

# LIVY AND THE TIMING OF EXPIATION IN THE ROMAN YEAR\*

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*Abstract.* This paper argues that contrary to majority scholarly opinion Livy's characteristic placing of expiation ceremonies in Rome at the start of the Roman year conforms to the historical reality. The conclusion is important both for the appreciation of Livy as a historian and for the study of Roman republican history and of the place of public religion within it.

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## 1. Introduction

Any casual modern reader of Livy's History is bound to be shocked by his prodigy lists. Talking cows, hermaphrodite births, rains of blood: the prodigies are usually bizarre and often simply impossible.<sup>1</sup> Yet a second surprise awaits the patient reader who wades through many of these lists: Livy actually manages to make hermaphrodites and talking cows seem dull. Most prodigy lists conform to a standard pattern (a brief description of the year's prodigies and the expiation ceremonies performed in response) and occupy a standard position in the narrative (typically at the beginning of the year's account, as part of the consuls' regular duties before leaving Rome for their provinces). In this way, the extraordinary becomes routine, and the reader, inured to the shock of the unnatural, learns to expect the unexpected. As John Rich has argued in this journal, the prodigy lists were simply one more element of the annalistic framework, an organisational structure designed to paint a portrait of the ideal Rome: a well-ordered society, the Republic before its decline.<sup>2</sup> Ancient readers seem to have reacted similarly to modern ones.<sup>3</sup>

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<sup>1</sup> For Roman prodigies, see Wülker (1903); Luterbacher (1904); Bloch (1963); MacBain (1982); Rosenberger (1998); Rasmussen (2003); and Engels (2007).

<sup>2</sup> McDonald (1957) 156 summarises the annalistic structure: 'Each year closed with a report of the elections and priestly notices; the next year opened with a statement of the entry of the magistrates on office, the allotment of provinces and voting of troops, the expiation of prodigies, and the reception of embassies; then, when their administrative business in Rome was finished, the consuls left for their provinces, and Livy's narrative turns to events outside Rome; after which, at the end of the year, we find the next annual round of official notices'. Yet while McDonald claims that this structure held true 'in any

But is this effect bought at the expense of historical truth? Many modern scholars have attacked the placement of Livy's prodigy lists at the beginning of a year's account as being historically misleading.<sup>4</sup> Skeptics raise two objections to the timing of expiation in Livy. First, the undeniable fact that Livy does manipulate the content of his prodigy lists for literary effect. In some cases, Livy leaves prodigies out, or elaborates on the details of individual prodigies, in order to shorten or lengthen the list of a particular year. Furthermore, as E. de Saint-Denis has shown, he rarely arranges his prodigies by time of occurrence, but instead by geographical location or degree of frightfulness.<sup>5</sup> This creates, in the words of J. Davies, a 'deluge effect'.<sup>6</sup> In response to this objection, it should be noted that Livy's treatment of prodigies is, in fact, very different from his treatment of their expiations: he lists most prodigies with no specific reference to their timing, while he is usually explicit about the timing of expiation (generally at the beginning of the year, before the consuls have left for their provinces). Therefore, the admission that the prodigies themselves have been rearranged for literary effect does not require us also to accept that the expiations are misplaced chronologically.

The second objection arises from the belief that prodigies, as signs of the gods' anger, must have required an immediate response. As E. Rawson writes, 'surely any rupture of the *pax deorum*, as signalled by some extraordi-

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book of Livy', Rich (2011) 15 maintains that it was used only for the period of the Middle Republic: 'Its adoption for his account of the Middle Republic helped him to convey the special character of that period, in which Rome's affairs were more complex than they had been in the early centuries and the republican system was more stable than in both the earlier and later periods'. It conveyed, as H. Lovatt puts it, a 'comforting orderliness' (Lovatt (2010) 86). For the annalistic structure in general, see McDonald (1957); Walsh (1961) 30–1, 174–6; Frier (1979) 270–4; Rich (2011).

<sup>3</sup> See Livy 43.13.1–2 (p. 83 below).

<sup>4</sup> Frier (1979) 272: 'In the formation of prodigy lists, prodigies were gathered from an entire year, often without regard to their chronological order . . . The resulting impression, that prodigies were expiated in a mass at the year's beginning, is quite false'. Kajanto (1957) 47 suggests that it is scepticism that causes Livy to cluster prodigies together and to separate them from the rest of the narrative: 'I think that if Livy really believed in prodigies, he would put them in causal connection with other events'. See also n. 16 below. Other elements of the annalistic framework have also been called into question. Thus Frier (1979) 272: 'More serious still are the dislocations with regard to the sending out of armies and the conduct of diplomatic business. The Senatorial decrees levying troops, a seeming part of the pattern, have also been held suspect, perhaps unjustly'. See also J. E. Phillips (1974) for problems with triumph reports, and M. Gelzer (1964) 220–55 for problems with Senatorial decrees levying troops (though P. Brunt (1971) 645–60, arguing against Gelzer, puts more faith in Livy's accounts of troop levies).

<sup>5</sup> de Saint-Denis (1942) 126–42.

<sup>6</sup> Davies (2005) 42–4.

nary event, had always needed to be announced and procured as quickly as possible'.<sup>7</sup> But if Livy's lists are accurate and prodigies were typically expiated together at the beginning of the year, some would have been left untreated for several months.<sup>8</sup> Could the Roman state have ignored such a threat?

By no means, one would think. Yet in this paper I will adduce evidence that the beginning of the year was a key time for expiation in Rome, just as Livy presents it. As I will show, the Romans were not concerned with expiating quickly, but correctly. In many cases, correct expiation required the involvement of the consuls, whose military duties made it necessary to expiate prodigies at the beginning of the year before they left for their provinces. The connection between the consuls and expiation is not a new idea; Rawson herself suggested it (though only to reject it).<sup>9</sup> Building on the recent work of Pina Polo, I will offer new evidence for this connection, as well as for the possibility of delaying expiation in Rome.<sup>10</sup>

The question of timing may seem like a pedantic detail, but a great deal is riding on it. Today we possess more information about prodigy and expiation than about any other aspect of Roman Republican religion, and most of this information comes from Livy's History. In order to capitalise fully upon all of the facts contained in Livy's prodigy lists, we must understand their historical context. This context gives us insight into the Roman religious mindset, as well as the consuls' role in maintaining the relationship between Rome and her gods. Moreover, if Livy's timing is wrong—if prodigies were not expiated together at the beginning of the year, but were instead expiated one by one as they occurred—then Livy's evidence for prodigy and expiation is woefully incomplete. This is because most of the lists contain a number of prodigies, but far fewer expiations. For example, in 203, seven separate prodigies were reported from seven separate towns, but only one expiation followed: a sacrifice (30.2.9–13). This is exactly what we would expect for prodigies expiated as a group, but if these prodigies were actually dealt with individually, then a great deal of information has been irrevoca-

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<sup>7</sup> Rawson (1971) 159. For the traditional view of a prodigy as a rupture in the *pax deorum*, see Linderski (1993) 55–9; for an opposing view, see Santangelo (2011) 161–8.

<sup>8</sup> As examples of this delay, Rawson (1971) 159 n. 2 cites the bloody ears of wheat that turned up at Antium in 217 and 206 (22.1.10 and 28.11.2). These were harvest prodigies, as Livy tells us, but they were only expiated after the new consuls took office (sometime after March 15).

<sup>9</sup> Rawson (1971) 159: 'It is of course true that the consuls were usually now [after Sulla] at Rome throughout the year . . .'

<sup>10</sup> Pina Polo (2011) 23–30 at 23: 'It was therefore necessary to re-establish the appropriate relationship between the civitas and the gods of Rome by means of suitable expiatory ceremonies, and such a task could only be performed by the magistrates who were the representatives of the citizens and who could thus act legitimately on their behalf.'

bly lost. The prodigy list would be so distorted as to be virtually useless in assessing Roman expiatory practices. Thus the reliability of Livy's prodigy lists depends in large part upon the timing of expiation in Rome.

Nor is this just a historical problem: it is a historiographical one, as well. Recent scholarship has tended to view Livy's prodigy lists as literary devices, only loosely connected to historical reality. This represents a general trend in modern scholarship—to present the historian as literary artist, who was more than willing to sacrifice historical truth to build a more coherent story—if it was a sacrifice at all; perhaps, as many scholars argue, 'truth' held a different meaning and value for the Romans.<sup>11</sup> I do not deny the historian's craft—that each ancient historian held particular ideological aims and literary ambitions, and that he shaped his narrative accordingly. But I would like to show that Livy's philosophical and literary motives did not necessarily imply broad historical invention or manipulation of the truth; in many cases, he simply made choices—decisions to include or exclude certain historical details as they fitted his narrative goals. In other words, Livy was interested in the prodigy lists in the first place because they reflected (whether accurately or not) a high degree of organisation and piety in middle Republican Rome; he did not need to rewrite the lists wholesale to express these ideals.

## 2. The Data

In order to address the timing of expiation in Rome, it will first be necessary to take a closer look at Livy's prodigy lists. For the purposes of this study, I will exclude the lists of Livy's first decade, as well as those of *Obsequens'* epitome, since neither source specifies the timing of expiations and each is unreliable for its own reasons.<sup>12</sup> Instead, I will focus on the prodigies and ex-

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<sup>11</sup> For the question of truth in ancient historiography, see Marincola (2009) 18–19.

<sup>12</sup> The first decade contains very little information about prodigies. Those that Livy does describe are usually incorporated more fully into the narrative, not listed at the beginning of the year's account. Prodigies are recorded only for 16 of the first 200 years of the Republic, and usually appear in isolation, not in list form. There are signs of improvement only in the last years of the first decade; after 300, Livy records prodigies more regularly (in 296, 295, and 293), and they begin to appear in proper list form. Rich (2011) 8–15 presents the lack of prodigy lists in the early books as an authorial decision; the annalistic framework (including the prodigy lists) is fully developed only for the middle Republic, and thus reflects the peak of Roman government and organisation (cf. n. 2). However, the small number of prodigies can easily be explained by the fact that Livy had little evidence for this early period. The prodigies that he mentions are the ones that would have been remembered—prodigies that were connected to major events in Roman history (such as terrible plagues) or the construction of important temples; hence

piations of Books 21–45 of Livy’s histories, covering the years 218–167. Prodigies are recorded for 43 of these 52 years, though one of these lists must be excluded from our study because it is extant only in the *periochae* and gives no clue as to the timing of the expiation.<sup>13</sup> Of the remaining 42 years, seven contain multiple prodigy lists, to bring the total number of lists up to 49. This is the breakdown of the timing of expiation for these 49 prodigy lists: 37 expiations are placed at the beginning of the consular year (in the time between the consuls’ inauguration and their departure from Rome), six at an indeterminate point in the year (usually indicated by the words *eo anno*), one at an unspecified time during the winter (*ea hieme*), another during the summer (*ea aestate*), three at the end of the year (*extremo anno* or *in exitu anni*), and one at the time of the elections.<sup>14</sup>

These dates all refer to the time at which a prodigy—which might have occurred anywhere in Italy, or even beyond—was expiated by Roman officials. These expiations took place almost invariably in the city of Rome itself. But Livy indicates that there might have been other steps in a prodigy’s expiation, with action first taken locally at the site of the prodigy’s occurrence before the official state rituals in the city of Rome. For example, in 193, wasps settled in the temple of Mars in Capua. This was expiated in

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their incorporation into the narrative. In contrast, Obsequens’ epitome contains much more material, but he alters Livy’s prodigy lists. Several times, he fails to record any expiations, and he occasionally adds ‘portentous’ events, such as battles and personal omens, to the year’s official prodigy lists. On Julius Obsequens, see Schmidt (1968) and Rasmussen (2003) 21–2.

<sup>13</sup> My list of expiations is based on MacBain’s summary in his Appendix A (MacBain (1982) 82–105) with some modifications. I do not include the events of 217 recorded at 22.9.7–10.10, since they involve expiation ceremonies but no prodigy list. Also, I do not include the discovery of the *Carmina Marciana* in 212, since this is not in itself a prodigy (25.12.2–15). In addition, I do not separate the prodigies of 208 into two lists, since Livy describes them all together (27.23.1–7), but I do count the lists of 183 separately, despite the fact that the two-day rain of blood is mentioned twice (39.46.5 and 39.56.6).

<sup>14</sup> Expiations *eo anno* may have been at the beginning of the year and displaced for narrative reasons, and thus their position tells us little about the timing of expiation. Expiations or priestly consultations in winter: 218 (21.62); in summer: 210 (27.4.11–15); at the end of the year: 183 (39.56.6), 174 (41.28.2), 169 (44.18.6–7). I have placed a final prodigy at the time of the elections, but the timing of its occurrence and expiation is difficult to pin down: the frequent rains of stones of 205, which led to the introduction of the goddess Magna Mater (29.10.4–11.8 and 29.14.5–14). Livy describes the rains of stones as occurring *eo anno*, but he mentions the oracle and the expedition to retrieve the goddess in the context of the elections for 205. Such an important expedition would have taken some time to plan, and thus it is impossible to pin down the time at which the rains of stone were first reported as a prodigy. In addition, since the Mediterranean sailing season was in the spring and summer, the legates might actually have set sail before the elections. For many reasons, in fact, this prodigy and its expiation are problematic; see Satterfield (2012).

Rome at the beginning of the year along with other prodigies. But in addition to these ceremonies, the wasps were collected and burned at Capua: *et a Capua nuntiatum est examen vesparum ingens in forum advolasse et in Martis aede consedissee: eas conlectas cum cura et igni crematas esse* (35.9.4). The use of indirect speech here, dependent on the verb *nuntiatum est*, shows that the wasps were destroyed before the prodigy was reported. The same construction appears at 43.13.3, where a speaking cow is included among other prodigies expiated by the consuls at the beginning of the year 169: *Anagnia duo prodigia eo anno sunt nuntiata, facem in caelo conspectam et bovem feminam locutam; [eam] publice ali*. In addition to the ceremonies performed in Rome, the cow was cared for at public expense; the use of indirect statement implies that the decision to care for the cow was made at Anagnia before the prodigies were reported in Rome.

In short, Livy does not limit expiation to the beginning of the year.<sup>15</sup> Many lists are placed at other points in the year, and some prodigies, such as the talking cow at Anagnia and the wasps at Capua, were expiated in phases. Nevertheless, Livy does present the beginning of the year as the most important time for expiation in Rome. He explicitly states that it was customary for consuls to expiate prodigies before they left for their provinces (33.26.6):

Bellum in Hispania quinto post anno motum est quam simul cum Punico bello fuerat finitum. Priusquam aut hi praetores ad bellum prope novum, quia tum primum suo nomine sine ullo Punico exercitu aut duce ad arma ierant, proficiscerentur aut ipsi consules ab urbe moverent, procurare, ut adsolet, prodigia quae nuntiabantur iussi.

The war in Spain was instigated in the fifth year [196] after it had been ended along with the Punic War. Before either these praetors could set out for a war that was almost new (because it was the first time that the Spaniards had taken up arms in their own name without any Punic army or general), or the consuls themselves could move

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<sup>15</sup> Rich (2011) 4: ‘Livy’s practice is, nevertheless, a good deal more flexible than some modern accounts suggest. There is plenty of variety even within those parts of the annual narratives which derive from his annalistic sources, and Livy uses this material freely to serve his own compositional purposes’. Levene (1993) shows quite clearly how flexible Livy could be in his placement of the prodigy lists. He may even overstate his case; Kraus (1994) asks in her review of Levene’s book, ‘On p.77, if 13 of the 17 prodigy lists in the third decade have been transformed in some way, many of them radically, a devil’s advocate might ask if we can therefore even speak of a ‘normal’ position?’ But I do believe that there is a recognisable trend to expiation in Livy, with 37 of 49 prodigy lists placed between the consuls’ inauguration and their departure from Rome.

from the city, they were ordered to expiate, as is the custom, the prodigies that were being reported.’

Livy’s use of the phrase *ut adsolet* shows that his typical placement of expiations at the beginning of the year was not accidental, nor an ideological invention; he wants the reader to understand that it reflects the custom of the Roman Republic.<sup>16</sup> This timing seems to be related to the consuls’ brief presence in the city before they departed for their provinces. Livy is often explicit about the consuls’ participation in the ceremonies.<sup>17</sup> At least a few times, expiations actually prevented them from performing other important tasks. In 198, when Titus Quinctius Flamininus wanted to rush to his province and the war against Macedon, prodigies held him back: Philip and the Greeks would have to wait.<sup>18</sup>

As Flamininus’ delay demonstrates, the consuls had little choice but to remain in the city until all reported prodigies had been expiated. Some of these were prodigies that had taken place in the previous year but had been left untreated until after the inauguration of the new consuls. Other prodigies occurred during the consuls’ own term of office. These were inevitably the source of greatest delay, as further ceremonies might be required for each new prodigy reported.<sup>19</sup> Expiation could be a long and drawn-out

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<sup>16</sup> Levene (1993) 35 n. 162 argues that whether it was historically accurate or not, Livy’s typical placement of expiation at the beginning of the year, and his claim that this was customary, ‘suggests that such an idea is at least consonant with the way prodigies would have been seen in his day’. Throughout his book, Levene offers a number of explanations for the displacement of Livy’s prodigy lists. He works from the assumption that the beginning of the consuls’ term in office was the standard moment for expiation, and that Livy moves the lists to different points of the year for narrative reasons. This seems to place Levene in complete opposition to Rich (2011), who maintains that prodigy lists were displaced to the beginning of the year (rather than scattered throughout the account) for narrative reasons.

<sup>17</sup> Thus in the following years: 217 (22.1.8–20), 212 (25.7.7–9), 208 (27.23.1–4), 206 (28.11.1–7), 203 (30.2.9–13), 200 (31.12.5–10), 199 (32.1.10–14), 198 (32.9.2–4), 193 (34.55.1–5), 191 (36.37.2–6), 187 (38.44.7), 186 (39.22.3–5), 181 (40.19.1–5), 180 (40.37.1–3), 176 (41.16.3–6), 169 (43.13.3–8).

<sup>18</sup> For the prodigy list of 198, see 32.9.1–4. For another example of an expiation that disrupted consular duties, see 27.23.1–4 (208, when the consuls were held back in Rome by prodigies even after the praetors had left for their provinces). For the connection between the consuls and expiation, see also Engels (2007) 751, who argues that the inauguration of the consuls was moved to January in 153 to give them more time to complete expiations before leaving for their provinces.

<sup>19</sup> In 207 for example, expiatory ceremonies were multiplied and modified to respond to the new prodigy reports that were streaming into Rome. In the first place, a *Novemdiale* (a nine-day festival to Jupiter) was conducted because of a rain of stones in Veii, and sacrifices and a *supplicatio* were offered in response to a number of other prodigies. Later,

process, consuming a great deal of the consuls' time and energy and tying them to the city until the rituals were completed. In 193, for example, the expiation of frequent earthquakes prevented the consuls from calling Senate meetings or conducting other business (34.55.4). The situation became so dire that the Senate ordered the people not to report an earthquake on any day when one had already been reported and expiation ceremonies scheduled. Latte upheld this episode as evidence of senatorial manipulation of prodigies, with expiations being conducted only as a matter of form and discontinued when they hindered other important tasks.<sup>20</sup> Yet as Rasmussen points out, the Senate's decision to suspend prodigy reporting rather than simply ignore it proves that the consuls were obligated to address each prodigy reported, despite the inconvenience.<sup>21</sup> Since the Senate could not stop the earthquakes, they limited the reports.

According to Livy, prodigy reports often slipped into a long, self-multiplying cycle, as the anxiety generated by one prodigy created a hypersensitivity toward others.<sup>22</sup> The consuls were responsible for presenting each new prodigy to the Senate for approval, and then overseeing or conducting the appropriate expiatory ceremonies. The process might take days or even weeks to complete. It seems incredible to us today that these rituals could be prioritised over more 'practical' concerns.<sup>23</sup> But we must keep in mind that the expiation of prodigies was, for the Romans, key to the success of military and political ventures. In other words, expiations were performed not in spite of pressing military challenges, but because of them.

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because of a rain of stones in the Armilustrum, a second *Novemdiale* took place. Then, after a hermaphrodite was born in Frusino, the *haruspices* ordered that the child be locked in a box and thrown into the sea, and the *pontifices* advised a hymn by 27 maidens. While the girls were practicing their hymn in the temple of Jupiter Stator, the temple of Juno Regina was struck by lightning. As a result of this prodigy, it was decreed that the matrons should appease Juno with a gift and that further offerings should be made. In the end, the 27 maidens sang their hymn, originally intended for Jupiter, to Juno Regina instead. For these ceremonies, see 27.37.1–15.

<sup>20</sup> Latte (1960) 266–7.

<sup>21</sup> Rasmussen (2003) 51.

<sup>22</sup> See, for example, 27.37.1: *sub unius prodigii, ut fit, mentionem alia quoque nuntiata*.

<sup>23</sup> Rawson (1971) 159, citing Luterbacher (1904): 'it would be very inconvenient for the consuls to be held up for as long as some of Livy's notices suggest'. Rawson doubted that expiations would be allowed to interfere with other consular duties. This conflicts, however, with her other objection to Livy's prodigy lists—that prodigies, as signs of a breach in the *pax deorum*, should have been addressed immediately. The former stresses the insignificance of expiation compared with other state concerns, the latter its urgency.



### 3. Delays in Expiation

As we have already seen, E. Rawson argued that prodigies were always expiated soon after they occurred. Her direct evidence for the immediate expiation of prodigies comes from Cicero's *de Haruspicum Responso*.<sup>24</sup> This speech, delivered to the Senate in 56, concerns an interpretation of the *haruspices*, whom the Senate had consulted after a rumbling in the *ager Latiniensis*. The priests responded with a long list of causes for the gods' anger: sacred games had been desecrated, secret rituals polluted, sacred places profaned, envoys murdered, oaths neglected.<sup>25</sup> For Cicero, who had just returned from exile, their response hit close to home. His enemy Clodius traced one of the offenses—the desecration of holy sites—back to Cicero himself. When Cicero was exiled, his enemies had razed his home and built a temple to *Libertas* in its place. When he returned, he destroyed the temple (with the approval of the pontifical college) and built a new home on the same spot. According to Clodius, it was the destruction of this temple that had provoked the gods' anger. Cicero delivered the *de Haruspicum Responso* in his own defence.

Cicero's speech, as well as the prodigy that incited it, can be dated with reasonable certainty. Lenaghan dates the prodigy to mid- to late April or early May, sometime after the Megalensian Games of 56.<sup>26</sup> As for the speech itself, Lenaghan argues convincingly that it was delivered around May 8 of the same year.<sup>27</sup> From these dates, we can draw three important conclusions about the *ager Latiniensis* prodigy: (1) it was discussed in the Senate immediately after its occurrence; (2) it was addressed not at the beginning of the

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<sup>24</sup> Rawson (1971) 159.

<sup>25</sup> For a reconstruction of the full haruspical response, gleaned from Cicero's speech, see North (2000) 94.

<sup>26</sup> Cicero identifies these games with the desecration mentioned in the response of the *haruspices*. He thereby incriminates his accuser, since it was Clodius himself who disrupted the games when he led a group of slaves into the theatre. The Megalensian Games took place between April 4 and 9; since Cicero identifies them as a cause of the prodigy, it is reasonable to infer that the rumbling in the *ager Latiniensis* occurred after this date. See Lenaghan (1969) 23.

<sup>27</sup> Lenaghan dates the speech through the following clues: that Clodius had recently been reconciled with Pompey, and thus that the speech was delivered after the Conference at Luca (which took place in mid-April); that Cicero's attitude to Caesar was cold, and thus that the speech preceded his *de Provinciis Consularibus* (which was delivered in late May or June); that if the *de Haruspicum Responso* took place between April and June, it must have been delivered in May, since Lentulus, who presided over the Senate meeting, held the *fasces* that month; and finally that the speech must have been given before May 15, when Gabinius was denied a *supplicatio*, since Cicero, who took every opportunity to mock Gabinius for his failure, does not mention it in the *de Haruspicum Responso*. For the dating of the prodigy and the speech, see Lenaghan (1969) 22–28.

consular year, but several months after the consuls' election in January; and (3) it was dealt with alone, not in combination with other prodigies.<sup>28</sup>

What Rawson fails to note, and what seems at first glance to support her argument, is that the Senate had already addressed another prodigy in that same year. According to Cassius Dio (39.15.1–3), after lightning struck a statue of Jupiter on the Alban Mount at the beginning of 56, the *quindecimviri* consulted the Sibylline Books. They found an oracle advising the Romans not to aid the king of Egypt with an army. Cicero mentions this oracle in several letters to his friend Lentulus Spinther, who was personally affected by it. In 58, Ptolemy XII Auletes had been ousted by the Egyptians, who were angered by his passivity over the Roman conquest of Cyprus. In September of 57, Lentulus Spinther, then governor of Cilicia, had been commissioned by the Senate to restore Ptolemy to his throne. The oracle set off a new debate in the Senate about who should restore Ptolemy (Ptolemy himself lobbied for Pompey to have the job) and how this might be done.<sup>29</sup> Dio tells us that Cato, who was plebeian tribune at the time, even had the Sibylline oracle published without the Senate's approval in order to incite public outrage.<sup>30</sup>

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<sup>28</sup> Cic. *Har. Resp.* 28.62 does mention a prodigy that occurred at about the same time as the rumbling in the *ager Latiniensis*: an earthquake in Potentia. He uses technical language to describe the prodigy, which had been announced to a consul (*nuntiatur*) but not yet referred to the Senate (*nondum est relatum*). It was not being considered alongside the rumbling in the *ager Latiniensis*. For more on this prodigy, see below.

<sup>29</sup> After months of debate, the Senate only reached one conclusion regarding Ptolemy: that the oracle had to be obeyed. But they never worked out exactly what this meant, since they neither forbade nor encouraged Lentulus to complete the task, nor did they assign it to anyone else. In the end, A. Gabinius, proconsul of Syria, stepped in and restored Ptolemy to his throne. But when Gabinius returned to Rome, he was tried for *maiestas* for leading an army outside his province. He was acquitted, but later convicted under the *Lex Iulia Repetundarum* of accepting a bribe. I presume that Gabinius would not have restored Ptolemy had the Senate issued clear injunctions against this. Perhaps the Senate, unwilling to slight either Ptolemy or the Sibyl, intentionally left the matter unclear. Thus they could not be held responsible for the actions of individual generals, many of whom, no doubt, wanted the wealth to be gained from restoring Ptolemy. For Gabinius' restoration of Ptolemy and subsequent trials, see Williams (1985).

<sup>30</sup> Cicero does not mention the publication of the oracle, but does show that Cato wished to have the people involved in the debate. Cic. *ad Fam.* 1.2.4 (Jan. 15, 56): *Quod ad popularem rationem attinet, hoc videmur esse consecuti, ut ne quid agi cum populo aut salvis auspiciis aut salvis legibus aut denique sine vi posset. De his rebus pridie quam haec scripsi senatus auctoritas gravissima intercessit; cui cum Cato et Caninius intercessissent, tamen est perscripta.* Cic. *de Div.* 2.112 tells us that the Sibylline Books could not even be read without the Senate's permission. According to Roman legend, Marcus Atilius, a *duumvir sacris faciundis* serving under one of the Tarquins, was sewn up into a bag and thrown into the sea for copying Sibylline oracles. For Atilius' story, see D.H. 4.62, Val. Max. 1.1.13, Zon. 7.11.1. This was, of course, only a legend. Our sources do not mention any punishment for Cato—certainly not the

Thus we have a good deal of evidence from 56 that would seem to indicate that Livy was wrong about prodigies—that, instead, they were expiated one-by-one immediately after they occurred. But we cannot assume that the events of 56 are representative of Roman expiatory practices of the middle Republic. In the first place, this year seems to be exceptional in respect to prodigies. Consider Cato's actions after the Ptolemy oracle had been discovered: he rushed to have the oracle published, against tradition and against the will of the Senate. This extraordinary act indicates that there was something extraordinary about the Sibyl's words. Perhaps Cato published the oracle precisely because it was so strange—because, as Dio claims, its relevance to the situation at hand was difficult to believe—and because he expected it to provoke a political battle (C.D. 39.15.3). It may be no coincidence that Cicero's *de Haruspicum Responso* and his letters to Lentulus provide not only our best contemporary evidence for Republican prodigies, but also some of our best examples of the political manipulation of prodigies. It was, after all, the personal and political impact of these prodigies that made them relevant to Cicero. Since he rarely discusses prodigies in other speeches and letters, we may argue *ex silentio* that the events of 56 were not typical.<sup>31</sup>

But even more importantly, consuls in office spent more time in the city of Rome during the late Republic. This meant that it was no longer necessary to delay expiation in order to facilitate consular involvement.<sup>32</sup> In fact, for each contemporary prodigy about which Cicero gives details, he is quite explicit about the consuls' role in determining and performing the expiations.<sup>33</sup> The consul Cn. Cornelius Lentulus Marcellinus was actually presiding over the senate meeting in which Cicero delivered the *de Haruspicum Responso* (*Har. Resp.* 11.22). Both consuls were present at the Senate's debates over the lightning strikes of 56. Marcellinus, the presiding consul, *instituit referre de religione et saepe iam rettulit, ab eo deduci non potest* (*ad Fam.* 1.1.2). Likewise, in 65, when the *haruspices* advised that a statue of Jupiter be erected af-

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punishment of the parricide. But the publication of the oracle was unusual, as Dio notes. The effectiveness of the prohibition against publishing Sibylline oracles is revealed in the fact that today we possess only one example of a republican Sibylline oracle, recorded by Phlegon of Tralles (Phlegon *Mir.* 10 = *FGrHist* 257 F 36 X). For an analysis of Phlegon's oracle, see Diels (1890). For the prohibition against publishing Sibylline oracles, see also Gran. Lic. 35.1–2 in Criniti (1981).

<sup>31</sup> For the period after Sulla, Cicero mentions two other sets of contemporary prodigies: the prodigies of 65, and those of his own consulship in 63. He connects all of these prodigies to the Catilinarian conspiracy. See *In Cat.* 3.18–20 and Cicero's poem *de Consulatu Suo* (recorded in *de Div.* 1.17–22).

<sup>32</sup> For the consuls' more frequent presence in the city after Sulla's dictatorship, and for its impact on expiation, see Pina Polo (2011) 26–7.

<sup>33</sup> At *In Cat.* 3.18 Cicero mentions prodigies reported during his own consulship, but does not give any details about their expiation.

ter lightning strikes on the Capitol, the consuls themselves ordered that the statue be set up.<sup>34</sup>

Thus Cicero's *de Haruspicum Responso* cannot be used to prove that Republican expiations always followed immediately after the prodigies concerned, both because of the exceptional political implications of the haruspical response, and because of the consuls' continued presence in the city. But we still must question whether it would have been possible, on the basis of religion, for the Romans to ignore a prodigy for any period of time. Evidence from the Republic indicates that it was. Expiation, after all, was often a long process. Even the simplest expiations could involve significant delays. In the first place, for prodigies that took place outside Rome—in other areas of Italy, or in distant army camps, it might have been days or weeks before news reached the city. Then the praetor or consul who received the report had to convene the Senate, who often consulted priestly experts for ritual advice. As we have seen, they sometimes even summoned *haruspices* from Etruria, necessitating further delay.<sup>35</sup> During this time, business went on as usual in Rome. A prodigy was not in itself a *vitium*; it did not invalidate any business conducted between its occurrence and its announcement, nor did it mean that all business stopped until it was expiated.<sup>36</sup> The *de Haruspicum Responso* itself gives evidence for some delays in expiation: at the end of the speech, Cicero mentions additional prodigies—an earthquake and other strange events—that occurred in Potentia at almost the same time as the rumbling in the *ager Latiniensis*. It is clear from his language that these signs

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<sup>34</sup> Cic. *In Cat.* 3.20: *Atque illud signum collocandum consules illi locaverunt; sed tanta fuit operis tarditas, ut neque superioribus consulibus neque nobis ante hodiernum diem collocaretur.*

<sup>35</sup> Although there were *haruspices* present in Rome, experts were often summoned from Etruria to address prodigies: Cic. *Har. Resp.* 12.25: *Si examen apium ludis in scaenam caveamve venisset, haruspices acciendos ex Etruria putaremus.*

<sup>36</sup> On the day before Cicero delivered the *de Haruspicum Responso*—before the prodigy had been expiated, and while its meaning was still being debated—the Senate had given hearing to a group of tax farmers (*Har. Resp.* 1.1). Despite the prodigy, official business had not ground to a halt. A prodigy might have been understood as a *vitium*, but only when it directly affected the activities in question. For example, in 99 the plebeian tribune Sextus Titius proposed a law regarding land distribution. When two crows fought over the assembly, the *haruspices* ordered that propitiatory sacrifices be offered to Apollo and that the proposed measure be dropped. See *Obsequens* 46 and Cicero *Leg.* 2.31 for the abandonment of the *Lex Titia*. See Linderski (1986) 2159–73 for *prodigia* and *vitia*. Although the earthquakes of 193 (see above) stopped the Senate from meeting, this was not because they were considered *vitia*, but because the consul was too busy with expiatory ceremonies to convene the Senate.

were already known to his audience, but had not yet been officially reported or addressed in the Senate.<sup>37</sup>

Even after the necessary expiations had been determined, it might be months or even years before the rituals were complete. Again, we can use Cicero's account of the prodigies of 65 as evidence. In his *Third Catilinarian*, delivered in 63, Cicero complains (*In Cat.* 3.20) that it had taken too long to erect the propitiatory statue, which was only then being set up. Likewise, after rains of stones in 205, the *decemviri sacris faciundis*, having consulted the Sibylline Books, advised the Romans to import the goddess Magna Mater. It took months to fetch the goddess from Asia Minor—according to Livy, the ambassadors took a detour to Delphi on the way—and an astounding thirteen years to complete her temple.<sup>38</sup>

A final example of an expiatory delay highlights the link between the consuls and expiation in Rome. Livy tells us that in 292 a plague was ravaging the city. Treating the plague as a prodigy, the Senate ordered the *decemviri* to consult the Sibylline Books. The Books advised the Romans to fetch Asclepius from Epidaurus, but they could not send for the god in that year because the consuls were too busy conducting a war. The expiation was delayed to ensure that it was performed properly. But in the case of Asclepius' introduction, Livy makes clear that proper performance required the participation of the consuls.<sup>39</sup>

If prodigies typically demanded the consuls' attention, as Livy indicates, a delay until the beginning of the year would have been common. As with the plague just mentioned, the delay might have come after the prodigy had been reported and the necessary expiation determined.<sup>40</sup> But there might

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<sup>37</sup> *Har. Resp.* 28.62: *Cogitate genus sonitus eius, quem Latinienses nuntiarunt, recordamini illud etiam, quod nondum est relatam, quod eodem fere tempore factus in agro Piceno Potentiae nuntiatum terrae motus horribilis cum quibusdam multis metuendis rebus.*

<sup>38</sup> For the introduction of Magna Mater into Rome, see Livy 29.10.4–11.8 and 29.14.5–14; Cic. *Har. Resp.* 26–8, *Cael.* 34, *Sen.* 45; Varro *LL* 6.15; Ov. *Fast.* 4.247–348; Strab. 12.5.3; Plin. *NH* 7.120; Sil. 17.1–43; App. *Hann.* 56; Dio fr. 57.61; Herodn. 1.11; Lactant. *Inst. Div.* 2.7.12; Auct. *De Vir. Ill.* 46; Iuln. *Or.* 5.159–61. For the completion and dedication of Magna Mater's temple in 191, see Livy 36.36.2. For a clear presentation and analysis of the most important ancient accounts, see Engels (2007) 478–83. Other helpful scholarship on the topic of Magna Mater's arrival in Rome includes Graillot (1912); Lambrechts (1951); Köves (1963); Bömer (1964); Thomas (1984); Gruen (1990); Burton (1996); Roller (1999) 263–85.

<sup>39</sup> 10.47.6–7. For the consuls' participation in the introduction of Asclepius, see Pina Polo (2011) 27.

<sup>40</sup> For those prodigies that needed immediate attention, such as the wasps at Capua and the talking cow at Anagnina, necessary actions would have been taken at the site of the prodigy prior to the full-out expiatory ceremonies in Rome. It is possible that initial expiations were always performed after a prodigy occurred, but that the new consuls

also have been a sanctioned lag between a prodigy's occurrence and its report. After all, an event was not technically a prodigy until the Senate declared it so.<sup>41</sup> The Senate could have facilitated the consuls' involvement in expiation by permitting prodigy reports only at designated times, particularly at the beginning of the consular year.<sup>42</sup>

#### 4. Expiation and Power

Why were prodigies and expiation primarily the consuls' concerns? Because, as John North has noted, divination in Rome was the privilege of the powerful.<sup>43</sup> This held true even on a household scale. In a well-known passage of *de Agricultura* (5.4), Cato advises the farm-owner to prohibit the *vilicus* from consulting diviners: *Aruspicem, augurem, hariolum, Chaldaeum nequem consuluisse velit*. Some scholars have understood this sentence as a criticism of divination in general: Cato, the quintessential Roman, opposed the divinatory activities of the irrational foreign slave. But as North points out, this statement is part of a passage mapping out the position of the *vilicus* in relation to his master, and advising the master to keep the *vilicus* in his place. In the same passage, Cato admonishes that the *vilicus* should not think that he knows more than his master, that he should consider the master's friends his own, and that he should not make purchases without the master's permission. In each case, the *vilicus* is advised not to assume the privileges of the master. Likewise, Cato's prohibition against divination marks it as a privilege of the master's power. The problem was 'not that the *vilicus* would be wasting his time with the diviners, far from it, but that he would be threatening his master's domination.'<sup>44</sup>

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conducted a grand ceremony for all of the prodigies of the previous year before they left for their provinces.

<sup>41</sup> This explains the events of 193. When expiation ceremonies for frequent earthquakes made all other business impossible, the Senate was able to prohibit further reports of earthquakes on days when earthquakes had already been reported. The Senate obviously had some control over the reporting of prodigies. At the same time, it explains why this strategy would have worked: only the prodigies that were reported mattered; those that were left unreported did not require expiation. On these earthquakes, see above.

<sup>42</sup> The Romans placed a great emphasis on *perception* in dealing with omens and prodigies. Consider, for example, the work of the flute-player at a sacrifice: he blocks portentous sounds from reaching the ears of the worshippers. These sounds only become omens when they are heard by those present. Messages, in other words, are not simply sent by the gods; they have to be received by the right people. For the role of the Senate in declaring an event a prodigy, see Pina Polo (2011) 24–5.

<sup>43</sup> North (1990) 60.

<sup>44</sup> North (1990) 59.

This same connection between divination and power existed at the state level. It can be seen in one of the watershed moments in Roman Republican history, when the plebeians gained access to the consulship in 367.<sup>45</sup> In the same year the *duumviri sacris faciundis* (the patrician priesthood in charge of the Sibylline Books) was opened to plebeians and its membership increased from two to ten (the *decemviri sacris faciundis*). Livy considered the opening of the duumvirate, the most important priesthood for expiation in Rome, to be a major step in the opening of the consulship.<sup>46</sup>

As the most powerful magistrates in Rome, the consuls functioned as mediators in expiation. This mediation was not only between Rome and her gods, but also between Rome and other Italian towns, since Rome expiated prodigies reported from all over Italy (and even beyond). The consuls' role in expiation can be compared to their part in the Latin Festival. The festival, whose date was set each year by the consuls, was performed before they set out for their provinces.<sup>47</sup> Representatives of the Latin towns met on the Al-

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<sup>45</sup> Prior to the Licinio–Sextian legislation of 367, the consulship had been supplanted by the consular tribunate, which had a flexible enrolment always higher than two (it was fairly stable at six from the end of the fifth century). Plebeians very rarely held this post. See Cornell (1995) 336 for a chart with data on the consular tribunate. See Broughton (1951–2) for the names and source citations for all known consuls and consular tribunes of the early Republic. For the consular tribunate, see also Linderski (1990) 45.

<sup>46</sup> 6.42.2–3. Livy is our only source for the development of the decemvirate, but this is true for many events of the Roman Republic and is simply the consequence of the unfortunate lack of evidence for this period. This should not lead us to doubt his account, or to impugn the significance of the transformation of the duumvirate. Despite the obvious evidentiary problems for this period, I agree with Robert Develin that ‘One important area where one must, I think, have confidence in the record is legislation’ (Develin in Raaflaub (2005) 296). In this case, the legislation instituted by Licinius and Sextius would have been confirmed by the priestly records because of the sudden increase in the enrolment of a major priestly college.

<sup>47</sup> There may, in fact, have been a traditional link between prodigies and expiations and the Latin Festival. In his poem *de Consulatu Suo* (as quoted in *de Div.* 11.18), Cicero describes a number of prodigies as having occurred after his celebration of the Latin Festival in 63:

Tu quoque, cum tumulos Albano in monte nivalis  
 lustrasti et laeto mactasti lacte Latinas,  
 vidisti et claro tremulos ardore cometas,  
 multaque misceri nocturna strage putasti,  
 quod ferme dirum in tempus cecidere Latinae,  
 cum claram speciem concreto lumine luna  
 abdidit et subito stellanti nocte perempta est.

His emphasis on the correspondence of the timing of these prodigies with the Latin Festival may indicate a traditional connection between the reporting and expiation of prodigies and the performance of the festival. Both were duties of the consuls, both involved

ban Mount to take part in the ceremonies, under the guidance of the Roman consul. The consuls, it seems, had a special role in maintaining the bonds—both religious and political—that linked Rome to the rest of Italy.<sup>48</sup>

The connection between power and expiation is exemplified in the actions of Quintus Fabius Maximus in 217, when he was serving not as consul, but as dictator, appointed after Flaminius' terrible defeat at Trasimene. According to Livy, Fabius began his term with matters of religion, convening the Senate and requesting that the Sibylline Books be consulted. The defeat at Trasimene, he claimed, was due to Flaminius' religious failings, and it was therefore necessary to appease the gods. Livy notes the exceptionalness of Fabius' request: Fabius had to convince the Senate to turn to the Sibylline Books, which were hardly ever consulted except when the most terrible prodigies had occurred.<sup>49</sup> The Books advised a number of expiations, including the vow of a *Ver Sacrum* and the construction of temples to Venus Erycina and Mens.<sup>50</sup> The goddess of good counsel, Mens decried the poor planning of Flaminius and brought the promise of better leadership in the war against Hannibal.<sup>51</sup>

But these expiations were not simply a matter of casting blame on Flaminius, or of offering a renewed hope after a terrible defeat. Fabius' attention to expiation also helped to consolidate his own power. His request to consult the Sibylline Books may be compared to Julius Caesar's actions in December 49. After Caesar marched on Rome and assumed the dictatorship, he repeated the Latin Festival that had been conducted by the consuls earlier that year. The festival, like expiation, was one of the annual religious

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representatives from other towns outside Rome, and both took place at the beginning of the consuls' term before they left for their provinces.

<sup>48</sup> The consuls also played an important role in foreign diplomacy, and thus seem to have been in many ways the 'face' of Rome; see Pina Polo (2011) 58–82.

<sup>49</sup> 22.9.7: *Q. Fabius Maximus dictator iterum quo die magistratum iniit vocato senatu, ab dis orsus, cum edocuisset patres plus negligentia caerimoniarum quam temeritate atque inscitia peccatum a C. Flamínio consule esse quaeque piacula irae deum essent ipsos deos consulendos esse, pervicit ut, quod non ferme decernitur nisi cum taetra prodigia nuntiata sunt, decemviri libros Sibyllinos adire iuberentur.* As Davies (2005) 64–5 points out, the use of the word *pervicit* indicates that it took some effort for Fabius to convince the Senate to consult the books.

<sup>50</sup> Fabius did not perform all of the expiatory ceremonies, but he did initiate them by requesting that the Sibylline Books be consulted. Livy 22.9.11 tells us that because Fabius was busy with the war, the praetor Marcus Aemilius made sure that the Sibyl's advice was implemented. He led the people in the vow of the *Ver Sacrum* and oversaw the games to Jupiter. It was Fabius, however, who vowed the temple to Venus Erycina, due to the convenient mandate of the Sibyl that the temple be vowed by the man with *maximum imperium* (22.10.10). A consul or praetor might have performed this duty had it not been for the Sibyl's specification, which cannot have been coincidental in a year with a dictator.

<sup>51</sup> See Clark (2007) 66–7 for the introduction of Mens to Rome. Clark sees Mens as part of 'Fabius' response to Flaminius' military and "religious" policy'.



duties of the consuls. By repeating the ceremony, Caesar asserted the legitimacy of his own rule while denying that of his predecessors, and he presented himself as a mediator between the Romans and their gods.<sup>52</sup> In the same way, Fabius' consultation of the Sibylline Books provided a religious explanation for Flaminius' defeat, and signalled his own ability to correct Flaminius' mistakes. The act was deliberate and symbolic, performed despite the fact that no new prodigies had been reported. The dictator Fabius, like Julius Caesar after him, used a traditional religious duty of the consuls to solidify his own power in a moment of crisis. His actions confirm the connection between expiation and authority in Rome.

### 5. Implications

In a famous passage of his History, Livy tells us that no one really pays attention to prodigies in his own day (43.13.1–2):

Non sum nescius ab eadem neglegentia qua nihil deos portendere volgo nunc credant neque nuntiari admodum ulla prodigia in publicum neque in annales referri. Ceterum et mihi vetustas res scribenti nescio quo pacto antiquus fit animus, et quaedam religio tenet quae illi prudentissimi viri publice suscipienda censuerint, ea pro indignis habere quae in meos annales referam.<sup>53</sup>

I am not unaware that as a result of this same disregard by which men generally now believe that the gods portend nothing, no prodigies are ever announced in public or recorded in our annals. Yet not only does my own mind become in some way old-fashioned as I write

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<sup>52</sup> On Caesar and the Latin Festival of 49, see Caes. *BC* 3.2.1, Lucan 5.400–2. For the Latin Festival as a consular responsibility, see Pina Polo (2011) 30–5. The festival usually took place at the beginning of the year, soon after the consuls took office. But Caesar held it in December, just before he left for the war against Pompey. Weinstock (1971) 320–5 notes that the magistrates inaugurated in January of that year had already conducted the ritual. He argues that Caesar's repetition of the festival was not corrective but was instead a special honour that the Senate granted him because of his conquest of Gaul, or his victories over the Pompeians in Italy and Spain. But Stewart (1997) 178 shows that a repetition of the festival on the grounds of his predecessors' religious error was 'consistent with Caesar's rhetoric: inaugural vows were important for a magistrate's authority, and the magistrates appointed in January 49 were not duly empowered; thus the ritual of the *feriae Latinae* was vitiated and the festival needed to be performed again and correctly'.

<sup>53</sup> For contemporary apathy toward prodigies, see also Cic. *Div.* 1.25, *ND* 2.9, *Leg.* 2.23. For this passage in Livy and the different scholarly views on it, see Levene (1993) 22–3 and 115–6.

about ancient matters, but also a certain scruple restrains me from considering unworthy to write in my Annals those things which those very wise men judged should be taken up as a matter of public concern.

For Livy, prodigy lists were a hallmark of a bygone era. The system of prodigy reporting and expiation, as practiced in the middle Republic, may have been as foreign to him as it is to us today.<sup>54</sup> Yet his prodigy lists were not anachronistic inventions. As this passage shows, he respected the idiosyncrasies of the past, which deserved to be presented on their own terms. He was willing to record even what he did not understand, or what nobody cared about any more.

What are the historical implications, then, of the Romans' placing expiation at the beginning of the consuls' term? One practical advantage is that the ceremonies would have been less disruptive to Roman political life. In the first place, it would limit the number of days in which expiatory ceremonies would be performed. A single year could see ten or more prodigies. Expiating these together would have reduced the demands on the senate, the priests, and the people, who were frequently asked to participate in days of public prayer. In addition, removing prodigies from the chronological context of their occurrence limited the opportunities for the sort of political manipulation of prodigies that occurred in 56. If the expiation were disconnected from the chronological setting of the prodigy, it would be much more difficult for anyone to tie the omen to a particular event through its expiation.

By performing expiations at the start of the year, the Romans made clear that the rituals looked forward rather than backward—that the ceremonies were conducted for the purpose of obtaining the gods' favour for the new year. By expiating prodigies outside the context of their occurrence, the Romans took the emphasis away from the negative event of the prodigies themselves, and placed it on the positive action of expiation, which, through the diligence of the performers, was virtually always successful in obtaining the gods' favour. In other words, if prodigies are expiated *en masse* at the be-

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<sup>54</sup> Rasmussen (2003) 255 argues against the decline of prodigy and expiation in the late Republic: 'Despite the minor decrease in the number of prodigies, and despite Livy's and Cicero's remarks on, and complaints about, the waning significance of public portents, the conclusion based on the many examples in this study is that the institution of public portents does not seem to have deteriorated significantly during the Late Republic'. But I find it hard to believe that Livy would make such a claim falsely, since it concerned matters of his own day and could be easily refuted. He is referring, after all, to public events: prodigies that were announced publicly, expiation ceremonies that were performed in public, and published historical accounts.

ginning of the year, the emphasis is placed more on the expiation than on the prodigies themselves, which become simply divine ‘objections duly noted’ during the course of the year and addressed in a yearly full-out cathartic ritual. Placed at the beginning of the year and timed on the same annual rhythm as political life, this ultimate expiation assumes itself an intensely portentous character for the fate of the Roman state.

The act of expiation was thus fundamentally positive. The timing of the ceremonies gave the consuls and the priests the chance to clean the slate, to give the state its annual tune-up, before the consuls went off to war. In the end, the rituals were not only a method of gaining the gods’ favour, but also a means of verifying or proving it. When the ceremonies had been performed, and the outcome of the sacrifices had been favourable, the Romans could have full confidence in the gods’ blessings on their year.<sup>55</sup>

The consuls’ involvement in expiatory ceremonies emphasised their role as religious leaders in Rome, and their responsibility for maintaining the gods’ favour during their own year in office. For the Romans religion played a key role in the success or failure of a consul. If he failed in his military duties, his failure could be attributed to impiety. If he achieved the pinnacle of success, he would ride through the city in a triumphal parade wearing the garb of Jupiter Optimus Maximus. The consul’s participation in religious rituals offered an important means of expressing his piety toward the gods, who he hoped would bless his year in office.

The performance of these expiations at the beginning of the year, which had the potential to delay the consul’s departure for his province, provided him with the opportunity to express not just his piety toward the gods, but also his acceptance of his position within the Roman political system. The importance of this expression is illustrated in the story of Gaius Flaminius and his actions before Trasimene. Livy tells us that Flaminius, fearful of being delayed in Rome by the auspices or Latin Festival, took office in his province, and thus failed to perform the proper religious ceremonies of the new consul. This was viewed as an act of hostility not only toward the gods whom he neglected, but also toward the Senate.<sup>56</sup> By refusing to perform

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<sup>55</sup> One famous expiatory ceremony advised by the Sibylline Books, the *Ludi Saeculares*, proves that expiation could be a celebration, and recognition, of a new beginning. These games were performed about once every century to commemorate the end of one age of men and the beginning of another. For the *Ludi Saeculares*, see Nilsson (1920); Pighi (1965); Beard, North, and Price (1998) 71–2, 111, 201–6; Schnegg-Köhler (2002).

<sup>56</sup> Livy 22.2.1 describes the expiatory ceremonies performed in 217. Livy uses the singular ‘consul’ to underscore Flaminius’ absence from these ceremonies: *Dum consul placandis Romae dis habendoque dilectu dat operam*. As we have already seen, at 22.9.7, Fabius blames Flaminius’ impiety for the defeat at Trasimene. See 21.63 for the judgement of the Senate

these ceremonies and subject himself to the Senate's authority—and the authority of the *mos maiorum* with which all Romans had been educated—Flaminius revealed a fatal flaw in his personality: he was too independent. The performance of expiatory rituals was a way for the consuls to express their acceptance of higher authorities—not only the gods, but also the Senate and the Republican system—even at the potential cost of their own glory in the provinces.

Finally, the timing of expiation at the beginning of the year underscores the rituals' focus on Rome. Each year, prodigies were reported from all over Italy and beyond, from Roman and non-Roman towns. But in almost every case, their expiations were performed by Roman priests and magistrates in the city of Rome itself. Positioned at the beginning of the consular year between the consuls' inauguration and their departure for their provinces, these ceremonies took place not only in Roman space but also in Roman time, in sync with Rome's political and military calendars. Under the guidance of Rome's chief magistrates, the ceremonies communicated Rome's responsibility for and control over all of Italy. The timing of expiation at the beginning of the year was not an invention of Livy or his sources; it reflects the truly Romano-centric nature of expiation in Rome.<sup>57</sup>

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In conclusion, let us return to Livy's claims about prodigies in his own day: that 'no prodigies are ever announced in public or recorded in our annals' (43.13.1). Livy mourns an all-around apathy—apparent not only in the general public of his own day, who fail to report prodigies, but also in his fellow historians, who disdain to mention those that were reported in the past. For Livy, the contemporary issue of prodigy reporting—and its decline—was inextricably linked with the historiographical record. Most historians had given in to the new scepticism that pervaded Rome and no longer showed the past the respect it deserved. Not so Livy. He traces his own unusual choice—the decision to include in his histories frequent and lengthy prodigy lists—to an inspiration provided by his work and a respect for the wisdom of the past. We should certainly see here also an inherent conservatism, his *Patavinitas*, proudly on display. He is constructing a model of decline and appropriating prodigies as evidence of this decline. But we must not assume

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against Flaminius: *non cum senatu modo sed iam cum dis immortalibus C. Flaminius bellum gerere*. See also 22.3 for Flaminius' disrespect toward the Senate and the gods.

<sup>57</sup> See Rosenberger (2005). Half of all prodigies occurred in Rome, and a majority of the remaining prodigies came from the area right around Rome—within a 50 km radius—from Etruria, Sabine territory, Latium, and Campania.

that he is inventing or manipulating prodigy material to fit this model. I have provided evidence that the beginning of the year was, indeed, an important time for expiation in Rome. This timing was related to the consuls' role in expiation (as evidenced even in contemporary prodigies recorded by Cicero), and to the rituals' focus on Rome—the Roman calendar and Roman magistrates. We have no reason to doubt Livy's own testimony about his prodigy lists: that he was inspired by a real shift in the reporting and recording of prodigies under Augustus, and that he appropriated this shift (rather than inventing it) as evidence of a broader decline.

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