PONTIFFS, PRODIGIES, AND THE DISAPPEARANCE OF THE *ANNALES MAXIMI*

ROBERT DREWS

RECENT STUDIES of the *Annales maximi* by Elizabeth Rawson and Bruce Frier have established several important points about that obscure text.[1] One of them concerns the writers of imperial date (Aulus Gellius, the source of Servius Auctus, Macrobius, the author of the *Origo gentis Romanae,* and a few others) who either cite or describe the *Annales maximi.* That these writers had themselves not read the original text has long been supposed, but Frier has now securely identified the source of their information about it: the *Res memoria dignae* of Verrius Flaccus, an antiquarian who wrote late in the Augustan age. Another of Frier's contributions is his firm rejection of the notion, once widely held, that the *Annales maximi* were published by P. Mucius Scaevola in the late second century B.C.

In her important article, Rawson called attention to a negative fact: Cicero, Livy, and their contemporaries did not go to the *Annales maximi* for a list of prodigies and in fact do not seem to have used the text as a historical source at all. "All we can say with any confidence," she observed, "is that something seems to have prevented both annalists and antiquarians from making much use of the *Annales maximi.* Perhaps they were awkward to consult and hard to get at—was there more than one copy? Cicero does not actually speak of them as published."[2]

Rawson's and Frier's observations, I believe, point toward the conclusion that the *Annales maximi* were indeed never published and by the second half of the first century B.C. no longer existed. This conclusion is somewhat more radical than those reached by Rawson or Frier but seems to entail fewer difficulties than do alternative reconstructions. Moreover, since the *Annales maximi* seem to have been essentially a pontifical record of the *procuratio* of prodigies, it is likely that their disappearance was somehow connected with a decline in the senate's enthusiasm for accepting and expiating prodigies.

Let us first try to determine when the *Annales maximi* disappeared. Although they had been used by historians in the second century B.C.,

1. E. Rawson, "Prodigy Lists and the Use of the *Annales Maximi,*" *CQ* 21 (1971): 158–69; B. W. Frier, *Libri Annales Pontificum Maximorum: The Origins of the Annalistic Tradition,* Papers and Monographs of the American Academy in Rome 27 (Rome, 1979).

2. "Prodigy Lists," pp. 168–69.

0009-837X/88/8304-0002$01.00

they were not so used in the Augustan age. Among the writers who (Rawson finds) were "prevented" from using them was Livy. That is an eloquent fact: if anyone in triumviral or Augustan Rome should have had a firsthand acquaintance with the *Annales maximi,* that person was Livy. We would also have expected Varro and Dionysius of Halicarnassus to have used the work. Again, however, it seems that neither man went to it for information. Finally, Rawson argues that it was not even used by Cicero. Her *argumentum e silentio* in this case refers, first of all, to the fact that in the *De divinatione* "Cicero appeals, or makes his brother appeal, as the best evidence for a prodigy, to the number of historians recording it, not to some official register."[3] Rawson also finds a paradox in Cicero's correspondence from 45 B.C. Cicero was then at his Tusculan villa, planning to write a dialogue that was to have as its historical setting Greece in the year 146 B.C. In this connection, Cicero wanted to know the identity of the commissioners who had been sent to Greece in 146 B.C., and he asked Atticus to do his best to dig up the information (*Att.* 13. 30. 2 *mi, sicunde potes, erues*). It may be that the list had never been entered in the *Annales maximi.* Rawson's point, however, is that in the four letters in which Cicero discusses the problem there is no indication that it ever occurred to either Cicero or Atticus that someone might at least have a look at the pontifical record.[4]

The *argumentum e silentio* is thus stronger than such arguments usually are and suggests that the *Annales maximi* were not available for consultation in the last decades of the Republic and in the Augustan age. On this point Rawson is somewhat conservative: she believes that Cicero had at least glanced at the text long enough to be contemptuous of its style, and that Verrius Flaccus got some of his information from it. Frier's reconstruction is quite different from Rawson's or mine. Conceding that in Cicero's day the *Annales maximi* were not published and were rarely if ever consulted, Frier suggests that by that time they had lost much of their credibility as a historical source. "This suspicion," he proposes, "should probably be tied to the devastating charges leveled against the chronicle by Claudius [Quadrigarius]."[5] Frier goes on to propose that the *Annales maximi* finally were published, in a much expanded form, not long after Cicero's time: anonymous persons elaborated the bare pontifical record and gave it to the public in an eighty-book edition at some point during the triumviral period or early in the Augustan age.[6] This anonymous edition of the late first century B.C., in Frier's reconstruction, was a thoroughly literary work. Its character was antiquarian and rhetorical. Further, although the pontifical records

3. Ibid., p. 166.

4. Frier also noted that Cicero, Livy, and Dionysius did not use the *Ann. max.,* whereas intellectuals in the time of the Gracchi—at least as imagined by Cicero—"routinely referred to the evidence of the Annales Maximi" (*Libri Annales,* p. 152).

5. Ibid., p. 153.

6. Frier suggests a "late Republican or early Imperial date" and sets "the Triumviral period as a *terminus post*" (ibid., p. 66).

themselves reached back only to the early Republic, the literary edition of the *Annales maximi* was not so restricted. Frier concludes that the triumviral or Augustan editors of the *Annales maximi* prefixed the early history of Rome, from Aeneas to the expulsion of the Tarquins, to the period that the bare chronicle had covered.

The thesis that an eighty-book, literary edition of the *Annales maximi* was published late in the first century B.C. is based on a questionable interpretation of a very few passages in imperial literature. One of these is the story of a lightning-prodigy, and its *procuratio,* in Aulus Gellius *Noctes Atticae* 4. 5. 1–6:

> statua Romae in Comitio posita Horatii Coclitis, fortissimi viri, de caelo tacta est. ob id fulgur piaculis luendum aruspices ex Etruria acciti inimico atque hostili in populum Romanum animo instituerant eam rem contrariis religionibus procurare atque illam statuam suaserunt in inferiorem locum perperam transponi, quem sol oppositu circum undique altarum aedium numquam illustraret. quod cum ita fieri persuasissent, delati ad populum proditique sunt et, cum de perfidia confessi essent, necati sunt, constitutque eam statuam, proinde ut verae rationes post compertae monebant, in locum editum subducendam atque ita in area Volcani sublimiore loco statuendam: ex quo res bene et prospere populo Romano cessit. tum igitur, quod in Etruscos aruspices male consulentis animadversum vindicatumque fuerat, versus hic scite factus cantatusque esse a pueris urbe tota fertur: "malum consilium consultori pessimum est." ea historia de aruspicibus ac de versu isto senario scripta est in *annalibus maximis,* libro undecimo, et in Verri Flacci libro primo *rerum memoria dignarum.*

The verse, Aulus Gellius adds, in fact seems to have been translated from Hesiod (*Op.* 266).

On the basis of this passage Frier concludes that the *Annales maximi* were no longer available in Aulus Gellius' day but had been available in the time of Verrius Flaccus, who faithfully transmitted what he found in the text. Since there is much in Aulus Gellius' anecdote that is antiquarian, rhetorical, and redolent of the late first century B.C., Frier concludes that a rhetorical and antiquarian edition of the *Annales maximi* was given out shortly before the time of Verrius Flaccus, perhaps in the triumviral period or early in the Augustan age. Finally, since no writer other than Verrius Flaccus seems to have used this rhetorical, eighty-book edition of the late first century B.C., Frier suggests that it fell into oblivion soon after Flaccus' time.[7]

Verrius Flaccus was a freedman who served as tutor to Augustus' grandchildren and wrote his *Res memoria dignae* late in Augustus' principate (Jerome assigned his *floruit* to A.D. 8). To have called attention to this antiquarian's role in transmitting material from the *Annales maximi* is one of the most important contributions made by Frier's book. But that Flaccus knew the text in an eighty-book edition that appeared shortly before he wrote, and disappeared shortly after, is not persuasive. If we begin by observing that the *Annales maximi* do not seem to have been used by any of Flaccus' immediate predecessors, by

7. Ibid., pp. 27–67, 199–200.

any of Flaccus' contemporaries, or by any writer later than Flaccus, we should also begin with the assumption that Flaccus himself had not used the *Annales maximi* either. If one wishes to make Flaccus an exception to the general rule, one must undertake the burden of proof.

It will be conceded all around that something from the *Annales maximi* has evidently made its way to Aulus Gellius. Frier suggests that the pontiffs' original entry was a slightly reduced version of the first sentence or two in Gellius' passage, a bald statement of the prodigy and its expiation: "statua Romae in Comitio posita Horatii Coclitis de caelo tacta est. ob id fulgur piaculandum aruspices ex Etruria acciti sunt."[8] I would suggest that the pontiffs may have also noted that the haruspices recommended that the statue be moved to a lower place, that their recommendation was discovered to be sacrilegious, and that they were therefore executed. Whether the entry told the whole story of the prodigy's *procuratio* or, as Frier suggests, only the first part of it, we can be quite sure that the *Annales maximi* did not digress on the tall buildings around the Comitia (which, as Frier well notes, were not built before the 40s B.C.) or on the senarian verse (Frier again usefully points out that the verse was "a current bon mot in the Triumviral period").[9] The questions before us, then, are these: How did the pontifical notice make its way to Aulus Gellius, and under what circumstances was the explanatory material added to the notice after the 40s B.C.? The most reasonable answer to the second question is that Verrius Flaccus himself added the note about the tall buildings and the (false) etiology of the senarian verse. Instead of making Verrius Flaccus a conduit through which unadulterated passages from the *Annales maximi* flowed, we should attribute to him the kind of antiquarian interests that, after all, he is known to have had.

Did Verrius Flaccus use the *Annales maximi* directly? Frier, like Rawson,[10] supposes that he did, and observes that only imperial writers dependent upon Flaccus were able to cite book-numbers for the text. This is taken to mean that book-numbers were not assigned to the *Annales maximi* until editors did so in the late first century B.C., and that Verrius Flaccus, who knew the numbers, was the first and last scholar to use the edition.[11] There is, however, a more economical explanation: Verrius Flaccus had a predilection for citing book-numbers whenever he knew them. Aulus Gellius too was able to tell his readers that the matter of the lightning-struck statue appeared "in the eleventh book" of the *Annales maximi,* but Frier well observes that for his bibliographical precision Gellius was indebted to Flaccus. The very same explanation can be made for Flaccus' precision: he too could have copied the number from an earlier writer who had personally scoured the *Annales maximi.* The citation of book-numbers apparently appealed

8. Ibid., p. 58.
9. Ibid., p. 60.
10. "Prodigy Lists," p. 166.
11. So Frier, *Libri Annales,* p. 48.

to pedants and antiquarians but was avoided by other writers, perhaps because it seemed to detract from the dignity or the literary quality of a work. Thus we find that some ancient authors (Cicero and Livy are obvious examples) almost never cited an authority by book-number, whereas other writers, such as Gellius, Macrobius, or the lexicographers and antiquarians, seem to have been incapable of citing an authority *without* supplying the reader with the pertinent book-number. That no republican author cited the *Annales maximi* by book-number (and there are only two passages, both by Cicero, in which a citation by book-number would have been possible) cannot be interpreted to mean that book-numbers were not assigned to the *Annales maximi* before the triumviral period.

There is no good reason to doubt that the "eighty books" arose over the centuries in which the *Annales maximi* were compiled. This is the implication, for what it is worth, of the description of their composition preserved in Servius Auctus (ad *Aen.* 1. 373): "annuos commentarios in octoginta libros veteres rettulerunt eosque a pontificibus maximis a quibus fiebant Annales Maximos appellarunt." The *veteres* here, as G. V. Sumner observed,[12] seem to be "at work in the same general period" as the *pontifices maximi* by whom the material was put together.

The anonymous author of the *Origo gentis Romanae,* who wrote some time after the tenth consulship of Constantius (A.D. 360), also cites the *Annales maximi* by book-numbers (each of the three citations is to the fourth book). Although Peter did not include these citations in his edition of the fragments, Frier is undoubtedly correct in salvaging them, on the argument that the author of the *Origo* got them from Verrius Flaccus, a good authority. Once again, however, the passages in the later source cannot be used as evidence that Flaccus had personally read the *Annales maximi*, since it is entirely possible that Flaccus, like the author of the *Origo,* passed on a precise citation that he found in his immediate source.

The preface of the *Origo* is important both to Frier's argument and to mine:

> origo gentis Romanae a Iano et Saturno conditoribus, per succedentes sibimet reges, usque ad consulatum decimum Constantii, digesta ex auctoribus Verrio Flacco, Antiate (ut quidem idem Verrius maluit dicere, quam Antia), tum ex Annalibus Pontificum, dein Cincio, Egnatio, Veratio, Fabio Pictore, Licinio Macro, Varrone, Caesare, Tuberone, atque ex omni priscorum historia; proinde ut quisque neotericorum asseveravit, hoc est et Livius et Victor Afer.

This lengthy roster of sources, Frier finds, is mere pretense: the author of the *Origo* had evidently read Verrius Flaccus' work, but the rest of the sources he knew only because Flaccus had cited them (all the *prisci* are earlier than Flaccus).[13] This conclusion is surely correct; but let us carry the argument a step further.

12. *Phoenix* 36 (1982): 190, in his review of Frier, *Libri Annales.*
13. *Libri Annales,* pp. 43–44.

In the list of *auctores* we note that between Verrius Flaccus and the *Annales maximi* is sandwiched the annalist Valerius Antias. The author of the *Origo* leaves no doubt that Verrius Flaccus had himself drawn on Antias' history (Flaccus in fact claimed that the ablative of Antias' name should be *Antiate* rather than *Antia*). The suspicion therefore arises that Flaccus' citations of the *Annales maximi* were in turn drawn from Valerius Antias' ponderous history. That suspicion is well grounded.

Fifty years ago Alfred Klotz made a very good case that Valerius Antias was an assiduous excerptor of the *Annales maximi* and of other archival material, and that the prodigy-lists we find in Livy and in Dio Cassius came to them from the *Annales maximi* by way of Valerius Antias.[14] Although it is not certain when Antias wrote his history, it is probable that he was at work on it in the 80s B.C. The latest datable fragment (frag. 64 Peter) pertains to the disposal, by Crassus' heirs, of property of L. Licinius Crassus. Since Crassus died in 91 B.C., at least some of Antias' literary activity occurred after that date. Velleius Paterculus says (2. 9) that both Antias and Claudius Quadrigarius were *aequales* of Sisenna, who was a praetor in 78 B.C. and a *legatus* for Pompey in 67 B.C.

That Antias was permitted to peruse the archives of the pontifical college is probable enough, despite the likelihood that he was not himself a senator (surely he did not belong to the patrician *gens* of the Valerii).[15] Because neither Antias nor Claudius Quadrigarius came from the governing class, it has often been supposed that these annalists wrote with little or no political bias or support. However, since historiography in republican Rome was consistently and closely linked to the governing class, it is more likely, as D. Timpe has well argued, that Antias and Quadrigarius were active in the service of persons who did enjoy considerable prominence and political power.[16] Timpe repeats a suggestion, originally made by Münzer, that Antias was a client of L. Valerius Flaccus, who was consul in 100 B.C., censor in 97, and *princeps senatus* in the 80s.[17] Whether through the influence of an eminent patron or through some other channel, Antias seems to have had access to senatorial and pontifical records.[18]

No writer later than Antias is known to have used the *Annales maximi,* and there is some reason to think that he was the last historian to excerpt them. The record of public prodigies that has come down to us breaks sharply at 90 B.C. Julius Obsequens, who put together his *Liber prodigiorum* from the prodigy-reports in Livy's history, apparently

14. *Livius und seine Vorgänger* (Amsterdam, 1964), pp. 44–49 (originally published as nos. 9–11 of *Neue Wege zur Antike* [Berlin and Leipzig, 1940–41]). On the prodigy-lists in Cassius Dio and their relation to Livy and to a common source (Antias), see Klotz, "Ueber die Stellung des Cassius Dio unter den Quellen des zweiten Punischen Krieges," *RhM* 85 (1936): 68–116.

15. As pointed out by E. Badian, "The Early Historians," in *The Latin Historians,* ed T. A. Dorey (New York, 1966), p. 21.

16. "Erwägungen zur jüngeren Annalistik," *A&A* 25 (1979): 97–119.

17. Ibid., p. 110.

18. On Antias' use of *senatus consulta* and other archival sources, see Klotz, *Livius,* pp. 24–28.

was able to find in Livy's account of the period after 90 B.C. only an occasional public prodigy (Obsequens did his best to fill the void with private omens and *vaticinia ex eventibus*).[19] He was able to report that in 83 B.C. a woman at Clusium gave birth to a snake, which by order of the haruspices was thrown into the river (*Prodig.* 57), and he knew of the prodigies accepted in 76 and 63 B.C.; but for the most part his record of "prodigies" after the beginning of the Social War consists of *ex eventu* omens such as the storm that carried off one of Crassus' standards before the Battle of Carrhae, or Calpurnia's dream before Caesar's assassination (*Prodig.* 64, 67). For the period prior to the outbreak of the Social War, on the other hand, Obsequens found Livy's history a goldmine of public prodigies, accepted and expiated (for the years from 95 to 90 B.C., for example, Obsequens was able to present an average of slightly more than ten prodigies per annum). Far and away the easiest explanation for the sharp break at 90 B.C. is the following hypothesis: Valerius Antias' history stopped at that point, and for the subsequent period Livy had to rely on authorities who did not include in their works the prodigies reported in the *Annales maximi.*

Nothing prevents us, then, from concluding that the *Annales maximi* did not survive into the second half of the first century B.C. If in the 40s B.C., as Rawson observed, Cicero did not think to consult the *Annales maximi* for the prodigies of centuries past or for the magistrates of 146 B.C., and if Livy—who prided himself on his reports of public prodigies—was unable to include such reports for the last eighty years of his history, the most credible explanation is that the *Annales maximi* no longer existed. Cicero need never have held a scroll of the text in his hands to have learned that it was written in a plain style. That the text existed all through the first century B.C., but was in bad odor because Claudius Quadrigarius had impugned its veracity, is not likely: authors at the end of the Republic and during the Empire knew little about the *Annales maximi* but invariably spoke of them in the most respectful terms (Cicero's complaint that they were drab, in fact, implies a judgment that they stuck too closely to the truth).

On the assumption that the *Annales maximi* still survived in Valerius Antias' time but disappeared soon thereafter, we may speculate about the reasons for their disappearance. It is not unlikely that, like the Sibylline Books, they existed in only a single copy, and it is possible that this copy was destroyed not long after Antias excerpted it. One thinks immediately, by way of analogy, of the loss of the Sibylline Books in 83 B.C., when fire destroyed the Temple of Jupiter Optimus Maximus (Dion. Hal. *Ant. Rom.* 4. 62. 5–6).

It is also possible, however, that the *Annales maximi* disappeared in a less spectacular way. Before exploring this possibility we must try as best

19. For a list of the known public prodigies, see B. MacBain, *Prodigy and Expiation: A Study in Religion and Politics in Republican Rome,* Collection Latomus 177 (Brussels, 1982), pp. 82–106. Livy and (for the years after 167 B.C.) Julius Obsequens account for 99 percent of the public prodigies reported for the period 200–90 B.C.

we can to establish what purpose the *Annales maximi* served. They were compiled by the successive *pontifices maximi,* who presumably transferred to a series of papyrus rolls the temporary notices that appeared initially on the *tabula dealbata,* the whitened board displayed outside the house of the *pontifex maximus.* What little evidence we have—for example, the story of the lightning-prodigy at Horatius' statue (frag. 2 Peter), or the report of an eclipse in 400 B.C. (frag. 3 Peter)—suggests that the *Annales maximi* were a practical rather than a literary text and were composed for a religious purpose: they were a record of past prodigies, expiations, and *eventus* (the latter including especially military victories and defeats, sickness and health of the citizenry, and scarcity or bounty of the harvest—everything, in other words, that indicated whether the *pax deorum* was ruptured or intact). When a prodigy occurred, a decision about the *procuratio* appropriate for it was necessarily based on precedents, and for that the *Annales maximi* would have been indispensable. Although haruspicine or Sibylline expertise could be called upon for exceptional prodigies, the general responsibility for the *procuratio prodigiorum* rested with the pontiffs.[20] That may have been a negligible chore in the time of Cicero, and it was virtually forgotten in the Empire, but in earlier times it seems to have been a matter of great importance.[21]

Other states in the ancient world were careful to record divine signs and subsequent *eventus.* About a fourth of the tablets in Ashurbanipal's "library" at Nineveh were omen-texts. In Babylon priestly scholars were assiduous in charting their city's relations with the gods, maintaining a full record of ominous, extispicine, astral, and lunar signs, together with the effects of these signs upon the city's fortunes.[22] Etruscan cities also kept such records.[23] Censorinus (*D.N.* 17. 5–6), claiming to follow Varro, tells us that the "Etruscan histories" contained "each event of ages past" along with the *portenta* and *ostenta.* A few other pieces of evidence confirm that the Etruscans were diligent in "the recording of events which were thought to be a consequence of signs and prophetic utterances."[24] Finally, in Rome itself, the haruspices and augurs kept records

20. The pontiffs, and the *pontifex maximus,* were responsible for determining "quaeque prodigia fulminibus aliove quo visu missa susciperentur atque curarentur" (Livy 1. 20. 7). That is, the *pontifex maximus* was to recommend to the senate what prodigies should be accepted as authentic and what should be done to expiate them (lustrations, supplications, and lectisternia were the usual method of *procuratio*). K. Latte, *Römische Religionsgeschichte* (Munich, 1960), p. 204, concluded that, although for extraordinary prodigies the senate might consult haruspices or have the *decemviri* search the Sibylline Books, for prodigies that occur more or less regularly ("die mit einiger Regelmässigkeit eintraten") the pontiffs would recommend standard remedies to the senate.

21. On the *procuratio* of prodigies, see G. Wissowa, *Religion und Kultus der Römer*[2] (Munich, 1912), pp. 390–92, and esp. R. Bloch, "Les prodiges romains et la *procuratio prodigiorum,*" *RIDA* 1 (1950): 119–31.

22. R. Drews, "The Babylonian Chronicles and Berossus," *Iraq* 37 (1975): 39–55.

23. T. J. Cornell, "Etruscan Historiography," *ASNP* 6 (1976): 432–38.

24. Ibid., p. 438.

of the divinatory signs in which they specialized and of the results of these signs in human affairs.[25]

Now later Roman writers, like some modern scholars, say almost nothing about the religious utility of the *Annales maximi.* Not only the sources of Servius Auctus and other imperial writers but even Cicero imagined the text to have been a primitive attempt at historiography. Strictly speaking, however, these later writers—even Cicero—are not primary authorities on the *Annales maximi,* since there is no evidence that they had firsthand familiarity with the text. Cato the Elder, on the other hand, was familiar with not only the *Annales maximi* but also the *tabula apud pontificem,* and Cato leaves no doubt that what the pontiffs wrote on the tablet, and what was to be found in the *Annales maximi,* had to do with portents and *eventus.*[26]

If the *Annales maximi* were an archive useful for making recommendations about the *procuratio* of prodigies, we may suppose that they fell into obsolescence in the first century B.C. Although some attention to prodigies continued until the end of the Republic, their industrious acceptance and expiation seems to have ended long before that time. By 63 B.C. public indifference to prodigies had advanced so far that the tribal assembly could elect as *pontifex maximus* an Epicurean who never bothered to conceal his disdain for portents or any kind of divination.[27] Livy complains (43. 13. 1) that his contemporaries do not believe that the gods portend anything, and he notes that nowadays "neque nuntiari admodum ulla prodigia in publicum neque in annales referri." Augustus' revival of the ancient religion did not extend to the expiation of prodigies. According to one count, for the entire Augustan age a single prodigy is attested, and for the reigns of Tiberius and Gaius not even one.[28]

Some misgivings about prodigies and expiation seem to have been felt as early as 97 B.C., when the senate passed a *senatus consultum* outlawing human sacrifice (Pliny *HN* 30. 12). A lightning-prodigy in 114 B.C.,

25. On this, see now the detailed discussion by J. Linderski, "The Augural Law," *ANRW* 2.16.3 (Berlin and New York, 1986), pp. 2226–56. Linderski notes (p. 2233) that for haruspices, pontiffs, and augurs the meaning of signs "had been established in an empirical way (*eventis*) through the process of long-continued observation. Such an empirical observation of the phenomena is the foundation of the divinatory knowledge, the *scientia.*" Linderski also concludes (p. 2242) that "the augurs, pontiffs and haruspices often treated their respective subjects in a similar way," and that the augural books closely paralleled the pontifical records.

26. Cf. Cato frag. 77 Peter: "non lubet scribere, quod in tabula apud pontificem maximum est, quotiens annona cara, quotiens lunae aut solis lumine caligo aut quid obstiterit." The author of the *Origo gentis Romanae,* who did not know the text firsthand, may have supposed that the first four books of the *Ann. max.* dealt with heroic times (at *Origo* 17–18 the anonymous author three times cites the fourth book of the *Ann. max.* as an authority for the history of Ascanius and the Thirty Kings of Alba). It is more likely that in the fourth book of the *Ann. max.* the pontiffs recorded the prodigies connected with the outbreak of malaria in 398 B.C. and the draining of the Alban Lake in 397 B.C., and in that connection explained the Romans' obligations to Alba as the place from which Rome was founded; see R. M. Ogilvie, *A Commentary on Livy Books 1–5* (Oxford, 1965), pp. 658–60, on Livy 5. 14. 5.

27. Caesar succeeded Q. Caecilius Metellus Pius in the office; references in *MRR* for 63 B.C.

28. P. Händel, "Prodigium," *RE* 23 (1959): 2283.

not long after a Roman army in Macedonia had been destroyed by the Scordisci, eventually led to the burial alive of three Vestal Virgins, two Gauls, and two Greeks.[29] Although the tribal assembly had pressed for conviction of the Vestals, and although it was the *populus* who required the psychic relief that the burials afforded, it was the *pontifex maximus* who had to preside over the grisly work of burying the Vestals. The sacrifice of Greeks in the Roman forum must have outraged Greek opinion, not only because innocent Greeks were sacrificed but also because "ritual killing is something which uncivilized men inflict upon one another but which no Greek in his right mind would ever contemplate."[30] Not surprisingly, no Latin writer of the classical period describes the procedure, and those who mention it do their best to distance it from true Roman tradition (*minime Romano sacro,* says Livy, referring to the execution of Gauls and Greeks at 22. 57. 6). Whether there was a repetition of popular pressure for human sacrifices when the Cimbri and Teutones imperiled Italy we do not know, but the senatorial ban on human sacrifice in 97 B.C. suggests that calls for such sacrifice were still to be heard.

The early decades of the first century B.C. also witnessed the climax and end of the Roman practice of dragging to the sea and drowning those unfortunates who were deemed to be hermaphrodites. The expurgation of such *monstra,* at the instruction of haruspices, had occurred from time to time in the third and second centuries but became epidemic in the early first century B.C. (and of course for every prodigy accepted undoubtedly many were reported). Julius Obsequens' *Liber prodigiorum* (47, 48, 50) has the laconic notice, *androgynus in mare deportatus,* for the years 98, 97, and 95 B.C., and a similar notice must once have appeared for 99 B.C.[31] Two *androgyni* were discovered in 92 B.C. The last recorded instance of an androgyne expiation occurred perhaps in 90 B.C.,[32] when a man informed the authorities that his bride was a hermaphrodite: after investigation, the senate ordered that the bride be burned. Roman superstitions about sexually ambiguous individuals were fanned by Etruscan doctrine but came under criticism from Greek rationalism. Diodorus Siculus, perhaps summarizing Posidonius' thoughts on the subject, devoted several chapters of his history (32. 10–12) to a medical explanation for androgyne genitalia. At the end of his digression Diodorus criticized the superstition of peoples who believed that such anatomical defects were prodigies, the expiation of which required that the monster be drowned or burned. Diodorus seems to have known of no androgyne expiation later than the Social War. Although it may be

29. Plut. *Mor.* 284A–B; Jul. Obseq. *Prodig.* 37; Oros. 5. 15. 20–21. For an analysis of the events of 114–113 B.C., see A. Eckstein, "Human Sacrifice and the Fear of Military Disaster in Republican Rome," *AJAH* 7 (1982): 71–72.

30. So A. Henrichs, "Human Sacrifice in Greek Religion," in *Le sacrifice dans l'antiquité,* Entretiens sur l'antiquité classique 27 (Vandoeuvres, 1981), p. 234.

31. See MacBain, *Prodigy and Expiation,* pp. 127–35.

32. Diod. Sic. 32. 12. 2 says that the incident occurred "at the beginning of the Marsic War."

that he was poorly informed, it is perhaps more likely that after the Social War androgyne expiations were discontinued.

Whatever controversy about androgyne expiations there may have been in the early first century B.C., it is difficult to avoid the conclusion that in one way or another the disappearance of the *Annales maximi* occurred in a context of senatorial dissatisfaction with at least the most barbaric *procurationes* of prodigies. The somewhat earlier obsolescence of the pontifical *tabula dealbata* may have had a similar cause. The *tabula* was perhaps intended to inform the public about those prodigies that had already been brought to the attention of the pontiffs. Without such a display-board, rumors of the birth of a *monstrum* in some distant part of the *ager Romanus* might have inspired a tiresome stream of informers to take their reports to the chief pontiff's house. Conversely, without a display-board announcing what the pontiffs already knew, there was a danger that a prodigy would go unreported, as each of those who were privy to it assumed that someone else had alerted the pontiffs.[33] P. Mucius Scaevola, whose tenure of the office ran from about 130 to about 115 B.C., was the last *pontifex maximus* to hang the whitened board outside his house. Abandonment of the practice was perhaps the first attempt by the governing class to dampen public enthusiasm for expiatory rituals. The outlawing of human sacrifice in 97 B.C. was a more certain attempt in the same direction. After the explosion of androgyne expiations in the 90s B.C., some de-emphasis of public prodigies may have seemed advisable to most senators, and it could have been during such a de-emphasis that the *Annales maximi* disappeared. Possibly it was simply a matter of a failure to recopy the voluminous archive when it fell into decay.

Whether by fire, flood, or merely the passage of time, the *Annales maximi* seem to have disappeared in the first half of the first century B.C. Stated more conservatively, our conclusion is that there is no evidence the *Annales maximi* were consulted after 90 B.C. Valerius Antias was probably the last writer to make use of them.

Vanderbilt University

33. In his review of Frier's book (*JRS* 71 [1981]: 200), R. M. Ogilvie gave his opinion of the board: "the whole purpose of a white board is that you can add to it day by day. This is vital, not only for advertising moveable festivals and special ceremonies, but also for portents, prodigies, omens as well as triumphs, victories, disasters." For the "writing boards" from which the Babylonian scholars made their entries into the permanent tablets, see A. R. Millard, "Another Babylonian Chronicle Text," *Iraq* 26 (1964): 31.