REVIEW ARTICLE

WATCHING THE BIRDS: CICERO THE AUGUR AND THE AUGURAL *TEMPLA**

In his famous letter of consolation Servius Sulpicius reminded Cicero that Tullia had enjoyed in her life almost all *bona:* she had been married to *adulescentes primarii,* and she had seen her father as praetor, consul, and augur (*Fam.* 4. 5. 5). Coming from the pen of a jurist and aristocrat, this mode of consolation is doubly characteristic: Tullia's past happiness appears as a mere reflection of her father's political success, and the office of an augur as the pinnacle of Cicero's career. To this pinnacle, guarded by the nobility even more jealously than the consulate, Cicero attained ten years after the *annus mirabilis,*[1] and he never tired of extolling the power and influence of the augurs. In the *De legibus,* composed shortly after his election to the augurate, Cicero describes the *ius augurum* as "maximum . . . et praestantissimum in re publica." And he says he feels so not because he himself is an augur, but because such are the facts (*Leg.* 2. 31):[2]

**Philosophe et augure: Recherches sur la théorie cicéronienne de la divination.* By FRANÇOIS GUILLAUMONT. Collection Latomus, vol. 184. Brussels: Latomus (Revue d'Études Latines), 1984. Pp. 214. FB 950 (paper).

Templum. By PALMIRA CIPRIANO. Biblioteca di ricerche linguistiche e filologiche, 13. Rome: Prima Cattedra di Glottologia, Università "La Sapienza," 1983. Pp. 156. L. 25,000 (paper).

1. The traditional date is 53 B.C., but 52 cannot be excluded; see J. Linderski, "The Aedileship of Favonius, Curio the Younger and Cicero's Election to the Augurate," *HSCP* 76 (1972): 181–200. Guillaumont is quite inaccurate in his description of the regulations governing the elections to the priesthoods. The popular election of *sacerdotes,* replacing the earlier *cooptatio,* was introduced in 104 by the *lex Domitia,* was abolished by Sulla, and was restored, as G. puts it, "par la loi Atia de 63" (p. 82). But the law called *Atia* (and its sponsor Atius) is an apparition, perhaps not out of place in musty books such as J. K. von Orelli and J. G. Baiter's *Onomasticon Tullianum,* pars 2 (Zürich, 1838), p. 82, or G. Rotondi's *Leges Publicae Populi Romani* (Milan, 1912), p. 380, but which one hardly expects to encounter in 1984. The sponsor of the law was the tribune of the plebs T. Labienus; Labienus was his *nomen gentilicium* (for *nomina* of this type, see W. Schulze, *Zur Geschichte lateinischer Eigennamen,* Abh. Göttingen [Berlin, 1904], pp. 104–5, 163), and there is not a shred of evidence (as already in the seventeenth century E. Spannheim saw clearly; cf. Klebs, *RE* 2 [1896]: 2254–55) that he ever bore the name Atius. The attribution of this name to Labienus seems to stem from the reading at Cic. *Att.* 7. 15. 3 "Pompeius ad legiones At(t)ianas est profectus; Labienum secum habet," where the manuscript tradition is confused and where Lipsius and Münzer, on the basis of Plut. *Pomp.* 57, conjectured *Appianas,* rightly accepted by D. R. Shackleton Bailey in his text (*Cicero's "Letters to Atticus,"* vol. 4 [Cambridge, 1968]) and ably defended in his commentary ad loc., p. 311. If this inadvertence to matters prosopographical is distressing, even more distressing is G.'s confusion of the various stages in the elections to the priesthoods, especially his apparent amalgamation of the *nominatio* and *cooptatio* (p. 82 and nn. 92 and 93; for the procedure, see Linderski, "Aedileship," pp. 191–93).

2. Since it bristles with technical terms I give also the Latin text: "Quid enim maius est, si de iure quaerimus, quam posse a summis imperiis et a summis potestatibus [i.e., the magistrates with *imperium* and the tribunes of the plebs] comitiatus et concilia vel instituta dimittere vel habita rescindere? [On the distinction between *instituta* and *habita,* see below in the text.] Quid gravius quam rem susceptam dirimi, si unus augur 'alio <die>' dixerit? Quid magnificentius quam posse decernere, ut magistratu se abdicent consules? [This is not quite accurate: see below in the text.] Quid religiosius quam cum populo, cum plebe agendi ius dare aut non dare? Quid leges non iure rogatas tollere?" The last sentence is often printed in the form "quid legem si non iure rogata est tollere?"

> For what right (*ius*) is greater than to be able to dismiss assemblies (*comitiatus et concilia*) convened by the highest officials or to declare null and void the acts of such assemblies? What is of graver import than to effect the abandonment of any business already begun, if a single augur says "On another day" (*alio die*)? What is more magnificent than to be able to decree that the consuls resign their office? What is more binding (*religiosius*) than to give or to refuse permission to hold the assembly of the people or of the plebs or indeed to annul laws illegally (*non iure*) passed?

How puny, by comparison, look the concerns of the philospher and his position in the state! In the *Republic* the statesman is preeminent. When discoursing on the best state, Plato was forced to excogitate a fictitious construct; to demonstrate the *optimus status civitatis,* Scipio Aemilianus needed only to point to Rome nurtured into greatness by a succession of kings and statesmen (*Rep.* 2. 3). Cicero himself was able to save the state because he was consul at the time of the crisis and not merely a theoretical philosopher; had he not devoted himself since his young years to public life he could never have reached the consulship, and despite all the philosophizing the Republic would have been lost (*Rep.* 1. 7–11). Cicero the politician felt compelled to justify his literary frivolities: he composed them using odds and ends of time only, *subsiciva tempora,* a few days of vacation in the country (*Leg.* 1. 9). This sets the stage for confrontation between Cicero the philosopher and Cicero the augur—and for the book of Guillaumont.

The book falls into three parts, devoted to rhetoric and divination (pp. 17–42), to divination and politics as reflected in philosophical treatises, speeches, and letters (pp. 44–118), and finally to divination and philosophy (pp. 123–69). This organization is a marvel of mechanical division, and it produces ample repetition: *De republica* and *De legibus* are first treated (each separately) under the heading of politics and, in another part of the book, under the heading of philosophy. On the other hand, *De natura deorum,* despite its numerous references to the politics of augury, earns its place only as a statement of philosophy, and *De divinatione,* no less surprisingly, appears solely as politics and is accorded only five pages of cursory comment (pp. 45–49). G.'s *politique* is a vague word: it embraces both the political theory of divination and of augury and their application in political life. And he does not always distinguish rigorously enough between augury and other forms of divination, certainly a grave sin in a book about a famous augur. Still, on occasion, G. displays a fine grasp of augural niceties; but alas, his horror of detail and penchant for generalities too often leave the reader uninformed or confused.

G. (pp. 46–48; cf. 57–58) finds the hub of Ciceronian ideas about augury in the famous enunciation at *De divinatione* 2. 75, in which Cicero expresses the opinion that, although the augural law was originally conceived from a belief in divination, it was later maintained and preserved solely from considerations of political expediency (*rei publicae causa*).[3] In particular, this is true of the rule prohibiting the holding of popular assemblies when Jupiter thunders or lightens: the *maiores* wished to have an excuse for impeding the *comitia* (*Div.* 2. 42–43). Why the need

3. This philosophical stance of Cicero's had a long and illustrious pedigree, going back through Varro to Mucius Scaevola, to Polybius, and ultimately to the fifth-century Athenian enlightenment. Cf. K. Döring, "Antike Theorien über die staatspolitische Notwendigkeit der Götterfurcht," *A&A* 24 (1978): 43–56; J. Linderski, "Cicero and Roman Divination," *PP* 37 (1982 [1983]): 12–28, esp. pp. 17 ff. G., strangely enough, omits to place Cicero's views in this perspective.

for such a ruse? The Republic was teeming with demagogues who were always ready to sway the people with their pernicious *popularis eloquentia;* even Cicero's ideal Rome of the *Laws* was not completely free from this pest. To hold in check the *impetus iniustus* of the populace Cicero gives the *auspicia* to all magistrates: in this way they will be able to bring about the adjournment of many *inutiles comitiatus,* injurious meetings of the assembly (*Leg.* 3. 27). Thus the augural rules were excogitated to establish the *principes civitatis* as the interpreters of popular assemblies (*interpretes comitiorum*), whether these were held to pass judgments, to vote on laws, or to elect magistrates (*Div.* 2. 74).

In this passage the expression *interpretes* attracts attention. G. explains it as "une brachylogie," for "les *principes* sont non pas les interprètes des comices, mais les interprètes du *ius comitiorum*" (p. 48, n. 18). This is obvious and does not require any comment. What does require a comment is the augural connotation of the term *interpres,* and here G. offers little help. At the consular elections in 163 the *primus rogator,* an official who recorded the votes of the *centuria praerogativa,* suddenly died. This was a dire prodigy, and the senate decided to consult the Etruscan haruspices. In their *responsum* they declared that the presiding officer, the consul Ti. Gracchus (the father of the tribunes), was not a *iustus comitiorum rogator.* Gracchus, a paragon of a *princeps civitatis,* angrily exclaimed, "itane vero? ego non iustus, qui et consul rogavi et augur et auspicato? an vos Tusci ac barbari auspiciorum populi Romani ius tenetis et interpretes esse comitiorum potestis?"—and had them dismissed. But Gracchus was an assiduous augur, and next year, when he was the governor of Sardinia, reading the augural books, he discovered that he had indeed committed a technical error: having taken the auspices for the holding of the *comitia,* he returned to the city to preside in the senate, and on his way back to the Campus Martius he forgot to auspicate when recrossing the *pomerium.* As a result he lost his original *auspicia,* the divine permission to hold the elections on this day, and became a *non iustus rogator.* Jupiter observed this and sent a warning in the shape of the death of the *primus rogator.* Gracchus wrote a letter to the college of augurs and confessed his *peccatum;* the augurs presented the matter to the senate, and the senate decreed that the consuls must abdicate as *vitio creati* (Cic. *Nat. d.* 2. 10–11).

This famous affair, to which Cicero and other authors returned many times,[4] is most instructive. It casts sobering light on Cicero's rhetorical claims at *De legibus* 2. 31 (paraphrased above). In particular, the augurs were not entitled to decree *ut magistratu se abdicent consules;* their task was to establish whether a ritual error had been committed and to apprise the senate of their findings. They could do this on their own initiative,[5] as in the case of Gracchus, but normally the *collegium* conducted the investigations on the instructions of the senate.[6] But when the augurs had found that a *lex* was *vitio lata* or that the consuls were *vitio creati,* the

4. For references, see A. S. Pease, *M. Tulli Ciceronis "De Natura Deorum" Libri III* (Cambridge, Mass., 1958), pp. 572–78 ad locc.

5. Technically the report of the priests to the senate was called *nuntiatio sacerdotum;* cf. T. Mommsen, *Römisches Staatsrecht,* vol. 3 (Leipzig, 1888), pp. 958–59. Very often it consisted of the announcement of a *prodigium;* cf. ibid., pp. 1059–60.

6. The technical phrase was *ad augures referre* (Livy 45. 12. 10) or *ad collegium (augurum) deferre* (Cic. *Phil.* 2. 83). Cf. *ad collegium pontificum referre* at Livy 29. 19. 8, 29. 20. 10, 31. 9. 8, 38. 44. 5.

senate had hardly any other choice but to accept the report of the college, annul the law in question,[7] and instruct the consuls to abdicate.

But when speaking of the activities of the augurs we have always carefully to distinguish between the prerogatives, obligations, and privileges of the individual augurs and those of the *collegium augurum.*[8] Lack of attention to this fundamental division has bedeviled the study of the *res augurales* from Wissowa to G. The college of augurs functioned as a group of experts, *periti;* its main obligation was to uphold the augural law, *disciplinam tenere* (Cic. *Leg.* 2. 20). When called upon to investigate suspected violations of augural rules, they were supposed to go about their task dispassionately and scientifically, not unlike modern experts investigating a plane crash. It is not difficult to observe that the intervention of the college always took place *post actionem,* whereas the single augurs intervened *inter actionem.* Thus it lay within the prerogatives of the college (or more exactly within the prerogatives of the senate, although it normally acted after consultation with the college) "comitiatus et concilia *habita* rescindere," that is, to annul the effects of the voting in the assemblies, whether legislative or electoral. On the other hand, neither the *collegium augurum* nor the senate held the auspices or observed the sky for divine signs. Only the magistrates and individual augurs did. Whereas Cicero was hyperbolic in describing the powers of the college, he was very accurate in assessing the role of *unus augur.* Indeed, if a single augur uttered the hallowed formula "alio die," the magistrates and tribunes were forced to abandon the *res suscepta,* and in particular they were obliged to dismiss "comitiatus et concilia *instituta.*"[9]

This prescription of the augural law appears nowhere more clearly than in "the clash of the two augurs," as G. (pp. 86–91) aptly calls it, the polemic between Cicero and Antonius concerning Antonius' *obnuntiatio* in 44 against Dolabella's election to the consulship (Cic. *Phil.* 2. 79–84; cf. 1. 31, 3. 9, 5. 9). G. summarizes Cicero's train of thought correctly enough (see esp. p. 87), but he does not inquire into the theory of auspices upon which Cicero's argument was based, rather a surprising omission in a book about "la théorie cicéronienne de la divination."

The augural doctrine distinguished between solicited and unsolicited signs (*auspicia impetrativa* and *auspicia oblativa*). The crucial passage is *Philippics* 2. 81 "nos [i.e., the augurs] enim nuntiationem solum habemus, consules et reliqui magistratus etiam spectionem." With respect to the *comitia* the augurs had the right of *nuntiatio* only: they could only report unsolicited signs, and only after the beginning of the proceedings (cf. *Leg.* 2. 31 "rem susceptam dirimi, comitiatus et concilia instituta dimittere"). The magistrates, on the other hand, had both *spectio* and *nuntiatio:* the right to take impetrative auspices and to announce adverse omens (this is the famous procedure of *obnuntiatio* based upon *servare de*

7. The standard expression was "quae lex lata esse dicatur, ea non videri populum teneri" (Cic. apud Asc. *Corn.* 68 C.). Cf. Mommsen, *Römisches Staatsrecht,* 1^3:115–16 and 3:363–68. The interpretation of A. W. Lintott, *Violence in Republican Rome* (Oxford, 1968), pp. 133 ff., and of J. R. Fears, *"Princeps a Diis Electus": The Divine Election of the Emperor as a Political Concept at Rome* (Rome, 1977), pp. 106–7, is inaccurate and conceptually mistaken.

8. See now the full exposition in J. Linderski, "The Augural Law," *ANRW* 2.16.3 (1986): 2151–225.

9. The sentence "cum populo, cum plebe agendi ius dare aut non dare" describes the same prerogative—but with rhetorical overstatement: if the augur intervened, he was quite obviously taking away the *ius agendi;* and if he did not, he could be hyperbolically depicted as giving it.

caelo, "watching the sky"). But the magistrate had to make his announcement before the beginning of the proceedings: "qui servavit [sc. de caelo], non comitiis habitis, sed priusquam habeantur, debet nuntiare" (Cic. *Phil.* 2. 81). Whence this peculiar set of regulations?

The impetrative signs the deity was sending in response to a request; hence they had a clearly defined recipient and a clearly defined meaning specified in the *legum dictio,* the formula pronounced by the auspicant.[10] They were valid for one day only.[11] The magistrate was asking the deity whether it gave him the permission to go ahead with his undertaking, for instance, the holding of the assembly. Now lightning (and thunder) was an excellent sign for all undertakings, but it impeded the *comitia* (Cic. *Div.* 2. 42–43, 74). Thus the magistrate in charge of the *comitia* would implore the deity to send him a propitious bird or induce propitious behavior in the sacred chickens (they were expected to eat greedily so that crumbs would be falling down their beaks; to achieve this they were kept hungry in a cage; cf. Cic. *Div.* 2. 71–74). At the same time the *auspicia de caelo, fulmen* and *tonitru,* were regarded as *auspicia maxima* (Serv. auct. ad *Aen.* 2. 693); they were stronger than the auspices from the flight of birds or from the observation of the sacred chickens (*auspicia ex avibus* and *ex tripudiis*).[12] Thus if another magistrate took auspices for any action of his and received from Jupiter the flash of lightning, this made the whole day unsuitable for popular assemblies.[13] This explains the customary edict the consuls issued on the day of the assembly: "ne quis magistratus minor de caelo servasse velit" (Gell. *NA* 13. 15. 1). The consuls could prohibit the *magistratus minores* from taking the auspices, but they could not deny this right to other holders of *imperium* or to the tribunes of the plebs. And as the auspicant established a direct line of communication with Jupiter, nobody could question the veracity of his report. The magistrate who was to convene the *comitia* was obliged to obey the *nuntiatio* of *fulmen* and refrain from further action on this day. This is the constitutional and augural basis of the magisterial and tribunician *obnuntiatio.* As the *auspicia impetrativa* concerned a future action, the announcement of the *fulmen* had perforce to be made before the beginning of the *comitia.*

But Jupiter could change his mind at any time. He could give his permission for an action, and later he could withdraw it. Here the oblative signs come into play. As they were not asked for, they had no specific recipient. How, then, could one know what an oblative sign meant and to what action it referred? The *vinculum temporis* is the answer elaborated by the Dutch scholar I. M. J. Valeton: the oblative adverse sign had to appear in the course of the undertaking Jupiter

10. Serv. auct. ad *Aen.* 3. 89; Plaut. *Asin.* 259–61; Livy 1. 18. 10 "tum peregit verbis auspicia quae mitti vellet." This procedure is also attested in Iguvium: see J. W. Poultney, *The Bronze Tables of Iguvium* (Baltimore, 1959), pp. 234–38 (table VIa, 1–18).

11. The evidence has been collected by P. Catalano, *Contributi allo studio del diritto augurale,* vol. 1 (Turin, 1960), pp. 42–45.

12. They were also stronger than any indications derived from the inspection of entrails. In the course of his polemic against the augural doctrine of *maiora* and *minora auspicia,* Seneca writes that, according to the augurs, "fulminis interventus submovet extorum vel augurii indicia" (*QNat.* 2. 34).

13. The technical term was *diem vitiare* or *tollere;* see Cic. *Att.* 4. 9. 1, 4. 17. 4, *QFr.* 3. 3. 2.

wished to stop.[14] Any person could observe such a sign and report it to the presiding magistrate. But the report of a *privatus* or even of a magistrate was not binding on the president of the assembly. Only the *nuntiatio* of an augur was binding. For the meaning of an oblative sign was often ambiguous: to interpret it properly, special knowledge was necessary; and it was not the magistrates—still less the *privati*—who possessed that knowledge. Its sole possessors were the augurs, the official *interpretes* and *internuntii* of *Iuppiter Optimus Maximus.* They read his signs and transmitted his commands.[15]

In the *Philippics* (2. 78–84) Cicero displays his augural knowledge and disqualifies Antonius as an *interpres* of Jupiter. Antonius, who was consul and augur, could obnuntiate in either capacity. On the Kalends of January he proclaimed in the senate *se Dolabellae comitia aut prohibiturum auspiciis* [thus implying he would resort to *servare de caelo* based on the consul's right to *spectio* and prevent the assembly from being convened] *aut id facturum esse quod fecit* [i.e., threatening to obnuntiate as augur]. Indeed, when he reported the adverse omen he did it in the latter capacity, for he uttered the words "alio die" after the beginning of the *comitia.* Thus he obnuntiated on the basis of an oblative sign, the occurrence of which it was impossible to predict. Hence Cicero's accusation: either the augur Antonius did not know anything of the augural law, or he reported a faked omen, which nonetheless had to be obeyed—"tua potius quam rei publicae calamitate."

Not long before his augural diatribe against Antonius, Cicero composed his dialogue *De divinatione,*[16] in which he discourses at length on the auspices. He does it in a peculiar way. In Book 1, through the mouth of his brother, Quintus, he argues in favor of the existence and efficacy of divination. In Book 2, donning the mantle of an Academic philosopher, he demonstrates that gods send no signs and that divination is merely fraud and politics. G. neatly summarizes Cicero's philosophical views, but again he shows no interest in the doctrine of divination and augury as presented by Cicero the augur.[17]

And the observation of divine signs required expert knowledge indeed. Take for instance the concept of *templum.* The most recent attempt to solve this augural riddle comes from a linguist, P. Cipriano. In the final chapter of her book

14. "De modis auspicandi Romanorum," *Mnemosyne* 18 (1890): 447–48. The researches of Valeton published in *Mnemosyne* between 1889 and 1898 form a solid basis for modern augural studies, but they are written in difficult Latin and are extremely involved: one has to study them and not merely consult. G. does not quote Valeton even once.

15. Cic. *Leg.* 2. 20, *Phil.* 13. 12 (cf. 5. 9); Arn. *Adv. nat.* 4. 35. For a detailed discussion, see Linderski, "The Augural Law," pp. 2226–29.

16. The whole text was certainly completed before the assassination of Caesar; after the Ides of March Cicero introduced some minor changes and composed the preface to Book 2. See R. Durand, "La date du *De divinatione,*" *Mélanges Boissier* (Paris, 1903), pp. 173–83; A. S. Pease, *M. Tulli Ciceronis "De Divinatione" Libri Duo* (Urbana, 1920–23; repr. Darmstadt, 1963), pp. 13–15.

17. Major works on the theory of divination are missing from G.'s bibliography, above all P. Finger, "Die zwei mantischen Systeme in Ciceros Schrift über die Wahrsagung (*De divinatione* I)," *RhM* 78 (1929): 371–97, and P. Regell, *De Augurum Publicorum Libris* (Ph.D. diss., Vratislaviae, 1878), esp. pp. 3–7. Regell, a student of A. Reifferscheidt and later for many years a *Gymnasialprofessor* in Hirschberg in Lower Silesia, published many other important contributions to augural studies between 1881 and 1904, mostly in *Gymnasialprogramme* in Hirschberg and in *Jahrbücher für classische Philologie.*

(pp. 121–42) she firmly rejects the traditional etymologies connecting *templum* either with the root **tem-*, "to cut," "(ri)tagliare," or the root **temp-*, "to extend," "tendere." According to the former etymology, *templum* was a "spazio ritagliato," "a piece cut out of the surrounding space"; according to the latter, "spazio teso = spazio misurato," "the space extended or measured out."[18] Whether C.'s own effort will gain applause remains to be seen. Her starting point (as it was also for a number of scholars before her) is the notice in Festus (Paulus) 505 L.: "templum significat . . . et tignum quod in aedificio transversum ponitur." And it follows from Vitruvius (4. 2. 1 *supra cantherios templa*) that the precise meaning of *templum*, "plank," is that of a "traversa," i.e., "trave che incrocia un altro trave collocato precedentemente" (pp. 123–24), and not that of "legno tagliato" as earlier scholars believed (pp. 30–31). The sense of *templum* as "traversa" cannot be explained on the basis of the root **tem-*, but it can be explained on the basis of the root **temp-*, which according to C. "esprimeva già in fase preistorica non solo la nozione del *tendere* ma anche quella del *tendere intrecciando* e cioè del *tendere un elemento trasversalmente a un altro*" (p. 123). How does one arrive at this notion? No problem. The root **temp-* was in fact a "forma ampliata" of **ten-*, and it finds its place and explanation in the series **tend-*, **tens-*, and **tengh-* (p. 129). Thus *templum* would be "ciò che è teso (o si estende) trasversalmente" (p. 127).

This etymology is fraught with a fatal fiction. It is indeed not impossible to collocate **temp-* and **ten-*, but on the basis of ancient and recent Indo-European parallels (which C. collects in profusion) it is impossible to decide whether the original sense of *templum* was "stretch and cross" or "stretch" alone, the latter being undoubtedly the principal connotation of both roots. C.'s etymology ultimately rests on a slender reed, the word *templum* as used by Roman architects. And there is no reason why *templa* employed in the construction of roofs should not be interpreted as "cut planks," i.e., shorter planks placed upon the principal rafters, *cantherii*.

But whatever the linguistic value of C.'s etymology, does it tell us anything of value about the augural *templa*? For very often etymologies are transparent (a quality that one would not immediately assign to C.'s proposition) but nevertheless tell us little about the actual meaning of the word and still less about the thing or procedure denoted by the word. The neo-English word "logistics" is a good case in point; and though the game of British football (soccer) is really played with feet, this part of the body is only occasionally employed in American football.[19] But C. is adamant: her etymology of *templum* squares exquisitely with what we know about augural practices. The primary meaning of *templum* in the language of the augurs was "spazio quadripartito all' incrocio delle due linee Nord-Sud e Est-Ovest" (p. 121). This theory runs counter to the ideas of Valeton

18. On pp. 29–45 C. lists and discusses various etymologies proposed.

19. Cf. M. Morani, "Sull' espressione linguistica dell' idea di santuario nelle civiltà classiche," *Contributi dell' Istituto di Storia Antica dell' Università di Sacro Cuore* 9 (1983): 3–32. He warns that linguistic analysis in itself does not allow one to interpret such terms as *templum* or *fanum*. We have to consider history and archaeology. Morani quite sensibly embraces the traditional derivation of *templum* from the root **tem-* and offers a succinct analysis of the augural sense of the word.

and Catalano,[20] and C. charges these two *lumina* of augural studies with misreading the sources (pp. 43–44). Not all constructions of Valeton and Catalano are acceptable, but the impartial reader cannot fend off the impression that it is C. who forces the augurs into the torture chamber of her linguistic instruments.

Language is a very imprecise means of communication, for it freely mixes colloquial and technical senses of a word. Varro was well aware of this problem, and at *De lingua Latina* 7. 5–13 he discussed various poetic and transferred senses of *templum*. In everyday speech *templum* was any place of cult, but the augurs strictly distinguished between *templa* and *aedes sacrae*. In his *Commentarius ad Pompeium* (paraphrased by Gellius *NA* 14. 7. 7), Varro "docuit confirmavitque, nisi in loco per augurem constituto, quod *templum* appellaretur, senatus consultum factum esset, iustum id non fuisse." For that reason the successive *curiae senatus* were made *templa* by the augurs. And Varro added that "non omnes aedes sacras templa esse ac ne aedem quidem Vestae templum esse" (see also *Ling.* 7. 10; cf. Serv. ad *Aen.* 7. 153, 174; 11. 235; Serv. auct. ad *Aen.* 1. 446, 4. 200, 9. 4). There is no shred of evidence that these *templa* were ever divided into four parts; this would appear fatal to C.'s etymology, but she presents it as fatal to Varro and Cicero, Livy and Servius. All these authors imply that the *templa* in which the senate met or the Republic was administered (as the *Rostra*) were the *loca inaugurata* (see the passages in C., pp. 19–25, 88–90). She distinguishes between the *loca inaugurata* and "i *templa* veri e propri" (p. 113) that the augurs and the magistrates used for their observations. The latter were indeed divided into four (or more parts), and the former were called *templa* only *per translato* (p. 115). Thus C. rejects all sources that do not agree with her etymology—although, we should add, they find a perfect home in the traditional explanation linking *templum* (and *temenos*) with the notion of a *locus finitus* cut out from the surrounding space. But it is not easy to get out of the snares of a fictitious principle—a pity, for in the course of her argument C. offers many a perceptive observation.

She rightly points out that not all *loca inaugurata* were *templa* (the *pomerium* was inaugurated but was never referred to as *templum*) and not all *templa* were *loca inaugurata,* in particular the *auguratoria* in military camps (pp. 85–96). We have in fact to keep strictly apart two types of earthly *templa,* the places in which "auspicato et publice res administrarentur et senatus haberi posset" (Serv. auct. ad *Aen.* 1. 446), which had to be inaugurated, and the places from which auspices were taken, for which the inauguration was not necessary.[21]

What then was the function of *inauguratio?* In this connection C. offers interesting remarks on the opposition between *auspicia* and *auguria,* arriving at conclusions very similar to those of Catalano and the present writer (see n. 20).

20. Valeton, "De templis Romanis," *Mnemosyne* 20 (1892): 338–90; 21 (1893): 62–91, 397–440; 23 (1895): 15–79; 25 (1897): 93–144, 361–85; 26 (1898): 1–93; Catalano, *Contributi,* pp. 247 ff.; idem, "Aspetti spaziali del sistema giuridico-religioso romano. Mundus, templum, urbs, ager, Latium, Italia," *ANRW* 2.16.1 (1978): 440–553, esp. pp. 467–79. On the ritual of inauguration and the concepts of *templum, auspicium,* and *augurium,* see now also Linderski, "The Augural Law," pp. 2257–96.

21. I am happy to note that here C.'s argument to a great extent coincides with the exposition in Linderski, "The Augural Law," pp. 2271ff. Cf. also A. Magdelain, "L'inauguration de l'*urbs* et l'*imperium,*" *MEFR* 89 (1977): 15.

Auspicium was "un segnale dal quale si deduce se è opportuno o meno iniziare una certa impresa, l'*augurium* mostra un'influenza diretta degli dei sullo sviluppo dell'evento sottoposto alla loro attenzione e al loro intervento" (p. 105). Through *auspicium* the deity indicated whether an action could or could not be carried out on a given day, but it expressed no opinion about the merits or demerits of the undertaking itself. If the magistrate received a negative response, he could already on the following day present to Jupiter the same question and repeat it each day again and again until he received a propitious sign (cf. Livy 9. 38. 15–39. 1). The *augurium* was, on the other hand, an augmentative and charismatic act: places, persons (*reges* and *sacerdotes*), and ceremonies (as the *augurium salutis,* on which C. offers fine comments) were transferred through this rite into a special, permanently "inaugurated" state. To remove the effects of *inauguratio* the ceremony of *exauguratio* was necessary. The negative answer at an augury (whether for the purpose of *inauguratio* or *exauguratio*) was given once and for ever; the request could not be repeated. The *fanum Termini* enclosed within the temple of the Capitoline Jupiter was a lasting testimony to this augural principle: it was an inaugurated place, and at its *exauguratio* "aves . . . non addixere" (Cato *Orig.* 1, frag. 24 Peter; Livy 1. 55. 3). The *auspicia* were consulted by both the magistrates and the augurs, but the *auguria* were the exclusive province of the latter.

But *templum* denoted not only an earthly *locus,* inaugurated or not; in augural parlance it denoted also the field of vision within which the auspices were observed. Here we have carefully to distinguish between the *templa* for the observation of *signa caelestia,* the flashes of lightning, and the *templa* for the observation of the flight of birds. C. does not pay sufficient attention to this fundamental dichotomy. Varro (*Ling.* 7. 6–7) derives *templum* "a tuendo" and explains: "quocirca caelum qua attuimur dictum templum." And quoting a poet he describes this *templum* as a *hemisphaerium* bound (*septum*) by "the vault of blue." It was *ab natura,* for no formula was needed to delimit it. This hemispherical *templum* was divided into four parts, "sinistra ab oriente, dextra ab occasu, antica ad meridiem, postica ad septemtrionem."[22] Whence this orientation? Varro again provides a clue. As Festus 454 L. records, he wrote in the fifth book of his *Epistolicae quaestiones:* "a deorum sede cum in meridiem spectes, ad sinistram sunt partes mundi exorientes, ad dextram occidentes; factum arbitror, ut sinistra meliora auspicia quam dextra esse existimentur." Thus this celestial *templum* was oriented from the point of view of the gods who sat in their northern abode and gazed southwards.

Regell argued in 1881 that it was in this *templum* that the *signa ex caelo* were observed; the birds, on the other hand, were watched for in the *Lufttemplum* that extended over the city from the *arx* to the *pomerium.* Valeton severely criticized this theory and claimed that one and the same *templum,* the *templum aerium,* was used for the observation of both *fulmina* and *aves.*[23]

22. Some scholars assume a circular *templum caeleste,* but this view is augural nonsense: the field of vision was in front of the observer. See below in the text on the augural temple in Bantia.

23. Regell, "Die Schautempla der Augurn," *Jahrb. f. cl. Phil.* 123 (1881): 597ff.; Valeton, "De templis Romanis," *Mnemosyne* 17 (1889): 282ff. See now also A. Magdelain, "L'*auguraculum* de l'*arx* à Rome et

A recent, sensational archaeological find (to which C. devotes only a meager footnote), the discovery of the inscribed stones from the augural *templum* on the citadel of Bantia in southern Italy, definitely adjudicated this old dispute. During construction work in 1962 six cippi came to light; five years later followed the masterful publication by M. Torelli. Torelli ingeniously recognized in the stones the remnants of an augural *templum* and postulated that three more cippi should still be hidden under the earth. And indeed, systematic excavations revealed those three missing stones, perfectly oriented: they formed the northern line of the *templum,* measuring nine meters and twenty centimeters from the eastern to the western cippus. This triumph of scholarly divination was not without cost: as often happens in epigraphical studies, Torelli found that the new inscriptions disproved some of his earlier interpretations.[24] These nine cippi (of a height between thirty-four and fifty-six centimeters, and between twenty-nine and thirty-four centimeters in diameter) were thus placed in three rows forming a rectangular *templum;* Torelli noted that the stones were inclined to the west, so that the letters on them (measuring on the average six and a half centimeters) could be read only by the observer looking eastward. And in fact to the west of the cippi were found the remains of a structure that Torelli persuasively interpreted as an *auguratorium,* the post from which the auspicants viewed the signs. The inscriptions on the stones read as follows (the expansions of the abbreviations are Torelli's). First, the northern *finis,* on the cippi found *in situ:* northeast, *B(ene) I(uvante) AV(e);* north, *TAAR,* perhaps *T(. . .) A(ve) AR(cula);* northwest, *C(ontraria) A(ve) A(ugurium) P(estiferum).*[25] Then the remaining six cippi, which Torelli distributed along the central east-west line—east, *IOVI;* center, *SOLEI;* west, *FLUS(ae)* (an Oscan deity corresponding to Roman Flora)—and on the southern *finis:* southeast, *SIN(istra) AV(e);*[26] south, *R(emore) AVE;* southwest, *C(ontraria) A(ve) EN(ebra).*

This *templum* (dated to the last century of the Republic) was adapted only to the observation of birds; consequently, the existence of the two separate types of *templa,* one for the *signa ex avibus* and the other for the *signa ex caelo,* is virtually certain. But even more remarkable is the contribution of the Bantine *templum* to the thorny questions concerning the orientation at the auspication and the denomination of the signs observed. As the *templum* in Bantia amply demonstrates, the auspicant looked eastward, whereas the gods, as Varro informs us, looked southward. It is fitting to conclude these observations by turning back to the augural wisdom of Cicero. At *De divinatione* 2. 82 he makes in passing the following remark: "haud ignoro quae bona sint sinistra nos dicere, etiamsi dextra sint." We have to find a system of orientation in which *sinistra* = *dextra.* We shall achieve this result if we amalgamate into one system the orientation of the gods and the orientation of the auspicant. If a bird appeared in the southeastern part of

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dans d'autres villes," *REL* 47 (1969): 253–69, esp. pp. 262–63 (his *champ visuel* corresponds to Regell's *Lufttemplum*), and F. Coarelli, *Il foro romano: Periodo arcaico* (Rome, 1983), pp. 100–107.

24. "Un *templum augurale* d'età repubblicana a Bantia," *RAL* 21 (1966 [1967]): 293–315; idem, "Contributi al supplemento del *CIL* IX," *RAL* 24 (1969): 39–48.

25. *A(uspicium) P(estiferum)* seems preferable; cf. Festus 286, 287 L.

26. But this abbreviation has certainly to be expanded as *SIN(ente) AV(e)*: see Linderski, "The Augural Law," pp. 2284–85, where the reader will find discussion detailed and abstruse.

the *templum aerium,* which was the projection from the *arx* to the *pomerium* of the earthly *templum* demarcated by the cippi, it was a right-hand sign for the auspicant and a left-hand sign for the gods, *auspicium dextrum* and at the same time *sinistrum.*

The Romans derived the term *arcanum* from secret ceremonies performed by the augurs on the *arx* (Fest. [Paulus] 14–15 L.), and indeed to us the precepts of the augurs are arcane enough. We can only regret that Cicero's own treatise *De auguriis* met on its way to posterity an *avis contraria.*[27]

Neither G. nor C. does justice to Cicero the augur or to the concept of *templum,* but the strictures here presented are squabbles among the cognoscenti. Ignorance of the tenets of Roman religion (still regularly and disparagingly described as "pagan") among most classicists is profound. It demonstrates a disconcerting inability to confront on its own terms a system of thought so different from that in which most classical scholars have been brought up.[28] But we should not disparage the augurs and the pontiffs because they did not fight bloody religious wars for the iotas of their discipline. They presided over the *pax deorum*—the foundation of Rome's success.

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27. The only direct quotation we have reads "omnibus avi incerta" (Charisius, *GL* 1:122. 22 = 156. 23 Barwick). He certainly treated also of the *aves contrariae.*

28. Cf. the penetrating remarks by J. A. North, "Conservatism and Change in Roman Religion," *PBSR* 44 (1976): 1–12.