus) Cornelius Sulla (quaes. 54). The augurs were utilised by these rival factions and hence divided public opinion in their responses, thus may have been able to use this situation as a means to accrue political significance. A passage from Cicero’s cross-examination of P. Vatinius in 56 also supports the notion that a number of augurs were collectively opposed to Caesar and Vatinius’ disregard off the auspices in 59: initioque tribunatus tui senatui denuntiarius tuis actionibus augurum responsa atque eius conlegi adrogantiam impedimento non futura? (And at the very beginning of your tribuneship, did you not give notice to the

261 This must have been in relation to the first agrarian law in January, not the lex Campana of May, since Metellus Celer had died by late April 59 (Cic. Att. 2.6.2). Metellus Celer’s resistance to the law compares to that of Q. Caecilius Metellus Numidicus (cos. 109), who similarly refused to swear an oath on the agrarian reforms of Appuleius in 100 because he considered them to be non iure rogata.

262 According to Suet. Iul. 20 Lucullus was so outspoken in his opposition that Caesar threatened him with prosecution for his conduct during the war with Mithridates; apparently Lucullus then fell on his knees and begged Caesar for forgiveness.

263 The issue was not as black and white as the primary sources indicate though and resolving this religious problem was probably quite genuinely debatable for those who did not simply side with Caesar or Bibulus. Other potential augurs in 59 were L. Marcius Philippus (grandson of the augur in 91) who does not show any consistent political allegiance to Caesar or indeed to anyone else: Cic. Prov. cons. 39; Dio Cass. 39.25.2); Q. Mucius Scaevola (tr. pl. 54); and P. Servilius Isauricus (cos. 48).
senate that the responses of the augurs and the arrogance of that college should be no obstacle to your proceedings?) (Cic. Vat. 14).

In 58, following Bibulus’ exceptional attempts at long-distance *obnuntiationes* from his house, it would appear that there was a need for clarification of the correct procedure for the magistrates to utilise their right of *spectio*. Bibulus’ unprecedented heaven-watching resulted in a constitutional conundrum which desperately required reform. Should Bibulus’ edicts that he was ‘watching the heavens’ throughout Caesar’s *acta* be validated, then this posed the alarming prospect of disgruntled magistrates or tribunes being able to paralyse government without having to so much as leave their house. Therefore Clodius’ *lex de obnuntiatione* may have been a sensible reform designed to prevent the government from being crippled by the announcement *se de caelo servare*, explicitly stating that the announcement of unfavourable omens needed to be announced in person to the presiding magistrate at an appointed time and place.264 However, if this was the function of Clodius’ law, then the following discussion will make clear that the measure was not retrospective, since the validity of Caesar’s actions as consul were persistently challenged by his rivals up until the start of the civil war in 49 (Suet. *Iul.* 30).

This brings us to a somewhat confusing incident purported to have taken place later in 58 (perhaps June or July) whereby Clodius, in his capacity as the tribune, brought forward to a meeting Bibulus and a number of augurs opposed to Caesar’s legislation:

*tu M. Bibulum in contionem, tu augures produxisti, te interrogati augures responderunt, cum de caelo servatum sit, cum populo agi non posse, tibi M. Bibulus quaerenti se de caelo servasse respondit.*

You [addressing Clodius] brought forward Bibulus and a number of augurs into an assembly; you questioned the augurs, and they responded that when a magistrate was observing the heavens it was not possible to carry out public

---

264 Mitchell (1986) 172-6; and developed further by Tatum (1990) 189-90; and (1999) 125-133. The account of Milo’s *obnuntiationes* as tribune attests to the importance of the presence and timing of *Obnuntiatio*. See pg. 71.
business in the assembly of the people; you questioned Bibulus, and he responded that he had been observing the heavens.

Cic. Dom. 40.\textsuperscript{265} Given that one of those actions during Caesar’s consulship was a \textit{lex curiata} that saw Clodius adopted into a plebeian \textit{gens}, it is likely that Clodius had cut some sort of a deal with Bibulus and his supporters to ensure that his tribunate remain inviolable. Cicero tells us that the augurs were prone to expressing these views on particularly technical matters related to augury at \textit{contiones} (public meetings) (Cic. Dom. 39); this may even have been part of the process that was followed prior to the senate initiating an official inquiry of the augurs, who would then issue a decree on the ritual correctness of a particular action.\textsuperscript{266} However, as noted by Linderski, \textit{in contionem producere} is very different from \textit{ad collegium referre}.\textsuperscript{267} Cicero does not mention any senatorial investigation, nor does he say that the senate referred the validity of laws in Caesar’s consulship to the augural college. Instead, Clodius assembled Bibulus and number of individual augurs (not the collective college) to address a public meeting, responding to questions put to them by himself and perhaps his brother, the augur Appius Claudius (Cic. Dom. 40). As individuals, those augurs who were \textit{inimici} of Caesar expressed their personal opinions only, which did not constitute an official \textit{responsum} of the college.

Many scholars have often been baffled in their attempts to work why Clodius appeared to turn his back on Caesar and align himself with the Bibulus and his supporters; after all, Clodius owed his adoption into a plebeian \textit{gens} (and hence his whole tribunate) to Caesar and Pompey, who both presided over the adoption ceremony, the former as \textit{pontifex maximus} and the latter as augur 59 (Cic. Dom. 41; Att. 2.9.1; 2.12.1).\textsuperscript{268} More recent discussions on the

\textsuperscript{265} Cf. Cic. Har. resp. 48; Cic. Sest. 135; and Cic. Prov. cons. 46.

\textsuperscript{266} For more on these inquiries of the augurs and the technical interchangeability of terminology denoting this kind of investigation (\textit{responsum} and \textit{decretum}), see Linderski (1986) 2162-84, esp. 2180-4.

\textsuperscript{267} Linderski (1985) 224. Cf. Weinstock (1937) 220 who obviously takes the plural augurs to mean the \textit{collegium} and assumed that the senate \textit{did} instigate an official inquiry of the augurs, taking a deposition from Bibulus and asking the college to give a verdict on the matter. As suggested by Taylor (1949) 95-96, 213-214, Linderski (1985) 224, and (1986) 2209-10 though, this reconstruction is very likely mistaken.

\textsuperscript{268} Lenaghan (1969) 174 describes the incident as ‘the most puzzling thing that Clodius did.’ Traditional approaches to biographies on Clodius have taken this incident more or less as how Cicero describes it, as
event have suggested that this attack on Caesar was in fact a political trick, never seriously intent to nullifying Caesar’s laws, but intent upon issuing a warning to Caesar.\textsuperscript{269} If this was the case then Clodius’ plan worked: Caesar never re-enacted his legislation, these \textit{contiones} repositioned Clodius closer than ever to the Bibulus and his supporters (whose support would ensure his right to serve as tribune was inviolable), and the proposal of Cicero’s supporters to see the great orator return was for the meantime thwarted. Without getting too caught up in the political hype of the episode though, it is worth observing the role played by the augurs in this series of \textit{contiones}. The incident provides an example of how a select few augurs (with a political agenda) were able to express their views on the technicalities of augury and manipulate both public opinion, and perhaps even convince senators that Caesar’s laws during his consulship were \textit{contra auspicia}.\textsuperscript{270} However, the augurs cannot be perceived as powerful because of this incident. The involvement of a select few augurs through these \textit{contiones} only came about because Clodius wanted to issue a political threat against Caesar; thus the whole incident was simply a public demonstration in which Clodius utilised those augurs opposed to Caesar in order to make a point. Whether these augurs knew this already cannot be ascertained, but even if they did, they may have still valued the opportunity to express public condemnation against Caesar’s laws. And given that Bibulus supposedly

\textsuperscript{269} See Pocock (1924) 59-65; (1926) 181-2; Linderski (1985) 222-4; (1986) 2208-11; and Heikkila (1993) 139-141. Most recently Tatum (1999) 172-4 has provided perhaps the most compelling reconstruction. He has suggested that originally Pompey (who was at odds with Clodius the time) – and a number of supporters for Cicero’s return from exile – floated a proposal that Caesar re-enact all the actions of his consulship bar the adoption of Clodius into a plebeian gens (Cic. \textit{Prov. cons.} 45-6). This would render Caesar’s laws immune to the attacks from his opponents that they were \textit{vitiosus} (ritually flawed), and invalidate Clodius’ entire tribunate, allowing Cicero to return and for Pompey to remove Clodius as a threat. The proposition was likely pitched in such a way that it benefitted Caesar, who may have been seriously considering supporting the proposal given the enduring constitutional debate on the validity of his \textit{acta}. Clodius, realising his position required re-assessment, therefore aligned himself with the Bibulus and his supporters, on the condition that they uphold the \textit{lex curiata}, by which Clodius had been made a plebeian. He then called together this series of \textit{contiones} at which Bibulus and a number of augurs were present, and issued a threat to Caesar: if he considered supporting the proposal to invalidate his tribunate, then Clodius would attempt to refer the validity of Caesar’s laws to the augurate.

\textsuperscript{270} As noted by Heikkila (1993) 140-1, there appears to have been at least a solid basis for these augurs challenge the validity of Caesar’s first agrarian law, given that Bibulus’ attempted \textit{obnuntiatio} had been obstructed by violence. Such an occurrence was probably nothing new given the similar circumstances in 91 when M. Livius Drusus (\textit{tr. pl.} 91) ignored the report of adverse omens resulting in an augural decree nullifying his legislation. However, for these augurs to argue that Caesar’s subsequent legislation violated the auspices because Bibulus continued with his \textit{spectio} during his house arrest is quite controversial. \textit{Contra} Linderski (1985) 225 who felt that the only valid attack against the laws was that they had been passed \textit{per vim} (by force).
started to challenge the validity of Clodius’ adoption ceremony (Cic. Dom.40), it is entirely possible that Bibulus and his supporters were also using Clodius.

Even if the validity of acta carried in Caesar’s consulship was officially referred to the college of augurs though, there were too many constitutional hurdles to accomplish the annulment of all of Caesar’s laws. The senate would first be required to refer the issue to the augurate, then the augurs would have to reach some sort of unanimous decision, and finally the senate would have to choose whether or not to act on this priestly advice.\textsuperscript{271} Taylor also raises an interesting point relating to the incident in her discussion on the frequent manipulation of the state religion in the Late Republic: that in the fifties there was a lack of unity amongst members of the augurate.\textsuperscript{272} On the one side there would have been those supporters of Caesar led by Pompey, on the other there would have been those conservative supporters of Bibulus who spoke out against validity of Caesar’s laws at the contiones. Therefore, even if the validity of Caesar’s acts and Bibulus’ heaven-watching was referred to the augurate, the college may have risked being embarrassed by their inability to form a consensus on the issue. This may in part explain why the senate never referred the matter to the augurate, since those augurs who supported Caesar would have ultimately blocked any attempts for the college to collectively call into question Caesar’s laws, regardless of their religious assessment of the problem.

\textsuperscript{271} Beard (1990) 40-3; and North (1990b) 584-5.

\textsuperscript{272} Taylor (1949) 95.
3.5. Conclusions

The many case studies explored throughout this chapter provide a great deal of insight on the frequent manipulation and utilisation of the auspices throughout the Late Republic. Cicero himself shrewdly saw the auspices as a means of political control and given he was himself an augur, continuously stressed (and exaggerated) their importance (Cic. Leg. 2.21; 3.11; 3.27; Div. 1.95; Sen. 23). In just a fifteen year period (between 59 and 44) the ancient evidence preserves at least seven occasions where magistrates exercised their right to obnuntiatio in order to obstruct public business, and two cases of augurs utilising their individual right to declare alio die. It was evidently magistrates though, not the augurs, who had the most influence when it came to making use of the obstructive force of the auspices. Not once does the ancient evidence refer to an augur utilising the auspices that was not also holding a major magistracy at same the time. Even when the augurs utilised their own specialised ius nuntiationis, they did so whilst holding the consulship; and it took political figures with the stature of Pompey and Antony to deploy this archaic method of obstruction. For the most part, individual augurs exercised a limited advisory role, and were generally responsible for assisting magistrates in the interpretation of auspices by providing technical guidance in response to specific inquiries. On occasion a prominent political figure that was also an augur (for example the consul and augur L. Marcius Philippus) could utilise their specialist knowledge of augury and high profile to recommend a course of action, but even then it was still up to the senate to choose whether this course of action was appropriate. Furthermore, given the central importance of the auspices in Roman public life, it may be reasonable to suggest that individual augurs were both more frequently and more effectively able to utilise their knowledge to influence public affairs than individual pontiffs.

After closer examination, Cicero’s suggestion that the augurate had the power to abolish laws can similarly be exposed as an exaggeration. Like the pontifical college, the augurate only had the capacity to recommend to the senate the annulment of laws, and even then, this was after the issue had been referred to them by the senate. Thus the senate played the central coordinating role in this consultation process, and nothing obligated them to follow the advice of the augurs. Given the constitutional importance of the auspices in Roman public life though, it would once again be reasonable to postulate that the potential scope of the augural decrees and ‘hard power’ of the augurs was more far-reaching than that of the pontifical decrees. Whilst the recorded decrees of the pontifical college appear to focus on
making decisions that affect the private lives of individuals, those of the augural college had the capacity to nullify controversial legislation or could challenge the validity of a prominent magistrate’s election. In his commentary of Cicero’s *De Legibus*, Roy Dyck also raises an interesting point in relation to Cicero’s comments that the augurs were *maximum et praestantissimum* (best and greatest) (Cic. *Leg.* 2.31).\(^{273}\) According to Dyck, this suggestion that the augurs were supreme may not simply have related to their superior knowledge of the auspices, but to their supremacy when compared to the other major priesthods. Thus membership in the augurate may have been more valued and readily sought after than positions in the pontificate because the augurs had a greater scope to influence important public affairs. However, the discussion of the series of *contiones* in 58 on the validity of Caesar’s laws demonstrates the difficulty of initiating an official inquiry of the augurs. On this occasion there was no formal request for a ruling from the senate because they had good political reasons for such inaction. Given that the augurate was also divided between supporters of Caesar and supporters of Bibulus on a genuinely controversial religious conundrum, it is difficult to know how decisive or influential a decree of the augurs would have been.

4.1. Introduction

*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.*

Gentlemen of the pontifical college, many divinely inspired expedients of government have been devised and instituted by our ancestors; but none of these were wiser than their intention that the same men should both oversee the worship of the immortal gods and the interests of the state, so that the citizens of the greatest distinction and the brightest fame might both preserve religion by wise administration of the Republic, and preserve the state by their wise interpretation of religion.


Cicero’s opening address to the pontifical college in 57 made clear the intrinsic link between membership in a priestly college and the prospect of accomplishing a distinguished senatorial career. Although his remark was partly designed to be a gracious compliment to the pontiffs (since they were about to decide the fate of his Palatine house), the statement appears to have been an accurate depiction of how Roman priesthoods were distributed amongst some of the most influential political figures of the time. Cicero’s comments imply that there was a strong
association between attaining priesthhoods and achieving political success, a phenomenon institutionalised by their distant ancestors for the purpose of expediency. Naturally the best men to preserve and interpret religio were those same wise men that protected the interests of the res publica as statesmen. However, in many cases these priests were not co-opted after having served their illustrious senatorial careers, but before they ever held a higher magistracy. In some cases, these priests were even co-opted before being admitted into the senate. Thus out of the work of two scholars, David E. Hahm and Georg J. Szemler, has emerged another approach to the priesthhoods: that serving in one of the major priesthhoods was primarily utilised as means to assist the political ascent of young and upcoming nobiles. This suggestion that attainment of priesthhoods could be utilised as a springboard for political advancement may provide a more compelling answer in our attempt to work out why men became priests in the Late Republic, and will be the basis of the following discussion.

This chapter will first examine patterns drawn from statistical data in the work of Hahm and Szemler, looking at the strengths and weaknesses of their respective arguments. Utilising the prosopographies of T. R. S. Broughton, Georg Szemler and Jörg Rüpke, this section will also compile and analyse data (which is contained in Appendix I) on the interaction between priesthhoods and magistracies. The aim will be to validate the hypothesis that being a member of the pontificate or augurate increased an individual’s chances of becoming consul, and this was the chief reason for becoming a priest. Unfortunately, since the dates of co-optation for many priests are uncertain, precision is impossible here. However, these estimates will venture further into scholarly guesswork than Szemler was ever prepared to go. There certainly appears to be a link between membership in the pontificate or augurate and the odds of serving a successful magisterial career, and this point merits further discussion. This section will also address some of the problems that prevent us from concluding a clear cause and effect relationship between priesthhoods and attaining higher magistracy, including: the incomplete priest lists, the limited ancient evidence (particularly on the tenure of priesthhoods), and how the logical fallacy post hoc ergo propter hoc complicates the conclusions that can be drawn from the statistical data available.

274 Hahm (1963) 73-85; Szemler (1972).
Finally, the void that the work of Hahm and Szemler have left relatively open for the last forty years will be addressed: namely why the acquisition of major priesthoods increased a young nobiles chance of reaching the consulship. The first two chapters have already ascertained that the pontiffs and augurs cannot be perceived as constitutionally powerful in relation to the senate and magistrates, lacking what we might call ‘hard power’. This leaves open to question what opportunities membership in a priestly college could offer that might aid the campaign of a young and upcoming politician for higher magistracy and social prestige, what we might call ‘soft power’. This approach is briefly touched on by Hahm.275 This ‘soft power’ could be harnessed by a priest to eventually generate public support and in turn provide crucial votes in the Comitia Tributa and Comitia Centuriata when campaigning for magistracy. This section will suggest that social utility of the two major priesthoods was established foremost through displays of amicitia between members of the colleges. This section will therefore explore some of the ways that members of these sodalities could display their strong sense of devotion and loyalty towards one another, from their initial nomination as priest by fellow members, to the resulting acts of friendship carried out after co-optation. These positions also importantly increased a young political hopeful’s public profile through appearances at public ceremonies. These solemn displays of pious duty had value in their own right as the public perception towards the young men that attained the title of priest was shaped by their interactions as a priest in the public eye. Becoming a priest in one of the great colleges could be seen as means for a young man to distinguish himself as amplissimum et clarissimum civis (a citizen of the greatest distinction and the brightest fame) (Cic. Dom. 1).

---

275 Hahm (1963) 82-3.
4.2. Prosopographical Analysis of Priesthoods

4.2.1. Introducing the work of David E. Hahm and Georg Szemler
The earliest examples of statistical analyses exploring the connections between these priesthoods and magistracies were carried out by Hahm (1963) and Szemler (1972). This discussion will therefore start by assessing the strengths and weaknesses of their respective arguments, which will provide the basis from which to launch a new inquiry into the connection between priesthoods and magistracy. The illuminating statistics of Hahm’s article were drawn from a fifty year period during the Middle Republic, between 218 and 167, for which we have relatively complete membership lists. He established both the average age of co-optation for various priesthoods and the fraction of those that went on to attain the consulship, noting a causal relationship between the membership in a major priestly college and the chances of reaching a higher magistracy. He also inferred that the two great priestly colleges tended not to co-opt men who had already held the consulship; instead they preferred to select young men under the age of thirty-six, who had not yet attained a higher magistracy. Thus, since a large majority of the augurs and pontiffs received priesthoods at the start of their political ascent, these offices were seen as a means to assist political advancement.

276 See Bardt (1871) 37; RSR II.18-73; Taylor (1942a) 385-412. Hahm (1963) 73-85 was the first to take these ideas a step further with the presentation of statistical evidence.
277 Hahm (1963) 76: notable examples from this period of priests co-opted at a young age include the two augurs L. Quinctius Flamininus (cos. 192) (FS 2877), who was less than twenty years of age at co-optation (Livy 25.2.2); and Ti. Sempronius Gracchus (cos. 177) (FS 3009), who was only admodum adulescens when elected augur in 204 (Livy 29.38.7); Cn. Domitius Ahenobarbus (suff. cos. 162) was also adulescens when elected pontiff in 172 (Livy 42.28.13). However, despite the remarks of Mommsen in RSR II.32, it was not customary to co-opt pueri.
278 The assertion of Hahm (1963) 76 that the augurate was the more popular college because the average age of the augurs at co-optation was younger than that of the pontiffs (a statistic which is impossible to ascertain), and that they were more likely to become consuls, is on much shakier ground. He speculatively based his estimate for the average age at co-optation on the average number of years a member served as a priest (twenty in the pontificate compared to twenty-nine in the augurate); this was not in fact indicative of the age a priest was co-opted though, since a number of other factors could explain why these augurs on average served longer. Opportunism and good luck would have played a big part in determining which college a member was co-opted into, since a vacancy had to be created by the death of a serving member before co-optation could occur. One could imagine that existing members had a short-list of candidates in mind ready for when a vacancy opened up, but changes in the political climate would routinely have affected this short-list. Prospective priests could be forced to wait years, even decades, for a vacancy to open up. As noted by North (1990c) 533-4, during the Late Republic it was also fairly common for fathers in one college to have their sons co-opted into another major college.
Szemler attempted to expand upon the work of Hahm by formulating prosopographical lists for eight different priesthoods during the whole republican period. His work sought to examine how common it was for the attainment of priesthoods, including membership in the pontificate and augurate, to precede the attainment of a major magistracy (the praetorship or consulship). Szemler’s ‘results’ came to a similar conclusion as Hahm: possibly 63.8% of pontiffs and 55.3% of augurs (certainly 48.9% of pontiffs and 47.4% of augurs) entered their priesthoods before the attainment of a higher magistracy (with another 12.8% of pontiffs and 26.3% of augurs not reaching any higher magistracy). Thus his statistical findings proposed that roughly 78.8% (certainly 67%) of the known pontiffs and augurs, whose tenure of office he attempts to estimate, were presumably co-opted relatively young, in or before their thirties and before their attainment (or campaign for) higher magistracy (see fig. i). Not all members of major priesthoods reached higher magistracy though, with a total of 18.8% failing to reach the praetorship. Co-optation or election to priestly office was less likely to follow a major magistracy though, since Szemler estimated this to have been the case for just 21% of pontiffs and augurs. In these rarer cases, priestly office was generally perceived as a reward granted to senior political figures for their great service to the res publica. However, Szemler concluded from these statistics that priesthoods were more commonly utilised as a training ground to groom prospective consuls.

Despite the problems with Hahm’s and Szemler’s presentation of statistical data (since neither attempt to extrapolate percentages from their data), the basic premise for their argument stands strong, and deserves more merit than recent discussions on priesthoods have

---

279 Szemler (1972); for a fair review of Szemler’s work, see Broughton (1975) 383-7. Wiseman (1973) 266 is not wrong though when he notes that Szemler’s prosopography offers no defining advance on the work of Broughton in MRR; however, his comments that ‘it should never have been published’ and that ‘you can leave S.’s book to the oblivion where I am afraid it belongs’ were unduly harsh. There is value in Szemler’s work, and what he was trying to do.

280 See Fig. i. in Appendix I, drawn from Szemler (1972) 182-90; these data do not include the nineteen pontiffs and sixteen augurs where he argues that available evidence is either inconclusive or unsatisfactory. These percentages are not actually presented in the results of Szemler, but are drawn from the work he has done.

281 One tentatively infers that most of those co-opted before higher magistracy were relatively young, since if we accept the lex Vilia Annalis as a point of departure for estimating age, they must have been in their thirties or younger. See Szemler (1972) 191.

282 As was the case for the augur Cicero (cos. 63) (FS 3290) and the pontiff C. Scribonius Curio (cos. 76) (FS 2996). The pontiff L. Domitius Ahenobarbus (cos. 54) (FS 1478), despite being co-opted after his consulate, likely based his candidacy on family ties to priestly authority like his father before him (the promulgator of the lex Domitia).
Therefore, this section will first aim to validate the hypothesis that being a priest increased an individual’s chances of becoming consul, with a focus on a twenty-five year period in the Late Republic from 74 to 50. The goal here is not to re-present all of the prosopographical work on the identification of priests; Broughton, Szemler, and more recently Rüpke provide more than enough evidence on this. Instead, this section will present statistical data (utilising these three modern works) in two innovative ways. Firstly I will present the number of pontiffs and augurs in the twenty-five year period between 74 and 50 that reached the consulship, including an estimate of how many were co-opted before reaching a specific higher magistracy. Secondly, using the statistical data I will then reverse the perspective of Szemler’s results; thus instead of attempting to work out how many priests became consuls, I will estimate what proportion of the consuls in the twenty-five year period from 74 to 50 were already pontiffs or augurs on their election.

4.2.2. The interaction of priesthoods and magistracies between 74 and 50

The summary of statistical data in Appendix I may come across as quite dry and tedious, but the final figures drawn from Rüpke provide some compelling evidence to corroborate the theories of Hahm and Szemler. Szemler is only willing to estimate that 32.6% (certainly 23.3%) of the pontiffs and augurs between 74-50 attained membership in their respective priesthoods prior to reaching higher magistracy (see Fig. ii). However, Rüpke’s astute guesswork approximates a resounding 74.4% (certainly 51.2%) of these priests were co-opted before reaching higher magistracy (see Fig. iii). Despite many of Rüpke’s estimates for the dates of co-optation remaining speculative, his work is a huge advance on the work of

---

283 For example North (1990b) 588-9 references Szemler’s work in passing and Scheid (1993) 62-3 makes very little of these attempts to draw conclusions from statistical data.

284 This is a similar approach to Szemler (1972), but will instead focus on the last years of the Republic, utilising the recent prosopographical lists in Rüpke (2008), and estimating exactly which office of the cursus honorem the priest was co-opted before (not just dividing them into higher and lesser magistracies).

285 See Table i and ii in Appendix II for a list of the pontiffs and augurs from 74-50 and estimates (marked by prob.) and more certain dates (marked by X) approximating at what stage of their political career a priest was co-opted.

286 Rüpke (2008) 628 does not accept the augurate of a C. Coelius Caldus, grandson to the consul of 94 (FS 1285), instead supposing that the grandfather was co-opted both decemvir and augur. Contra Szemler (1972) 150 who includes the younger Calidus as an augur in his priest lists. Rüpke also argues ex silentio that M. Aurelius Cotta (cos. 74) (FS 826) was an augur, because his older brother C. (cos. 75) (FS 823) was pontiff, and a second younger brother L. (cos. 65) (FS 824) was co-opted quindecimvir, an appointment that was ‘beneath him’. Szemler (1972), however, does not include this M. Aurelius Cotta as augur in his lists.
Rüpke estimates that seventeen of the known twenty-four pontiffs (70.8%) and twelve of the nineteen known augurs (63.2%) between 74 and 50 (a total of 67.4% of these priests) reached the praetorship after attaining their priestly office; whilst fourteen pontiffs (58.3%) and ten augurs (52.6%) (a total of 55.8% of priests) reached the consulship as priests. This statistical data, which has been generated from Rüpke’s prosopography, greatly strengthens the long-held hypothesis that these priests tended to be co-opted before they reached higher magistracies, and before they distinguished themselves in the political arena.

Certain examples of priests being co-opted before serving as quaestor and entering the senate (between 74 and 50) include the pontiffs: C. Iulius Caesar (cos. 59) (FS 2003), co-opted in 73 and serving as quaestor in 69; P. Mucius Scaevola Cordus (monet. 70) (FS 2481), who may never have entered the senate; L. Pinarius Natta (FS 2711), who died early in 56 (Cic. Att. 4.8a.3); and probably both M. Valerius Messalla (cos. 61) (FS 3411) and Q. Servilius Caepio Brutus (pr. 44) (FS 3058). The augurs that were certainly co-opted before entering the senate include F. Cornelius Sulla Felix (quaest. 54) (FS 1388) and P. Cornelius Lentulus Spinther (quaest. 44) (FS 1354) (Dio Cass. 39.17.1); whilst L. Iulius Caesar (cos. 64) (FS 2007), M. Valerius Messalla Rufus (cos. 53) (FS 3417), and P. Licinius Crassus (quaest. 55) (FS 2234) were probably all co-opted before serving as quaestors. Even amongst those priests that did not become consuls, two pontiffs and an augur were at least candidates for the consulship: the pontiff P. Sulpicius Galba (pr. 66) (FS 3186) was candidate in 63, another pontiff M. Aemilius Scaurus (pr. 56) (FS 528) withdrew his candidacy in 53; whilst the augur Ser. Sulpicius Galba (pr. 54) (FS 3191) ran in 49. The augur L. Marcius Philippus (pr. 44) also served as consul suffectus in 38.

287 For example, Rüpke (2008) 117 formulates a compelling list of the six pontiffs and six augurs that were co-opted following Sulla’s enlargement of membership in these colleges in 81 (Livy per. 89), drawn from Sulla’s most loyal supporters. Therefore, the pontiffs co-opted were probably M. Terentius Varro Lucullus (cos. 73) (FS 3234), M. Acilius Glabrio (cos. 67) (FS 432), M. Valerius Messalla (Niger) (cos. 61) (FS 3411), Q. Caecilius Metellus Creticus (cos. 69) (FS 981), Mam. Aemilius Lepidus Livianus (cos. 77) (FS 514), and C. Aurelius Cotta (cos. 75) (FS 823), whilst the augurs co-opted were likely Sulla himself (FS 1390), L. Iulius Caesar (cos. 64) (FS 2007), M. Valerius Messalla Rufus (cos. 53) (FS 3417), L. Licinius Lucullus (cos. 74) (FS 2248), C. Claudius Marcellus (pr. 80) (FS 1204), and Q. Caecilius Metellus Celer (cos. 60) (FS 980). These were all men that Szemler (1972) 182-6 had refused to speculate on the date of co-optation for, but Rüpke’s argument enables us to hazard a reasonable guess, and permit a firmer conclusion on whether they became priests before or after holding a major magistracy. In fact, out of these proposed twelve men co-opted in 81, eleven had not yet held the praetorship.

288 See Table i for the list of pontiffs and Table ii for the list of augurs.
Many of the cases where priests did not reach the consulship, as was the case for sixteen out of these forty-three men (37.2%), could also be explained by early death. We certainly notice a decrease in the number of priests that became consuls from those junior members co-opted between 74-50. This need not have been because the indirect political value of these priesthoods was diminishing, but was more likely caused by the premature death of several priests, especially during the Civil War (49-45). Thus men that otherwise may have become consuls were prevented from doing so. Of the eight pontiffs that failed to reach the consulship, five were probably killed: P. Sulpicius Galba (pr. 66) (FS 3186), who is identified with the Galba put to death by Caesar’s mutinying soldiers in 47 (Plut. Caes 51.2); C. Fannius (pr. 49/8?) (FS 1610), whom Cicero assumed had died in the aftermath to the Battle of Pharsalus in about November 48 (Cic. Att. 11.6.6); L. Pinarius Natta (FS 2711), who appears to have died in 56 just two years after becoming pontiff (Cic. Att. 4.8a.3); Brutus (pr. 44) (FS 3058), who was consul designate for 42 prior to the assassination of Caesar, but committed suicide after defeat at the Battle of Philippi in 42 (Livy Per. 124); and C. Scribonius Curio (tr. pl. 50) (FS 2997), who died in 49 during the defeat of one of Caesar’s armies in Africa (Caes. BCiv. 2.42.4). It is also assumed that the pontiff M. Aemilius Scaurus (pr. 56) (FS 528) lost his priestly office after his exile in 52 (App. B. Civ. 2.24). Of the eight augurs that failed to reach the consulship, four died relatively young: C. (Faustus) Cornelius Sulla Felix (quaest. 54) (FS 1388), who was killed in 46 after the Battle of Thapsus (Caes. BAfr. 95; Livy Per. 114); P. Cornelius Lentulus Spinther (quaest. 44) (FS 1354), who is thought to have died in 42 after the Battle of Philippi; Q. Cassius Longinus (tr. pl. 49) (FS 1105), who died in 47 during his return from Spain (Caes. BAfr. 64.3; Dio Cass. 42.16.2); and P. Licinius Crassus (quaest. 55) (FS 2234), who was killed by the Parthians in the Battle of Carrhae in 53 (Plut. Crass. 25.7). Therefore, 56.3% of those sixteen priests that did not become consuls (or 20.9% of all forty three priests) may have been denied the opportunity to become consul due to premature death.

By reversing the perspective of the previous set of statistics, it is also possible to estimate how many of the fifty consuls between 74 and 50 were pontiffs or augurs. Out of the fifty consuls that served in the twenty-five year period from 74 to 50, eight were pontiffs (16%) and ten (20%) were augurs. Thus 36% (or roughly one in every three) of these consuls were priests on their election to the consulship. Only two of the consuls that served in office during this twenty five year period later became priests: M. Tullius Cicero (cos. 63) (FS 3290), who
was elected augur in 52, and L. Domitius Ahenobarbus (cos. 54) (*FS* 1478), who was supposedly already a pontiff in 49. Since we only know the identity of 80.3% of the pontiffs and 65.6% of the augurs during this period from the lists of Rüpke, we need to allow room for error in this estimate. Therefore, with complete priest lists, we could expect that the number of priest-consuls to rise even higher. Considering that there were only ever thirty of these priests at one time, it is still quite impressive that these men could so frequently find themselves serving as consuls. Between 74 and 50, there were also five censuses carried out (in 70, 65-64, 61, 55, and 50), thus ten men became censors (although only one *lustrum* was carried out in 70). One of these ten censores, one was an augur, three were pontiffs and two are unknown, thus at least 40% of the censors were also priests. Furthermore, out of the three *interregna* (held in 55, 53 and 52), amongst the six *interreges* we know of, five were pontiffs (83.3%); although, three of these *interregna* were served by the same pontiff M. Valerius Messala Niger (cos. 61) (*FS* 3411). There certainly appears to be a trend that patrician pontiffs made viable candidates for the higher magistracies of censor and *interrex*.

The fact that nearly three-quarters of the augurs and pontiffs between 74 and 50 appear to have received their priesthoods early in life, before earning any great distinction for themselves, indicates that priestly office was not normally regarded as an honour or reward for outstanding public achievement after serving a successful magisterial career. This may have been the case for a select few priests, including the pontiff C. Scribonius Curio and the augur Cicero, the latter becoming a priest ten years after his consulship and whose circumstances as a *novus homo* were particularly unusual. However, these rarer case examples do not negate the long-held presumption of Hahm and Szemler that the status of priests appears to have been utilised as a tool for political ascent. There is, however, one major unyielding flaw with this attempt to draw a causal link between membership in a major

---


290 For further discussion on the census in the first century, see Wiseman (1969).

291 On the importance of an *interregnum* and the conduct of elections during an *interregnum* see Staveley (1954) and Friezer (1959).

292 Rasmussen (2000) 18 attempted to use Cicero’s case study as augur to refute Hahm’s claims that priesthoods were a tool for political ascent. See Wiseman (1971) 169-71 and Szemler (1986) 2316-7 for an assessment of just how unusual (and exceptional) Cicero’s position in the augurate would have been though. He certainly does not represent the norm, and the tendency for young *nobiles* to successfully become priests makes the achievements of Cicero all the more remarkable. The only other *novus homo* that can be attested as receiving a major priestly office between the time of Ti. Coruncanius (cos. 280), *pontifex maximus* in the third century, down to Caesar’s dictatorship, was the dictator C. Marius (*FS* 2389) (Cic. Div. 1.106).
priestly college and success in politics: the logical fallacy *post hoc ergo propter hoc*. Given that a majority of these priests were *nobiles* from established ancient Roman families, it is possible that their success in the world of politics was already highly likely (if not guaranteed) before they ever became priests. Thus it is worth questioning how dependant these priests were on their membership in the pontificate or augurate to have a successful magisterial career. In a society where candidates for magistracy were insistently judged by their heritage, membership in a college could have been perceived as a mere scout badge for a young political hopeful to add to countless other social accolades.²⁹³ Unfortunately, there is no way of categorically resolving this problem. The only way to refute such a claim would be to determine the value of these priesthoods, and show how these offices enabled young *nobiles* to enter the political sphere. The construction of a public profile and identity was imperative to the success of these young men starting out in politics, thus priesthoods should be understood as a platform for those too young to enter the senate to get a head start in canvassing popular and senatorial support. After all, it was impossible to obtain any of the senior positions of the *cursus honorum* without being ‘well known’ through one’s public appearances, and without having attained a high profile through cultivating a network of amicita.²⁹⁴ The practical social utility of priesthoods will therefore be the focus of our final discussion on what motivated men to become priests in the Late Republic.

²⁹³ A view expressed by Syme (1939) 381; Hoffman Lewis (1955) 10-1, 18-9, 22-3; and Wardman (1982) 19.
4.3. **The Social Utility of Priesthoods:**

* A productive entrée into élite society

---

4.3.1. **Introduction: defining the importance of amicitia**

*Sed tamen qui sunt amici ex causa iustiore cognationis aut adfinitatis aut sodalitatis aut alicuius necessitudinis, iis carum et iucundum esse maxime prodest.*

Still, it is very helpful to be on close and agreeable terms with those who are friends on more genuine grounds, that is, through claims of kinship or marriage, fellowship in a *religious fraternity*, or some other bond.


One way of viewing these priestly colleges – especially for those young men about to embark on a political career – is as fraternities, striving to preserve the exchange of *amicitia* between colleagues. Given the exclusive nature of the colleges, breaking into their ranks afforded members the opportunity to rub shoulders with some of the most prestigious and politically important members of the aristocracy, including men who had already served distinguished careers as *consuls*. The following discussion will analyse how the surviving ancient evidence supports this claim, demonstrating how strong ties of *amicitia* could form between members in these priesthoods. The co-optation and nomination process in itself fostered a system of exclusivity and collegiality that endured for much of the republican era. Furthermore, the regular attendance of opulent inaugural banquets, and other exclusive gatherings for the priests, gave members ample opportunity to come into contact with one another. We also have examples of priests securing political alliances by nominating new members, through marriages, some instances of priests defending one another in trial, and (amongst the augurs) the dedication of works on augural law to a members. There also appears to have been a seemingly deliberate age gap between members in a particular college; this may have been the result of senior members taking young and upcoming political hopefuls under their wing. The discussion will finish by exploring how these friendships could translate into political success or ‘soft power’ for those young and upcoming priests during magisterial elections.
This section will focus heavily upon the *Commentariolum Petitionis*, a didactic treatise in the form of a letter supposedly written to Cicero by his younger brother Quintus. The work acts as a guide to aid Cicero’s campaign for the consulship in 64, and as suggested by the introductory quote, demonstrates how a candidate might rely on his close connections with and support from eminent friends in sacerdotal colleges.

The ideal of *amicitia* is of course an abstract concept, not easily defined, especially in a Roman context. The word embodies a much wider range of understanding than our common use of the word ‘friendship’ denotes, encompassing those whom we today might refer to as a network of colleagues, political allies, or business associates. Whatever the nature or varying degree of *amicitia* within these priestly colleges though, such an exchange would almost certainly have benefitted those young prospective praetors and consuls being groomed for political success. Priesthood was greatly valued in this context especially for its life-long membership, which naturally secured life-long ties of *amicitia*. There is limited evidence to clearly suggest the ways that these colleagues in a priestly college might demonstrate their sense of devotion and *amicitia* to one another. It is also impossible to prove that membership in the same priestly college was the primary factor behind such acts of *amicitia*; since these men were all amongst the upper most strata of the élite, they would regularly come into contact anyway. However, utilising what evidence there is, the following section will explore some of the tactful yet efficacious ways that members of these sodalities could display their strong sense of devotion and loyalty towards one another.

---

295 For more on the reliance on (and importance of) friendship when a candidate was canvassing in an election to public office, see Brunt (1965); (1988) 351-381; Tatum (2007) 109-135 (esp. 118-120); Gruber-Miller (2009) 89-92; and Verbven (2002) 35-70. *Cic. Amic.* 23-32, 49-51 also provides some useful discussion on other terms commonly used to denote *amicitia*, including: *caritas* (§20,52,61), *benevolentia* (§19-30), *beneficium* (§29-31) and *consensio* (§15,20,23). The extent to which *amicitia* and membership in a factionem overlapped, as argued by Syme (1939) 12, cf. 32, cannot be accepted. The two terms are in fact quite distinct: a *factio* implies a politically motivated affiliation which could easily break down if a conflict of interests occurred, whereas *amicitia* can denote a stronger sense of devotion and loyalty, and may better reflect the kinds of relationships that formed in these priestly colleges.

296 On the life-long membership of places in the augurate and pontificate, see Plut. *Quaest. Rom.* 99; even after prosecution and exile, the priestly competence of the augurs (and *fratres arvales*) remained.
4.3.2. *Nominatio pro beneficio*

*Qua in cogitatione et cooptatum me ab eo in conlegium recordabam, in quo iuratus iudicium dignitatis meae fecerat, et inauguratum ab eodem; ex quo augurum institutis in parentis eum loco colere debebam.*

I remembered that it was he [Q. Hortensius Hortalus] who first introduced me into the augurate, after his judgement had deemed me worthy of the office upon oath, and by that same man I was inaugurated. From that time, by the customs of the augurate, I had to respect and honour him as a parent.

*Cic. Brut. 1.*

The system of co-optation which prevailed until 104 endeavoured to ensure that existing members only co-opted those not at odds with any one already in the college; this system both fostered new friendships and utilised old ones. As noted earlier, in a letter to his fellow augur Ap. Claudius Pulcher (*cos. 54*) (*FS* 1226), Cicero even reminisced that in days gone by it was not customary for the augurs to co-opt an *inimicus* of anyone in the college, irrespective of the wishes of the majority:

*Quid... amplissimi sacerdota collegium, in quo non modo amicitiam violari apud maiores nostros fas non erat, sed ne coptari quidem sacerdotem licebat, qui cuiquam ex collegio esset inimicus?*

And what of our exalted place in the highest priestly college, in which our ancestors not only deemed it impious to breach friendship, but also that no priest could be co-opted if he was on terms of enmity with any existing member of the college?

*Cic. Fam. 3.10.9.*

This procedure ensured that these priesthoods, like exclusive clubs, became fraternities; thus co-optation was less about any especial pious or religiously suitable characteristics that a candidate possessed, but was more dependent on being close with existing members in a

---

297 Whether or not this rule applied to all four major colleges or just the augurate cannot be ascertained. See Drummond (2008) 399-400 and North (1990c) 537, n. 23 on the likely abolition of this rule by the time of the *lex Domitia* in 104.
particular college. Likewise, Sulla’s re-establishment of the co-optation process, and the increase in membership of the great priestly colleges, were intent upon rewarding his most loyal supporters already connected by ties of amicitia. Towards the end of the Late Republic, however, divisions within the colleges (even the augurate) started to become more apparent, split between those of the old ‘nobility’ and supporters of the triumvirs. That Cicero and M. Antonius were colleagues in the augurate at the height of their very public attacks against one another in 44 is further indication of the enmity that could exist in the augurate. The idea behind this rule which could blackball candidates was probably to avoid personal rivalries getting in the way of important decisions of the state religion, ensuring impartial decision-making when debating on matters of religious significance. However, the ideal of amicitia, although not always adhered to, could still be an alluring perk of religious office, an important tool to be utilised especially by those up-and-coming politicians looking to establish themselves in the world of affairs.

During the popular election of priests, the nomination procedure that was in place continued to ensure that amici of an existing members would be co-opted. Members of a college retained the exclusive right to nominate those candidates that could compete in the comitia sacerdotum. These nominations could also naturally be used as opportunities for existing members to grant beneficia (favourites) to those nominated; such was the case when Caesar nominated P. Cornelius Lentulus Spinther (cos. 57) (FS 1353) as pontiff. On pleading for his life after being forced to surrender Corfinium to Caesar during the civil war, Lentulus supposedly reminded him of their former friendship and acknowledged Caesar’s important role in his co-optation as pontiff: veteremque amicitiam commemorat Caesarisque in se beneficia exponit; quae erant maxima: quod per eum in collegium pontificum venerat (Caes. BCiv. 1.22).

The best example of such a nomination forming a true act of

298 For further commentary on the norms attested by Cic. Fam. 3.10.9, see Taylor (1949) 92; North (1990c) 537; Drummond (2008) 400.

299 As already stressed, the line between these two ‘factiones’ was blurred and never as clear-cut as the likes of Altheim (1938) 331 and Taylor (1949) 94-5 suggest. Even before the lex Domitia in 104, the augurate started to include men whom were at enmity with one another; for example, Q. Caecilius Metellus Macedonicus (cos. 143) (FS 983) was attested as being inimicus of P. Cornelius Scipio Africanus Aemilianus (cos. 147) (FS 1373) (Cic. Amic. 77; de rep. 1.33). For further examples, see North (1990c) 537.

300 See Taylor (1942a) 396. Caesar also attests himself as being instrumental in election of Spinther to the praetorship in 60, his governorship of Spain and consulate of 57: …quod provinciam Hispaniam ex praetura.
amicitia, however, is the nomination of Cicero as augur by Q. Hortensius Hortalus (cos. 69) (FS 1914) in 53 (Cic. Brut. 1; Phil. 2.4). Cicero describes Hortensius’ generous act, and even tells us that it was customary for a newly elected augur to respect his nominator as he would his own father: *ex quo augurum institutis in parentis eum loco colere debebam* (and so from that time by the customs of the augurate I had to respect and honour him as a parent) (Cic. Brut. 1). \(^{301}\) Since Cicero was co-opted in the twilight of his career after having served as consul, such a friendship did not benefit his political ascent as such; however, as a *novus homo* Cicero had managed to break into a fiercely aristocratic and snobbish institution, a feat which would benefit his young son Marcus when he too became a priest. Such an act of friendship through a nomination would evidently have been a great advantage to those younger members starting out in politics. For example, the nominator of P. Licinius Crassus (*quaest. 55*) (FS 2234) clearly would have felt that the talented youngest son of the triumvir was a man of great promise.

It was also not unusual for influential fathers (especially those already holding priestships) to actively seek out nominations for their sons to the great colleges. \(^{302}\) The pontiff P. Cornelius Lentulus Spinther (cos. 57) (FS 1353) must have already secured his son of the same name’s (FS 1354) nomination for the vacant augurate in 57 (and been extremely confident of his success) before he was adopted into the plebeian *gens* of the Manlii Torquatii to make him eligible for office (Dio Cass. 39.17). \(^{303}\) Another pontiff P. Servilius Isauricus Vatia (cos. 79) (FS 3072), the father of P. Servilius Isauricus (cos. 48) (FS 3067), in light of his important senatorial position, probably also played an influential role in the nomination and subsequent selection of his son as an augur in the 60s. Furthermore, the triumvir M. Licinius Crassus must have been instrumental in the nomination of his two sons, Marcus (FS 2233) and Publius (FS 2234), who were inducted into the pontificate and augurate respectively. \(^{304}\) In 50,

---

\(^{301}\) Cicero’s other nominator was Pompey: Cic. Phil. 2.4.

\(^{302}\) See North (1990c) 532-4: *mos* appears to have prevented fathers and sons from being members in the same college simultaneously.

\(^{303}\) A second Cornelian, C. (Faustus) Cornlius Sulla (FS 1388), was already an augur, and since there existed a rule preventing two members of the same *gens* from holding a *ἱερατεία* (priesthood) at the same time (attested by Dio Cass. 39.17), Spinther had to be adopted into a different *gens* to make himself eligible for election.

\(^{304}\) Accepting Taylor (1942a) 393-4 who identifies M. Crassus as the son of the triumvir. The possibility that the pontiff was the triumvir himself is unlikely; see Rüpke (2008) 767, n. 4 for a brief discussion of the problem of identification.
just two years after becoming an augur, Cicero was already being asked by M. Calpurnius Bibulus (cos. 59) to nominate his son L. Calpurnius Bibulus (pr. 36) for the vacancy created by the death of Hortensius: ...de auguratu fili sui scripsit ad me; in quo ego misericordia commotus, et quod semper amicissimus Bibulo fui, dedi operam ut ei quam humanissime scriberem (He wrote to me about an augurate for his son; at which I was moved by pity, and because I was always very friendly to him, I tried to write to him in the kindest possible way) (Cic. Fam. 2.17.6).³⁰⁵ Cicero himself even asked M. Iunius Brutus (pr. 44) (FS 3058) to nominate his own son Marcus (suff. cos. 30) (FS 3291), aged just twenty-one, as pontiff in May 43: Ciceronem nostrum in vestrum conlegium cooptari volo (I wish for my son Marcus to be co-opted into your college) (Cic. Ad Brut. 1.5.3). Marcus was not co-opted on this occasion, but would eventually become a pontiff before his suffect consulate in 30 (App. B. Civ. 4.220-221).³⁰⁶ Thus the ambition of a son to become a priest in one college whilst the father was still in another college was quite traditional. Fathers were always eager to give their sons the best possible start to a political career, and what better start than to gain membership in one of these highly exclusive gentlemen’s clubs.

Although L. Calpurnius Bibulus’ candidature for the augurate failed again in 43, a letter recommending the young man manages to capture the relationship that could form between nominee and nominator. In July, it was once again Cicero who was persuaded to nominate Lucius to run for the augurate, but this time by the pontiff M. Iunius Brutus (pr. 44) (FS 3058):

Eam nominationem a te petimus. neque coniunctiori dare beneficium quam nos tibi sumus neque digniorem nominare potes quam Bibulum.

We beseech you to nominate him. You cannot grant a favour to someone closer than I am to you, nor can you nominate a more worthy candidate than Bibulus.

³⁰⁵ These comments would suggest that Cicero in fact declined Bibulus’ request with a polite refusal: see Syme (1987) 185-98. Cicero may have come to regret his choice not to back Bibulus’ son though, given that M. Antonius (cos. 44) (FS 669) was successfully elected, defeating L. Domitius Ahenobarbus (cos. 54) (FS 1478) in the election. On the political character of the contest between Antonius and Domitius, see Bergemann (1992) 128-9.

³⁰⁶ Following Rüpke (2008) 924; contra MRR II. 426.
Whether or not Cicero agreed is not made clear, however, this letter suggests that nominating the favoured candidate of a political ally was regarded as a means *dare beneficium* (to do a favour). This may be suggestive of the kind of wheeling-and-dealing that so often could have occurred behind the scenes during the nomination process. Thus the ability to nominate in itself was undoubtedly a perk of religious office. Brutus’ appeal also epitomises the attitude that senior members in the colleges would probably hold towards these younger nominees, as Brutus requests Cicero to make Bibulus his protégé:

*Bibulum noli dimittere e sinu tuo, tantum iam virum ex quanto, crede mihi, potest evadere qui vestris paucorum respondeat laudibus*

Do not send Bibulus away from your bosom, a man already of such calibre that – believe me – may develop to respond in your eulogies of the élite!

A snapshot of membership in the pontificate of 57 also serves to illustrate a seemingly deliberate age gap between members. Cicero lists all the pontiffs that attended the inquiry regarding his house in September 57 in his second speech before the college *de Haruspicum Responsis* (Cic. *Har. resp.* 12). Drawn from this list and prosopographical work, at least six of these pontiffs were of the *jeunesse dorée*, having not yet reached a higher magistracy (the praetorship) and likely in their thirties (or younger) on co-optation or election, including:

---

307 The assertion of Rüpke (2008) 592 that L. ran for the pontificate (not the augurate) in 43 with Brutus’ backing is mistaken. Cic. *Ad Brut.* 1.7 clearly attests that L. was intent upon running for the place made vacant by the death of C. Vibius Pansa Caetronianus (*cos.* 43) (*FS* 3496): *is Pansae locum petere constituit* (he has decided to compete for the place of Pansa). That Pansa was an augur is attested by comments in a letter of Cicero’s to his fellow augur Q. Cornificius (*pr.* 45?) (*FS* 1396), describing both consuls of 43, Pansa and A. Hirtius (*FS* 1908) as *conlegas nostros* (our colleagues) (Cic. *Fam.* 12.25a.1).

308 Unfortunately for Lucius, owing to the postponement of the *comitia sacerdotum* until the following year at the instigation of Cicero himself, the elections did not occur (Cic. *Ad Brut.* 1.14.1).

309 See Table i and ii in the Appendix on the formation of the colleges between 74 and 50, from which similar conclusions can be drawn on membership in the augurate in 50.

310 See the brilliant work of Taylor (1942a) 385–412, who combines this list with another earlier list recorded by the *pontifex maximus* Q. Metellus Pius and preserved by Macrobius to make some deductions on the year of co-optation for many pontiffs. This earlier list dates from before 69 and is a list of attendees at a dinner celebrating the inauguration of L. Cornelius Lentulus Niger (*pr.* 61) (*FS* 1351) as *flamen Martialis* (Macrob. *Sat.* 3.13.11).

---
Q. Caecilius Metellus Pius Scipio Nascia (tr. pl. or quaest. 59) (FS 986); C. Fannius (tr. pl. 59) (FS 1610); M. Aemilius Lepidus (pr. 49) (FS 508); M Aemilius Scaurus (pr. 56) (FS 528); M. Licinius Crassus (Pleb.) (quaest. 54) (FS 2233); and L. Pinarius Natta (Pat.) (FS 2711).\(^{311}\) Evidently the priestly colleges appear to have been split between senior political figures who had already completed their glittering magisterial careers and those junior politicians who had yet to reach their peak. This may have enabled long-serving senior members to mentor the young political novices who they nominated, taking them under their wing and training them in their priestly duties and beyond. The recurring theme here is the nomination of a young and upcoming political figure, a man showing great promise, from an illustrious family, combined with the expectation that his nominator will aid his political ascent and make him his protégé.\(^{312}\)

4.3.3. *Cenae augurales*

Members of the priestly colleges – the augurate in particular – routinely convened at closed-doors events, such as meetings or inaugural banquets for newcomers.\(^{313}\) Such regular gatherings would have provided the perfect opportunity for members of the colleges to mingle with their colleagues and cultivate lasting bonds of *amicitia*. Inaugural banquets would also serve as a perfect opportunity for successful candidates to show gratitude to their nominators. At Hortensius’ inaugural banquet, fattened peafowl was introduced as a new delicacy (Varro *Rust.* 3.6.6).\(^{314}\) Such a flamboyant demonstration of wealth was clearly intent upon impressing his colleagues in the augurate, yet it also indicates the need of these snobbish figure-heads to uphold the elitist traditional values of the college. An extravagant menu for another inaugural feast held in 70 is again preserved by Macrobius, which included such exotic treats as sea-urchins, raw oysters, cockles, mussels, jellyfish, fattened hen, sows’

\(^{311}\) Most of the remaining members were ‘veteran’ pontiffs with over a decade of experience in the college, and having already served impressive magisterial careers. These senior members included: C. Iulius Caesar (cos. 59) (FS 2003); P. Cornelius Lentulus Spinther (cos. 57) (FS 1353); P. Servilius Vatia Isauricus (cos.79) (FS 3072); M. Terentius Varro Lucullus (cos. 74) (FS 2248); Q. Caecilius Metellus Creticus (cos. 69) (FS 981) M. Acilius Glabrio (cos. 67) (FS 432); M. Valerius Messala (Niger) (cos. 61) (FS 3411); and P. Sulpicius Galba (pr. 66) (FS 3186).

\(^{312}\) This practice of the senior members training younger members also tell us something about the moral values, attitudes, and ambitions (and perhaps collective fears and nostalgic hopes), which may in many cases have been foiled by, and in sharp contrast to what many members of the urban élite painted as a gloomy picture of moral corruption, decline, and decadence in the Late Republic. See Hölkeskamp (2004) 115.

\(^{313}\) In earlier republican times (certainly still in 129) the augurs would routinely convene on the *nones* of each month *commentandi causa* (for the sake of deliberation) (Cic. *Amic.* 7; cf. *Div.* 1.90).

\(^{314}\) Cf. Macrobr. *Sat.* 3.13.1-3; Pliny *NH* 10.23
udders, loin of roe-deer, boars’ cheek, ducks, boiled water-fowl fattened fowl wrapped in dough, and hares (Macrob. Sat. 3.13.10-12). Cicero also informs us of another cena auguralis at the house of Lentulus at which fungos helvellas (flavoured mushrooms) were on the menu (Cic. Fam. 7.26.2). In spite of the sumptuary laws enacted in the Late Republic, prohibiting certain foods at banquets, Cicero complains of how he still managed to get ill: in eas cum incidissem in cena augurali apud Lentulum, tanta me διάρροια adripuit ut hodie primum videatur coepisse consistere (Having fallen victim to these in the augural banquet at the house of Lentulus [presumably the augur P. Cornelius Lentulus Spinther (cos. 57) (FS 1353)]16, I was seized with a violent diarrhoea, which, I think, has been checked today for the first time) (Cic. Fam. 7.26.2). On the one hand this creates an unsavoury picture of the augurate, whose members were perhaps more concerned with elaborate shows of wealth than providing any meaningful contribution to the res publica. However, it also indicates the important social aspect of the colleges, facilitating the formation of a tight network of powerful men who routinely met at these opulent banquets; it would also be hard to imagine that political issues were completely ignored as a topic of conversation at such gatherings.317

4.3.4. Amici ex causa adfinitatis

Another way of securing a closer association with another priest was through marriage alliances between families. Within the augurate of 50 at least four politically aligned marriages bound augurs together: Valeria, the sister of M. Valerius Messalla Rufus (cos. 53) (FS 3417), was the fifth wife to the dictator Sulla; Aemilia, Sulla’s stepdaughter, was forced to divorce the pontiff M’. Acilius Glabrio (cos. 67) (FS 432) to wed the augur Pompey; Claudia, the daughter of Ap. Claudius Pulcher (cos. 54) (FS 1227), married the eldest son of Pompey in ca. 56; and Pompeia, the daughter of Pompey, was betrothed to the son of Sulla, Faustus (FS 1388) (Suet. Iul. 27.1; Plut. Pomp. 47.4). Another four marriage alliances connected members within the pontificate: as already noted, the pontiff M’. Acilius Glabrio

315 Whose inaugural feast this was cannot be ascertained, but the dates would suggest it was either Cn. Pompeius Magnus (FS 2757) or Ap. Claudius Pulcher (cos. 54) (FS 1226). However, since our priest lists for the augurs is incomplete, it could have been another unknown member of the college.

316 As suggested by Szemler (1972) 151, n.6, this need not be the inaugural banquet of Lentulus, but may have been some other celebration that took place after the co-optation of Cicero as augur 52.

317 As noted well by Liebeschuetz (1967) 82, the pontiffs would also have conducted inaugural banquets (hence Macro. Sat. 3.13.10) and held banquets after a public sacrifice. Taking part was not necessarily a morally uplifting experience, and as Liebeschuetz points out, it was not thought to bring the guest into spiritual communion with the divinity, as is the case with Christianity where bread and wine represent the body and blood of Christ. Rather the diners’ feeling of human community might be heightened by the solemn nature of the association and occasion.
was originally married to Sulla’s step daughter Aemilia, the sister of the pontiff M. Aemilius Scaurus (pr. 56) (FS 528); Scaurus was himself married to Mucia, daughter of the pontifex maximus Q. Mucius Scaevola (cos. 95) (FS 2478); M. Licinius Crassus, son of the triumvir, was married to a Caecilia, daughter of the pontiff Q. Caecilius Metellus Creticus (cos. 69) (FS 981);[318] and L. Pinarius Natta (FS 2711) may have been married to Iulia, a sister (or niece) of the pontifex maximus Caesar.[319] These connections, although by no means a decisive result of friendships formed in the colleges, still serve to illustrate the close family bond that many of these priests came to share through marriage alliances.

4.3.5. The dedications of esoteric texts on augural lore

The augurs also regularly composed and dedicated texts on augural lore (and law) to their fellow members. We have evidence that at least five works were dedicated by those members that made up the college between 81 and 45. Fragments survive of augural texts by L. Iulius Caesar (cos. 64) (FS 2007) (in Festus, Macrobius, and Priscian), M. Valerius Messalla Rufus (cos. 53) (FS 3417) (Gell. NA 13.15.3), Ap. Claudius Pulcher (cos. 54) (FS 1227), who dedicated a work with pointed political assessments of omenations and the auspices to Cicero in 51 (Cic. Fam. 3.4.2),[320] and even Cicero, whose work de auguriis was dedicated in recompense to Appius.[321] C. Claudius Marcellus also appears to have authored at least one text on augural lore, hence his debate with Ap. Claudius over the nature of divination and the ability of the augurs to predict the future (Cic. Div. 2.35, 75; Leg. 2.13, 32-3). By dedicating these texts to one another, the augurs were paying tribute to their colleagues and acknowledging their ties of amicitia. Cicero outwardly considered Appius’ dedication as suavissimus (very kind) and viewed it as a testament to their ‘close relationship’ and how much he supposedly valued their amicitia (Cic. Fam. 3.4.1).[322] He even lists their membership in the augurate, alongside their mutual friendship with Pompey (Appius’ father-in-law) and Brutus (Appius’ son-in-law), as justification for their close attachment to one

---

318 See Parrish (1977) 630-1, who suggests that this marriage led to M. Licinius Crassus’s co-optation into the pontificate.

319 Münzer (1920) 326 (sister); Taylor (1942a) 396-7 (niece or great-niece).

320 This work may form the basis of Appius’ opinion on C. Ateius Capito’s falsification of the auspices during Crassus’ departure for his campaign against Parthia in 55: see Cic. Div. 1.29-30. Fragments of his writings appear in Festus, Gloss. Lat. 214.14-20 L, 382.10-13 L.

321 Evidence for Cicero’s de auguriis stems from Cic. Div. 2.76 and Fam. 3.9.3. Sadly the fragments that survive of the work are so exiguous that we are not able to uncover the work’s scope or purpose. On the remains of the work see Wardle (2006) 7.

322 On the ‘complicated’ and often strained relationship between Cicero and Appius, see Hall (2009) 139-53.
another: conlegique coniunctio præsertim tam honorifice a te approbata non mediocre vinculum mihi quidem attulisse videtur ad voluntates nostras copulandas (And, lastly, our membership of the same college, especially since it has been so honourably received by you, seems to me to have cemented a bond of no ordinary strength, securing a union of mutual affection between us) (Cic. Fam. 3.4.2). The highly technical nature of the works also enabled the augurs to write and speak in their own exclusive language, heightening the sense of social cachet that came with attainment of membership. Cicero himself expresses an eagerness to become familiar with the intricacies of the ius augurale, so that he might learn the secrets of the priests: …cognitionem iuris auguri consequi cupio (I am most eager to gain knowledge of augural law) (Cic. Fam. 3.9.3).

4.3.6. Caesar’s ascent and the importance of his early priesthoods

The experience of Caesar (FS 2003), who acquired numerous priesthoods throughout his career, also highlights the importance of these religious offices as a means to cultivate lasting amicitiae and as tools for political ascent. Caesar had already attained membership amongst the salii before he reached twenty, and in 84, L. Cornelius Cinna (cos. 87-4) instigated Caesar’s appointment as flamen Dialis (Suet. Iul. 1.1-2). The young and ambitious Caesar obviously saw great value in becoming a priest, perceiving the office as a means to boost his chances of success in politics. However, following the restructuring of the priestly colleges after Sulla’s victory and return to Rome in 82, whereby the dictator granted priesthoods to his most loyal supporters, Caesar (who was both a Marian and supporter of Cinna during the civil war) was forced to abandon his flaminate. The technical grounds

323 Appius appeared to have been intent upon writing a series of works on augural lore to go with the work he had already dedicated to Cicero (Cic. Fam. 3.9.3; 3.11.4).

324 On Caesar’s role holding numerous priestly offices (including a saliate, flaminate, pontificate, his election as pontifex maximus and augurate) see Taylor (1941) 118; (1942a) 403; Badian (2009) 19-22; Gruen (2009) 23-8; Wardle (2009) 100-11.

325 Uncertainty obtrudes in attempts to work out whether Caesar had actually completed the appointment process. The discrepant terminology of Suetonius (destinatus: which Badian (2009) 16 clearly reads as appointed; whereas it can also be translated as ‘destined’ and is by no means conclusive) and Velleius (creatus: created) may be reconciled by an acknowledgement of the formal terminology: nominatus (nominated), captus (a formal ceremony where the pontifex maximus authorised the selection of a candidate), and inauguratus (another formal ceremony held by the augurs). Caesar was probably nominated by the pontiffs for the office, captus by the pontifex maximus (cf. Gell. NA 1.12.13-16), but was perhaps never formally inaugurated (as suggested by Linderski (1995) 554-5, (2007) 636-7); see Rüpke (2008) 734 for a discussion.

326 Vanggaard (1988) 75-6 goes so far as to suggest that there was a gentilician cult association between the Cornelii and the flaminate, thus Sulla may have felt that a Iulii had no place in this priestly office. Suetonius presumed that Caesar had earned Sulla’s enmity because of his refusal to divorce Cornelia, the daughter of
deployed by the *pontifex maximus* Q. Mucius Scaevola (*cos. 95*) (*FS* 2478) (at the behest of Sulla) to reject Caesar’s appointment are not clear. However, Caesar desperately attempted to appeal the decision through a *provocatio ad populum*. Before an assembly dominated by Sulla’s supporters, he lost the argument, and with it his religious office (Plut. *Caes.* 1). Despite the numerous taboos that might obstruct a conscientious *flamen Dialis* from success in politics, Caesar evidently saw value in this religious office and fought hard to avoid suffering the ridicule of having it taken away from him.\(^{327}\)

Caesar’s shrewd cunning and his ability to cultivate a network of eminent contacts ensured that he would survive this setback and bounce back. As a result he was admitted to the pontifical college *in absentia* in 73, taking the place of his deceased cousin and Sullan benefactor C. Aurelius Cotta (*cos. 75*) (*FS* 823) (Vell. 2.43.1).\(^{328}\) Such an appointment could not have been possible without the support of aristocratic members in the pontificate, thus Matthias Gelzer proposed that the pontiffs Mam. Aemilius Lepidus Livianus (*cos. 77*) (*FS* 514) and Servilius Vatia Isauricus (*cos. 79*) (*FS* 3072) probably nominated Caesar.\(^{329}\) Unfortunately no evidence survives on any activity which Caesar engaged upon in his capacity as pontiff; however, his circumstances in the lead-up to his co-optation probably represent a fairly common pattern. As a young political hopeful aged just twenty eight (or thirty) with strong family connections, and his early success in the military sphere, Caesar was eager to cultivate lasting contacts amongst the nobility. His subsequent election as *pontifex maximus* was a much more remarkable achievement.\(^{330}\) In 63, at just thirty-seven (or nine), and not even of praetorian rank, he was purportedly elected with an overwhelming margin, successfully defeating two considerably older and more eminent candidates, P. Servilius Isauricus (*cos. 79*) (*FS* 3072) (Plut. *Caes.* 7.1, 3) and Q. Lutatius Catulus (*cos. 78*) (*FS* 2308) (Cic. *Nat. D.* 1.79; Sall. *Cat.* 49.2). Ancient commentators assumed that lavish bribery plunged Caesar into heavy debt in his campaign for the office, giving rise to the mock Cinna, which could have been perceived as a demonstration of Caesar’s diehard loyalty to his Marian political heritage (Suet. *Iul.* 1.1-2).

---

\(^{327}\) For a list of some of these taboos, see Gell. *NA* 10.15.

\(^{328}\) According to Badian (2009) 19, to be elected *in absentia* was marked as a formidable achievement.

\(^{329}\) Gelzer (1968) 25; cf. Weinstock (1937) 30-1 who suggests that Caesar’s mother Aurelia and ‘her political friends’ greatly aided his campaign for this religious office.

\(^{330}\) Although by no means unprecedented: Caesar was not the first to be elected over older and more seasoned contenders. As far back as 212, P. Licinius Crassus Dives (*cos. 205*) (*FS* 2235), who had not yet even attained the aedileship, defeated two rivals who held the consulships twice and censorship once, a striking achievement (Livy 25.4.2-4); and in 180 M. Aemilius Lepidus (*cos. 187*) (*FS* 507) obtained a majority of votes over much more distinguished candidates (Livy 40.42.12). See also Evans and Kleijwegt (1992) 185-6.
heroic scenes of him declaring to his mother on the eve of the election that he would either return to her as pontifex maximus, or not at all (Plut. Caes. 7.1-3; Suet. Iul. 13; cf. Dio Cass. 37.37.1-3). Caesar was now the titular head of the college of pontiffs, an office normally reserved for senior members of Rome’s aristocratic families. The position granted an immense amount of distinction and prestige, and Caesar would have relished in the social advancement that came with the attainment of the office, such as promptly being able to shift his residence from the rather unfashionable Subura district to the official residence of the pontifex maximus in the Forum itself, near the Temple of Vesta and the Regia (Suet. Iul. 46).\textsuperscript{331}

4.3.6. The Commentariolum Petitionis: the good priest canvasses

These examples of friendship between priests evidently had value in their own right, but these bonds could also be instrumental when a member was campaigning for political office.\textsuperscript{332} The Commentariolum Petitionis (Handbook of Electioneering), which was (or pretends to be) composed by Cicero’s brother Quintus in the lead up to Cicero’s campaign for the consulship of 63, provides some insightful commentary on how amicitia could assist a candidate’s campaign for magistracy.\textsuperscript{333} According to the author, amicitia should be utilised, and flaunted, as a means to canvass support: deinde <fac> ut amicorum et multitudo et genera appareant; habes enim ea quae <qui> novi habuerunt (Then make sure that you show off both the multitude and variety of your friends; for how many ‘new men’ have had as many friends as you have?) (Q. Cic. Comm. Pet. 3). A friend is described as quisquis est... qui ostendat aliquid in te voluntatis, qui colat, qui domum ventitet (anyone who has shown

\textsuperscript{331}A detailed discussion on the role and capabilities of the pontifex maximus is beyond the scope of this project. Needless to say, becoming a pontiff (as opposed to an augur or a quindecimvir) had the advantage of being able to run for this more prestigious office of chief priest of the college. The pontifex maximus certainly had some impressive powers, with some political clout, but scholars have often tended to overestimate his influence i.e. RKR 509-14; Bleicken (1957) 345-66, and most recently the misleading work of Thomas (2005) 119-40. See instead the assessment of North (1990b) 584, 612-3 who argues that the pontifex maximus had some limited disciplinary powers, including the right to impose fines on priests and to recall them to their religious duties (subject to an appeal to the people), but the priest acted more as a titular head of the college than a supreme functionary. See also Szemler (1972) 77-9.

\textsuperscript{332}Only Hahm (1963) 82-3 and Jocelyn (1966) 97 really touch on this point, but not in any detail. The lack of discussion on this point stems from the difficulty in proving such a theory and the need to read between the lines to infer that friendships aided the political campaign for office.

\textsuperscript{333}I would be inclined to accept the authenticity of the work: see Tatum (2007) 117. The rejectionist view, embraced by Anglophone regions in particular, stems from the Loeb edition of the work by Henderson (1972) 741-746; cf. Nisbet (1961) 84-7. For the sake of my argument though, it is not essential to accept the authenticity of the work; even if it is a forgery, then it is still useful in attesting some of the strategies that could assist a candidate’s campaign for political office during the Late Republic.
you good will, or who seeks your company, or who is accustomed to coming to your house) (Q. Cic. *Comm. Pet.* 16). The author even appears to hint that membership in priesthods (or any other religious fraternity) ought to be counted as a bond of friendship that is built upon more genuine grounds: *tamen qui sunt amici ex causa iustiore cognitionis aut adfinitatis aut sodalitatis aut alicuius necessitudinis, iis carum et iucundum esse maxime prodest* (Still, it is very helpful to be on close and agreeable terms with those who are friends on more genuine grounds, that is, through claims of kinship or marriage, fellowship in a religious fraternity, or some other bond) (Q. Cic. *Comm. Pet.* 16).³³⁴

A recent article by W. Jeffrey Tatum provides some compelling commentary and analysis of the *Commentariolum Petitionis*, dividing a canvass for the consulship into two fundamental aspects: 1) gaining the support of friends, and 2) gaining the support of the people (Q. Cic. *Comm. Pet.* 16).³³⁵ In the first instance, utilising the assistance of colleagues in a priestly college that a candidate was on good terms with could have been an accepted means to gain support and momentum when canvassing for the consulship. With the support of distinguished members of these *collegia*, whose majesty would have added needed lustre to a candidate’s public image, the consul elect that was a priest stood a clear chance of being successful in his campaign for political office. These friendships would not only have been useful when campaigning for a magistracy though, but also when a member needed help carrying a certain bill or course of action in the senate. This may have been the case when Cicero requested that Appius Claudius vote in favour of a *supplicatio* in honour of his military triumph (Cic. *Fam.* 3.9.4). A member may also feel obliged to defend a colleague who was on trial, thus the great orator and augur Hortensius successfully defended his colleagues M. Valerius Messalla (in 51) and Appius Claudius (in 50) on the charge *de ambitu*.

In the second instance, priesthods could also have been a means for a prospective consul to cultivate a public profile given his regular appearance at number of religious ceremonies throughout the year. The case studies involving the pontiffs and augurs in the first two chapters may not have granted these priests overwhelming direct political powers, however, the value of their presence at these occasions may have been in the indirect power the priests

---

³³⁴ Henderson (1972) 762, n. a, suggests that the term here is used in the proper sense of a religious or social club, cf. Q. Cic. *Comm. Pet.* 19 where the term implies a ‘gang’.

³³⁵ Tatum (2007) 118.
accrued. Through attending a public ceremony, whether it be the dedication of a shrine or a
public meeting of the augurs, the actions of a priest ‘appeared’ to have an impact on political
affairs and were at least ‘perceived’ to be powerful and important by members of the
public.\textsuperscript{336} Utilising membership in a priestly college in a public arena though these public
appearances may also have been a means to reconcile the traditional expectations of the
canvas with the requirements of aristocratic sensibilities, given the disdain that was held
towards ‘popular’ appeals to the people. However, popular appeals through religious
ceremony may have become an acceptable means to gain the support of the people, since the
candidate could argue that his campaign for magistracy was sanctioned by his close
connection with the gods.

\textsuperscript{336} Szemler (1971) 114 states that ‘the priestly colleges constituted special groups of permanent functionaries
whose lifelong terms potentially permitted them to exercise an impact upon society through their state and
society-connected duties.’ His remarks needless to say refer to the ‘hard power’ of these priests discussed in the
first two chapters, however, I would argue that this statement is more accurate when referring to the ‘soft power’
of the priests discussed throughout this chapter.
4.4. Conclusions

The prosopographical analysis discussed in the first half of this chapter (and thankfully confined to Appendix I) indicates that there exists a strong correlation between attaining a seat in the pontificate or augurate and subsequently achieving a successful magisterial career. Statistics drawn from Rüpke estimate that seventeen of the known twenty-four pontiffs and twelve of the nineteen known augurs between 74 and 50 reached the praetorship after attaining their priesthood; whilst fourteen pontiffs and ten augurs reached the consulship as priests. However, the logical fallacy post hoc ergo propter hoc suggests that this pattern may not be a result of membership in a priestly college; it could have existed because many priests were already chosen from the ranks of the most prestigious families in Rome, and as a result were already destined for greatness. However, this cannot have been the case for all priests in the Late Republic, given the unpredictable nature of the elections and the increasing importance of patronage from influential political figures already discussed in chapter one.

This discussion has compiled and analysed some interesting ways that men could form lasting bonds of friendship in a priestly college, making some observations on the exclusive and snobbish ways that men in these offices often behaved. Thus membership in the pontificate or the augurate became an accepted means of social advancement, especially for those young members starting out on the competitive road to political success. Through the many case studies discussed, most members of these priesthoods from the Late Republic appear to have demonstrated their friendship to one another through benefaction, nominating an underling for membership and hoping to take them under their wing. Gaining amicitia with some of the most powerful men in the Roman nobility was an important perk of this office which allowed young prospective consuls to utilise the office as a mean to accrue a great deal of indirect influence. Cicero’s brother in his handbook on electioneering even stressed the importance of these kinds of friendship when campaigning for the consulship. The benefactor Cicero must have also enjoyed getting so much attention given that he had the capacity to nominate other priests, another perk of office. In many ways this approach to these priesthoods complements the discussion in the first chapter, which illustrated the kind of importance that the Romans placed on these baubles of office. This discussion now looks to conclude some of the main points that can explain why men became priests in late republican Rome.
CONCLUSION

This study of the priesthods has demonstrated the many practical ways that positions in the pontificate and augurate were valued and could be utilised by members of the Roman élite, making it possible to formulate a number of reasons for why men became priests. The first chapter demonstrated how two key factors, ancestry and patronage from powerful political figures (with a varied and changeable degree of importance), were often prerequisites for membership. However, while this approach might explain how a priest was chosen ahead of someone else, it does not clearly illustrate the practical value of these offices. What is evident from this discussion is that vacancies in these priesthods tended to be filled by men who were fortunate enough to be born into the most celebrated and aristocratic families of Rome. This should not be taken to imply that priesthods were ‘hereditary’ though; the changes to the selection process for priests throughout the Late Republic and matters of ‘supply and demand’ meant that no candidate could take pursuit of membership for granted. In many ways the exclusivity of these priesthods, and the fact that prospective members might have to wait years for a vacancies to open up, could have made it even more difficult to become a pontiff or augur.

The constitutional ‘hard powers’ of these priests, discussed in the second and third chapters, on the surface appeared to be impressive. The Late Republic was a time when the republican ‘constitution’ was coming under increasing pressure as with Roman expansion, and so the élite governed more and more by exploring the lacunae in the existing sets of rules and customs. Therefore priestly counsel appears to have become indispensable for giving somewhat audacious institutional and governmental innovations a semblance of legitimacy. In the case of the shrine consecrated on the site of Cicero’s house, a young lone pontiff of little political significance was able to utilise his position to make a name for himself, and the collective college of pontiffs was able to reverse a seemingly binding religious ceremony. The augurs are conceived by Cicero to have possessed even more impressive control over matters of government; for example, he suggests that an individual augur could halt business by simply uttering ‘alio die’, and that the augurate had the collective authority to quash public acts not carried in accordance with the strict rules of augury. However, the lack of institutional separation between those who held political office and those who held religious office undermines any attempt to perceive these priests as having ‘overarching’ powers. The
case examples discussed tend to highlight how the constitutional powers of these priests was often diffused by the central religious authority of magistrates and the senate, who retained an undeniable pre-eminence in temporal matters.

Collectively, the priestly colleges were valued for their expertise and so were occasionally summoned by the senate to offer advice that could influence an important political outcome (for example the decision to restore Cicero’s house to him or the repeal of the lex Titia). However, the pontificate and augurate are both shown to have effectively acted as subcommittees of the senate – influential when called upon, but not powerful in relation to the senate. In many cases the role of individual priests was to dictate or prescribe the prayer, to offer counsel on religious procedure to magistrates, or simply to attend a ceremony; but given that most of the priests were also statesmen, they also often exercised religious functions as magistrates. In some cases then we see these priests combining their role as priest with their authority as magistrates, allowing them to skilfully outmanoeuvre a rival magistrate that was not a priest. Good examples of such circumstances are evident from the previous discussions on the augurs L. Marcius Philippus (cos. 91), Pompey, Q. Mucius Scaevola (tr. pl. 54), and Mark Antony, who all found ways to combine the authority of their priesthoods with their powers as magistrates to considerable effect. Thus individual priests could occasionally intervene in the life of the city in discreet but efficacious ways. Although these powers were limited, this approach to priesthoods forms a compelling explanation for why these positions were so highly valued.

Furthermore, as we have seen in the fourth chapter, these priesthoods for the most part appeared to offer a productive entrée into elite society, especially for younger members of aristocratic families. The statistical evidence compiled in Appendix I and discussed in the chapter confirmed that there exists a pattern between holding a place in the pontificate and the augurate and reaching higher magistracies. Proving that this pattern is causal though is not easy, especially in light of the logical fallacy post hoc ergo propter hoc which begs to ask how many of these men would have reached the consulship without their priesthoods. This discussion therefore demonstrated some of the ways that priesthoods could translate into ‘soft power,’ and how membership could assist young aristocrats’ chances of success in the Roman public life. Thanks to the priests’ lifetime tenure and the particular ways in which they were selected, membership in a priestly college was a way of securing life-long ties with the upper most echelons of Roman society. In essence, these colleges could be seen as
gentlemen’s clubs, provided networking opportunities as well as social and intellectual cachet. The office could also help to develop a young man’s public image and perceived role within Roman society.

Broadly speaking, the lack of separation between church and state is a distinct Roman feature that persistently reoccurs as a theme throughout this project, and is an area of this project that could be discussed further. This overlap impacted on many of the conflicts of the Late Republic discussed in this thesis, which saw some particularly cynical and ruthless individuals like Clodius, Caesar, and Mark Antony push the political exploitation of religious ‘loopholes’ further than ever. The advent of the Civil War and the rise of the Principate make it difficult to know whether the existing system might have withstood such examples of cynical exploitation seen in the 50s and 40s. Such incidents were nothing new to the Romans though, and need not indicate any decline in Roman religion. One should not discredit or undermine the vibrant ‘market’ that existed in Roman religion, which was a dynamic system constantly adapting, as opposed to the dead and fossilised system presented by some scholars. The senate, as the central co-ordinating religious authority, and the magistrates, with their vested *imperium*, usually knew how to utilise the mechanisms in place to handle such conflicts. As seen in chapter two, Clodius was especially creative, orchestrating his own adoption into a plebeian *gens* with the help of Caesar as *pontifex maximus* and Pompey as augur to enable his tribunate, and then calling on the pontiff Natta, his own brother-in-law, to assist in an audacious dedication ceremony on the site of Cicero’s house. The case of Caesar’s consulship similarly demonstrates how strong personalities and high political stakes often resulted in religious ceremony being utilised for personal political gain.

All three approaches discussed in this thesis were factors that could shape the reasons for a candidate’s pursuit of priestly office. Much depended on the given conditions and the individual in question. The personal ambitions of Cicero’s pursuit of the augurate for example would be distinct from what motivated the young sons of Crassus or adolescent son of P. Cornelius Lentulus Spinther (cos. 57) to pursue membership. Therefore, whilst the discussed approaches contain vestiges of feasible interpretation, any generalised acceptance and unselective reliance upon one or more of such concepts will present only part of the historical picture.
APPENDIX I

i. **Figures and tables**

*Fig. i: Szemler (1972) on the priests of the republican era*

*Fig. ii: Szemler (1972) on the priest lists of 74-50 BC*
Fig. iii. Rüpke (2008) on the priests lists of 74-50 BC

Fig. iv: Consuls between 74-50 that were priests upon election
Table i: Rüpke’s (2008) list of pontiffs from 74-50337

<table>
<thead>
<tr>
<th>FS #</th>
<th>Pontiff</th>
<th>Bef Q.</th>
<th>Bef Aed. or Trib.</th>
<th>Bef Pr.</th>
<th>Bef Cos.</th>
<th>Not Cos.</th>
<th>Aft Cos.</th>
<th>No or lesser Mag.</th>
</tr>
</thead>
<tbody>
<tr>
<td>985</td>
<td>Q. CAECILIUS METELLUS PIUS (Cos. 80)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>3072</td>
<td>P. SERVILIUS VATIA ISAURICUS (Cos. 79)</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Evid.</td>
<td></td>
</tr>
<tr>
<td>2308</td>
<td>Q. LUTATIUS CATULUS (Cos. 78)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>-</td>
<td>Evid.</td>
<td></td>
</tr>
<tr>
<td>514</td>
<td>MAM. AEMILIUS LEPIDUS LIVIANUS (Cos. 77)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>Evid.</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>823</td>
<td>C. AURELIUS COTTA (Cos. 75)</td>
<td>-</td>
<td>Prob.</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>3234</td>
<td>M. TERENTIUS VARRO LUCULLUS (Cos. 73)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>981</td>
<td>Q. CAECILIUS METELLUS CRETICUS (Cos. 69)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>432</td>
<td>M. ACILIUS GLABRIO (Cos. 67)</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>3411</td>
<td>M. VALERIUS MESSALLA (Niger) (Cos. 61)</td>
<td>Prob.</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2128</td>
<td>D. IUNIUS SILANUS (Cos. 62)</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>C. IULIUS CAESAR (Cos. 59)</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2481</td>
<td>P. MUCIUS SCAEVOLA CORDUS (Monet. 70)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>Prob.</td>
<td></td>
</tr>
<tr>
<td>3186</td>
<td>P. SULPICIUS GALBA (Pr. 66)</td>
<td>-</td>
<td>Prob.</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>986</td>
<td>Q. CAECILIUS METELLUS PIUS SCIPIO NASICA (Cos. 52)</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>1610</td>
<td>C. FANNIUS (Pr. 49/87)</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>508</td>
<td>M. AEMILIUS LEPIDUS (Cos. 46)</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>1353</td>
<td>P. CORNELIUS LENTULUS SPINTHER (Cos. 57)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>528</td>
<td>M. AEMILIUS SCAURUS (Pr. 56)</td>
<td>-</td>
<td>Prob.</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2233</td>
<td>M. LICINIUS CRASSUS (Q. 54)</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2996</td>
<td>C. SCRIBONIUS CURIO (Cos. 76)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2711</td>
<td>L. PINARIUS NATTA</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3058</td>
<td>Q. SERVILIUS CAEPIO BRUTUS (Pr. 44)</td>
<td>Prob.</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2997</td>
<td>C. SCRIBONIUS CURIO (Trib. 50)</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>1478</td>
<td>L. DOMITIUS AHENOBARBUS (Cos. 54)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Totals Probably out of 24 4 11 17 14 N/A N/A 2

Totals Certainly out of 24 2 6 10 11 8 2 1

337 The statistical data estimates what stage of the *cursus honorem* a pontiff or augur had reached by the time they were co-opted or elected as priest. Some priests have conclusive markers for when they were co-opted (marked by X), some have both estimates (marked by *prob.*) followed by conclusive markers (X), and others remain speculation (*prob.*) with conclusive ancient evidence not corroborating their co-optation until after serving in their highest magistracy (*evid.*). In the latter cases, the evidence indicates that they were not co-opted until after serving as consul, but it is in fact more likely that they were co-opted much earlier.
Table ii: Rüpke’s (2008) list of augurs from 74-50

<table>
<thead>
<tr>
<th>FS #</th>
<th>Augur</th>
<th>Bef Q</th>
<th>Bef Aed. or Trib.</th>
<th>Bef Pr</th>
<th>Bef Cos</th>
<th>Not Cos</th>
<th>Aft Cos</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>L. IULIUS CAESAR (Cos. 64)</td>
<td>Prob.</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2248</td>
<td>L. LICINIUS LUCULLUS (Cos. 74)</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Evid.</td>
</tr>
<tr>
<td>1204</td>
<td>C. CLAUDIUS MARCELLUS (Pr. 80)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>3417</td>
<td>M. VALERIUS MESSALLA (Rufus) (Cos. 53)</td>
<td>Prob.</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>826</td>
<td>M. AURELIUS COTTA (Cos. 74)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>Evid.</td>
</tr>
<tr>
<td>2756</td>
<td>CN. POMPEIUS MAGNUS (Cos. 70)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>Evid.</td>
</tr>
<tr>
<td>1914</td>
<td>Q. HORTENSIO HORTALUS (Cos. 69)</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Evid.</td>
</tr>
<tr>
<td>980</td>
<td>Q. CAECILIUS METELLUS CELER (Cos. 60)</td>
<td>-</td>
<td>Prob.</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1227</td>
<td>AP. CLAUDIUS PULCHER (Cos. 54)</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3067</td>
<td>P. SERVILIUS ISAURICUS (Cos. 48)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>-</td>
<td>Evid.</td>
</tr>
<tr>
<td>1388</td>
<td>C. (Faustus) CORNELIUS SULLA FELIX (Q. 54)</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>1354</td>
<td>P. CORNELIUS LENTULUS SPINTHER (Q. 44)</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>2380</td>
<td>L. MARCIUS PHILIPPUS (Pr. 44)</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>1105</td>
<td>Q. CASSIUS LONGINUS (Pr. 49)</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>2234</td>
<td>P. LICINIUS CRASSUS (Q. 55)</td>
<td>Prob.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>3191</td>
<td>SER. SULPICIUS GALBA (Pr. 54)</td>
<td>-</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>3290</td>
<td>M. TULLIUS CICERO (Cos. 63)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>2480</td>
<td>Q. MUCIUS SCAEVOLA (Trib. 54)</td>
<td>-</td>
<td>Prob.</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>669</td>
<td>M. ANTONIUS (Cos. 44)</td>
<td>-</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Totals Probably out of 19

+ Totals Certain out of 19
ii. Statistical analysis on priest lists

Rüpke (2008) has identified twenty-four pontiffs and nineteen augur that served as priests between 74 and 50. Before making any deductions from the statistical data drawn from Table i and Table ii, it is worth noting two major problems with our priest lists. Firstly, they are incomplete. On average Rüpke (2008) identifies 12.04 out of 15 pontiffs (80.3%) and 9.84 out of 15 augurs (65.6%) for each year of this twenty-five year period. Therefore, since we only know the identity of 72.9% of these priests, it is impossible to be sure that the remaining 27.1% followed the same trends concerning magisterial success and relative age of co-optation.

The second problem is that in most cases, the date of co-optation for many priests is based loosely upon scholarly guesswork rather than conclusive ancient evidence. In fact, for this twenty-five year period, we only know the exact year of co-optation for six out of forty-three priests. Two lists of pontiffs (in Macr. Sat. 3.13.11 and Cic. Har. Resp. 12), enable us to roughly estimate the year of co-optation for a further seventeen out of twenty-four pontiffs, however, our dates for the co-optation of the remaining pontiffs and many augurs is based purely on speculation. In Szemler’s attempts to work out whether a priest was co-opted before or after holding a major magistracy, he very cautiously refused to draw conclusions for 40% of the priests that served between 74 and 50 (twelve out of the twenty-four pontiffs and five out of nineteen augurs).

Rüpke (2008), however, is much more willing to make educated guesses for the tenure of all forty-three priests, and provides fairly convincing estimates for all 40% of those priests which

---

338 See Tables i & ii. All these estimates are drawn from the annual lists in Rüpke (2008) 120-8.
339 Since we know of twenty-four pontiffs during this period, and 80% of the members in the annual pontifical lists of Rüpke (2008) 120-8, there are about six pontiffs we probably cannot identify; since we know of nineteen augurs during this period and 65.6% of the members in the annual augural lists of Rüpke (2008) 120-8, there are perhaps roughly ten augurs we cannot identify. This mathematical estimation is by no means perfect, because the number of priests we know and the gaps in our lists cannot combine to provide an exact answer for how many priests remain unidentified; however, it does provide us with a way of making an estimate.
340 1) Caesar (FS 2003) co-opted pontiff in 74/3; 2) L. Pinarius Natta (FS 2711) elected pontiff in 58 (Cic. Dom. 118); 3) C. Scribonius Curio (trib. 50) (FS 2997) elected pontiff in 51 (Cic. ad fam. 2.7.3; 2.15.1); 4) P. Cornelius Lentulus Spinther (Q. 44) (FS 1354) elected augur in 57 (Dio 39.17.1); 5) Cicero (FS 3290) elected augur in 52 (see seasoned argument in Linderski (1972) 190-200); and 6) M. Antonius (cos. 44) (FS 669) elected augur in 50 (Caes. Gall. 8.50.1-3).
341 See the brilliant work of Taylor (1942) 385-412, who combines these two lists to make some deductions on the year of co-optation for many pontiffs. The first list, recorded by the pontifex maximus Q. Metellus Pius and preserved by Macrobius, dates from before 69 and is a list of attendees at a dinner celebrating the inauguration of L. Cornelius Lentulus Niger (Pr. 61) (FS 1351) as flamen Martialis (Macr. Sat. 3.13.11); the second list derives from Cicero’s address to members of the pontifical college at the meeting held on September 57, concerning the validity of the shrine to Libertas constructed on the site of his house (Cic. Har. Resp. 12).
342 See Fig. ii Szemler (1972) 182-6 simply marked the dates of these priests as ‘inconclusive / cannot decide’ and argued that the available evidence was unsatisfactory to draw any conclusion.
Szemler (1972) ruled inconclusive.\textsuperscript{343} In fact, Szemler (1972) was only prepared to conclude that ten out of forty-three priests (five out of twenty-four pontiffs and five out of nineteen augurs) – that is 23.3\% – were co-opted before holding a higher magistracy during this twenty-five year period.\textsuperscript{344}

The cautious approach of Szemler (1972) is not unjustified, considering that ancient evidence makes it near impossible to confirm when a priest was co-opted. However, Szemler’s unwillingness to make educated guesses greatly weakens his hypothesis that priesthood preceded higher magistracy; there also are some methods for working out more precisely when a priest was co-opted that he fails to recognise. As noted by Rüpke (2008), in 81, Sulla’s enlargement of membership added six new members to each of these two great priestly colleges, and it would be acceptable to assume that these places were rewarded to his most loyal supporters (Liv. per. 89). This allows us to speculate who these men were, thus permitting a firmer conclusion on whether they were co-opted before or after holding a major magistracy. Out of the proposed twelve men co-opted in 81, at least eleven had not yet held the praetorship, eleven men that Szemler had refused to estimate any co-optation date for. The statistical data that comprises Table i and Table ii are essentially constructed from the work of Rüpke, and estimates what stage of the \textit{cursus honorem} a pontiff or augur had reached by the time they were co-opted or elected as priest. Some priests have conclusive markers for when they were co-opted (marked by \textit{X}), some have both estimates (marked by \textit{prob.}) followed by conclusive markers (\textit{X}), and others remain speculative (\textit{prob.}) with conclusive ancient evidence not corroborating their co-optation until after serving in their highest magistracy (\textit{evid.}). In the latter cases, the evidence indicates that they were not co-opted until after serving as consul, but it is in fact more likely that they were co-opted much earlier.

Utilising the prosopography of Rüpke (2008), between 74 and 50 the estimates of Table i and ii determine the following statistical data: four out of the twenty-four pontiffs (16.7\%) and five out of nineteen augurs (26.3\%) (thus nine out of forty-three priests: 20.9\%) may have become priests

\textsuperscript{343} Rüpke (2008) 120-8.
\textsuperscript{344} Szemler (1972) 182-6: he speculated that a further five priests \textit{may} have been co-opted before reaching higher magistracy (three pontiffs and two augurs) for this period, with six (two pontiffs and four augurs) co-opted in youth but never reaching higher magistracy.
before entering the senate and becoming quaestor. Eleven out of twenty-four pontiffs (45.8%) and nine out of nineteen augurs (47.4%) (thus twenty out of forty-three priests: 46.5%) may have been co-opted before serving as aediles or tribunes. Seventeen out of twenty-four pontiffs (70.8%) and eleven out of nineteen augurs (57.9%) (thus twenty-eight out of forty-three priests: 65.1%) that reached the praetorship may have been selected as priests before serving as praetors. And finally, fourteen out of twenty-four pontiffs (58.3%) and ten out of nineteen augurs (52.6%) (thus twenty-four out of forty-three priests: 55.8%) that reached the consulship appear to have been priests before becoming consuls. Another two pontiffs (8.3%) and one augur (5.3%) (thus three out of forty-three priests: 7%) became priests after serving as consuls, whilst two pontiffs (8.3%) are presumed to have never become senators (thus two out of forty-three priests: 4.7%). Eight pontiffs (33.3%) and eight augurs (42.1%) (thus sixteen out of forty-three: 37.2%) did not attain the consulship. Thus, going on Rüpke’s estimates, twenty out of twenty-four pontiffs (83.3%) and thirteen out of nineteen augurs (68.4%) (thirty-three out of forty-three priests in total: 76.7%) probably attained their place in their respective college before reaching a higher magistracy (either the praetorship, or if reached, the consulship). This estimate is a marked difference from the seven out of the twenty-four pontiffs (29.2%) and seven out of nineteen augurs (36.8%) (thus fourteen out of forty-three priests: 32.6%) that Szemler (1972) speculated were co-opted prior to higher magistracy.

The more assured estimates of Rüpke (2008) between 74 and 50 (based on surer evidence and marked by X in Table i and Table ii) generates the following statistical data: at least two out of the twenty-four pontiffs (8.3%) and two out of nineteen augurs (10.5%) (thus four out of forty-three priests: 9.3%) were selected before entering the senate and becoming quaestor. Six out of twenty-four pontiffs (25%) and three out of nineteen augurs (15.8%) (thus nine out of forty-three priests: 20.9%) were selected before serving as aediles or tribunes. Ten out of twenty-four pontiffs (41.7%) and six out of nineteen augurs (31.6%) (thus sixteen out of forty-three priests: 37.2%) that reached the praetorship were selected before serving as praetors. And finally, eleven out of twenty-four pontiffs (45.8%) and five out of nineteen augurs (26.3%) (thus sixteen out of forty-three priests: 37.2%) that reached the consulship were selected before becoming consuls. Another five pontiffs (20.8%) and five augurs (26.3%) (thus ten out of forty-three priests: 23.3%) cannot be attested as becoming priests until after serving as consuls, whilst only one
pontiff (4.2%) (thus one out of forty-three priests: 2.3%) is thought to have never become a senator. Thus, going on Rüpke’s more readily verified estimates, fifteen out of twenty-four pontiffs (62.5%) and six out of nineteen augurs (31.6%) (thus twenty-one out of forty-three priests: 48.8%) attained their place in their respective college before reaching a higher magistracy (either the praetorship, or if reached, the consulship). Once again, this estimate is a marked improvement on the five out of the twenty-four pontiffs (20.8%) and five out of nineteen augurs (26.3%) (thus ten out of forty-three priests: 23.3%) that Szemler (1972) concluded were certainly co-opted prior to higher magistracy.
BIBLIOGRAPHY


