

SCIPIO, LAELIUS, FURIUS AND THE ANCESTRAL RELIGION

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In the anxieties of the Second Punic War the Romans sought divine aid alike from new Greek and even oriental cults and from ancient Italian rites. But in the subsequent decades a deeper—and to some extent a disenchanting—knowledge of Greece and things Greek combined with the nationalistic pride of a conquering people (and one already committed to reverence of its ancestors) to create a new consciousness of the Roman religious tradition, and of the need to keep it free from the contamination of foreign cults—or foreign scepticism. In 186 B.C. the Bacchanals were suppressed, and in 181 the books of Numa; in 161 philosophers and rhetors were expelled; either in 173 or 154 two Epicureans were thrown out of Rome by a consul, L. Postumius; in 155 the embassy of the Athenian philosophers caused some concern; and in 139 Chaldaeans (astrologers) and possibly Jews were banned by the praetor and *Xvir*, Cn. Cornelius Scipio Hispanus.¹ The new Latin-writing historians of the period, Cato and after him the so-called early annalists, Cassius Hemina and Piso, recorded and explained ancient rites in a doubtless unsystematic fashion, but probably more fully than their predecessors who used the Greek language. And it appears that some time around the middle of the century a Lex Plaetoria may have set up *Iviri* to restore the decrepit altars of traditional cults.²

Polybius notoriously admired the cohesion given to the Roman *πολίτευμα* by religion, which he found clothed in ceremony and interwoven with both public and private life to a marked extent. He believed this to have been done primarily to impress and control the people, but he goes on also to connect it with the remarkable integrity of Roman magistrates and officials, which he put down partly to fear of the gods and the terrors of hell.³ Though he speaks, as Walbank notes,⁴ very much as a Greek rationalist, and it is not likely that many Romans saw things in quite the way he did, it is probable that around the middle of the century the Romans did become more aware than ever before of the part that religion played in politics and in those *mores maiorum* that they were so anxious to preserve. Around 150 were passed the *leges Aeliae Fufiae* extending the use of *obnuntiatio* in order to control tribunician *furor*; and in 145, perhaps partly in answer,⁵ came C. Licinius Crassus' unsuccessful attempt to get the priestly colleges elected by the people. Both the nobles and their opponents then were aware of the importance that the aristocratic control of religion could have.

What I wish to do is to attempt to reconstitute the religious attitudes of three men in Rome with whom Polybius was undoubtedly in contact. The 'Scipionic Circle' has taken some hard knocks recently;⁶ but even the sceptical Strasburger and Astin would allow that at any rate Scipio, Laelius and L. Furius Philus had a good deal to do with one another, as well as being all three exceptionally thoughtful persons. They are grouped together in *Brutus* 258 for style, and in *de Or.* ii, 154-5 as highly educated men,

¹ See G. de Sanctis, *Storia dei Romani* iv, 2, 1 (1953), 367; K. Latte, *Römische Religionsgeschichte* (1960), 265 ff. The Epicureans, Athenaeus xii, 547a.

² *ILLRP* 121 records the restoration of an altar, we do not know to what god; no. 281 is an altar to Verminus, but not stated to be a restoration. Both are set up by A. Postumius, probably the consul of 151 and the historian (but, before leaping to conclusions about his antiquarian interests, let us recall that his history was in Greek and pragmatic—Polybius xxxix, 12, 4). See G. de Sanctis in *Riv. fil.* N.S. xiii (1935), 126 and *Storia dei Romani* iv, 2, 1 (1953), 305, n. 816—in the latter opposing Münzer, who in *Bull. Comm.* lxvii (1939), 27 and P-W xxii, 1 connected the dedication to Verminus and thus the other activity of the *Iviri* with the cattle plague of 175-4, and identified the A. Postumius with the consul of 180; the stone, according to De Sanctis, is unlikely to be so early.

In *ILLRP* 126, a pious lady restores an altar of

Heracles, but perhaps not so early as the second century; cf. also no. 279, from Syracuse.

³ Polybius vi, 56, 6.

⁴ F. W. Walbank, *Historical Commentary on Polybius* i (1957), 741.

⁵ L. R. Taylor, 'Forerunners of the Gracchi', *JRS* lii (1962), 19; n.b. 25: 'the purpose [of Crassus' bill] was I believe to secure a membership in the augurate which would interpret *obnuntiationes* in favour of the people.' G. V. Sumner, 'Lex Aelia, Lex Fufia', *AJP* lxxxiv (1963) 337, dates these to 132, as answers to Ti. Gracchus, and ascribes the Lex Aelia to Q. Aelius Tubero, Scipio's nephew: which would be interesting for our picture of Scipio and his friends, but cannot be regarded as proved.

⁶ H. Strasburger, 'Der Scipionenkreis', *Hermes* xciv (1966), 60; A. E. Astin, *Scipio Aemilianus* (1967), Appendix VI. Cf. J. E. G. Zetzel, 'Cicero and the Scipionic Circle', *HSCP* 76 (1972), 173.

'qui secum eruditissimos homines ex Graecia palam semper habuerunt', and as auditors of the philosophic embassy. A well-known fragment of Porcius Licinus links them not only as friends of Terence but as 'tres per idem tempus qui agitabant nobiles facillime'.⁷ I shall suggest that one of the things they had in common—though doubtless they were by no means alone in it—was a desire to preserve and where necessary resuscitate the ancestral religion. Whether they stood close to the scepticism of Polybius, who really does not seem to have believed in the gods at all, but thought that to pretend to a belief in the miraculous might sustain piety among τὸ πλῆθος, and whose probably mistaken interpretation of the elder Scipio as a perfect rationalist might conceivably suggest that his own friends in Rome were that; or whether, as some of the main influences on Scipio at least will suggest, they were truly anxious to ensure the favour of the gods and thus the continuance of Rome's greatness, we cannot say. And in the second case, it would still remain uncertain how much they believed: whether simply in a philosophical deism that excluded such things as divination, which was perhaps Panaetius' position⁸ as it was later Cicero's, or whether they accepted the efficacy of the rites they took part in; some forms of superstition the connection with Sulpicius Galus, who explained eclipses to the army of Scipio's father Aemilius Paullus, must clearly have excluded.⁹

Conscious moral traditionalism was a phenomenon closely allied to religious traditionalism in this period; it was a creation, more particularly, of the fear of inpouring wealth and the social strains this created. And the moral traditionalism of Scipio and Laelius at least needs no proving; one need only refer to the ostentatiously small suite that Scipio took on his eastern embassy,¹⁰ and the fragments of his speeches as censor, in which he attacks luxury and recalls the Romans *ad maiorum mores*;¹¹ and recall Laelius' views on food as reported by Lucilius,¹² and the notice that in the course of his long life he slept with only one woman, his wife.¹³

First of all we may consider the religious views of C. Laelius, Scipio's elder and to some extent his mentor (some even professed to regard him as the real author of Scipio's achievements).¹⁴ In 145 he made his famous speech *de collegiis*, successfully opposing C. Crassus' proposal that the priestly colleges should be elected by the people. According to Cicero its style was strikingly archaic for its time; indeed he thinks that it was deliberately archaizing.¹⁵ He calls it an 'oratio nobilis' and an 'aureola oratiuncula', and shows that it dealt not only with the immediate point at issue but *de religione* generally; and especially 'de colendis dis immortalibus iure pontificio et more maiorum capedunculis iis quae Numa nobis reliquit'¹⁶ (cf. a fragment of *de Republica* vi, 2, 2 speaking of 'oratio Laeli quam omnes habemus in manibus... quam simplicitate pontificum dis immortalibus grata sint Samiaequae ut is scribit capudines'). This shows that one of the points it made was the simplicity—and thus in a sense the democratic character—of the traditional religion, a useful argument against the explicitly *popularis* *lex* of Crassus,¹⁷ and something that Cicero himself makes much of in *de Republica* ii, 27 and *de Legibus* ii, 19 and 25. Laelius is probably used in both these works and possibly also in the *de natura deorum* (see iii, 5), but in the absence of further certain fragments of his speech it is hard to say precisely how; it is however perhaps worth

⁷Frag. 4 Funaioli. Cicero, *ad Att.* ii, 19, 5 implies the friendship of Laelius and Furius. Apuleius, *Apol.* 20 compares all three for their property—Furius was the poorest—plus Crassus Dives who was however, as we know, not a friend.

⁸Panaetius may have distinguished the 'three theologies', philosophic, poetic and civic, as Scaevola Pontifex was soon under Stoic influence to do; he wrote *περί προνοίας* but doubted divination and denied astrology (Cic., *de Div.* ii, 88; *Acad.* ii, 107). But while Polybius was attached to Scipio from the latter's youth, Panaetius only came to Rome about 146, and cannot have influenced his formative years. (I do not see why F. W. Walbank, 'Political Morality and the Friends of Scipio', *JRS* lv (1965), 1 thinks that *de fin.* ii, 23-4 shows that Laelius was a student of Panaetius in Athens; it clearly implies that he heard him after

the philosophic embassy and doubtless, like that, in Rome.)

⁹Cic., *de Rep.* i, 17 might suggest that Furius in particular was interested in astronomy.

¹⁰Astin, *op. cit.* 17, n. 2.

¹¹Malcovati, *ORF* frag. 13. Cf. Plutarch, *Sayings of Romans* 1 (he undertook no building, left little silver and gold), 7 (forbade staff to plunder) and 10 (objected to luxurious living in camp). But, alas, Pliny, *NH* vii, 211 says he introduced the custom of being shaved daily!

¹²Lucilius 1235 (Marx).

¹³Plutarch, *Cato Min.* 7, 3.

¹⁴Cicero, *de Rep.* i, 18; Astin, *op. cit.* 24, n. 5.

¹⁵*Brutus* 83.

¹⁶*de Nat. Deor.* iii, 5 and 43.

¹⁷*de Amic.* 96.

recording that in the *de Republica* one corollary to the cheapness and simplicity of traditional rites is their complication and laboriousness, and another is that Numa instituted priests *e principum numero* (cf. *de leg.* ii, 20, the need to call on public priests for instruction). All this could well be from Laelius.¹⁸ The complication of Roman rites would be a slightly different point from that of Polybius, who was struck by their grandeur; but it fits well with the anecdotes about the simple life of the *maiores* in historians contemporary with Laelius, especially Piso.¹⁹ And an interest in Numa's politico-religious aims can be proved for this period: in Cassius Hemina's history readers were given *leves causae* for his religious institutions, which seem to be social in intention—to see that the Romans had a healthy diet and that prices were kept down.²⁰ Numa also, according to Lucilius, invented bogies:

‘terrículas, Lamias, Fauni quas Pompiliique
instituire Numae,²¹

and this perhaps does take us back to Polybius and the salutary terrors of religion.²²

There is one other possible fragment of the *de collegiis*. Macrobius refers to a M. Laelius *augur* as an authority for a religious event in the Second Punic War. Münzer is probably right in thinking that this must be our C. Laelius, who certainly was an augur, while M. is not a praenomen used by any republican Laelii we know.²³ ‘M.’ Laelius reported that on the occurrence of portents the Sibylline books were consulted *ex s.c.*, and it was arranged that a day of prayer should be held on the Capitol and a feast for the gods financed by a *stips* to which respectable freedwomen might contribute; prayers were offered by boys, sons of both free and freedmen, and a hymn by maidens. Sons of respectable unions by freedmen were henceforth to be allowed to wear the *toga praetexta* and a leather *bullā*.²⁴ Is Laelius again pointing out the more popular and liberal aspects of the traditional religion? (some fifteen years later we find Scipio assuming that a large part of a Roman assembly is of libertine origin). Laelius would of course here be primarily concerned with the *collegium* of the *Xviri*. Alternatively, the description of the author as *augur* might suggest a special work on augury; but the passage does not deal with that subject, and Cicero, as both an augur and a fan of Laelius, would be likely to know such a work.

Laelius indeed was to Cicero a model augur,²⁵ probably not solely on the basis of his authorship of the very general *de collegiis*, since *de Amic.* 7-8 represents him as diligent in his augural duties. Broughton, on the basis of *de Amic.* 77, would accept that both he and his friend Scipio held the position before Laelius' consulship in 140 B.C.²⁶ I would suggest that Laelius was already an augur in 145; only a priest could speak with authority on religion, and we notice how Cicero, before his own augurate, felt it proper to keep away from the subject in the *de domo*. Laelius certainly became influential in the college: he got one of his sons-in-law, Scaevola, made augur too, to the annoyance of the other, C. Fannius, who was older (though Fannius did reach the position before Laelius' death).²⁷ Scipio, we know, thought highly of the claims to dignity of the office; he held that it conferred exemption from jury-service, though his nephew Tubero decided against him.²⁸ Laelius' father was a *novus homo*; Scipio, like Furius Philus, was a patrician, a rank that gave them a special relation to Rome's religious traditions.²⁹ Furius is not attested as having held priestly office, but

¹⁸ Pace Cicero's *pro Murena* 75, which has a philosophic axe to grind, the simplicity of the *lectisternium* arranged by Scipio's nephew Tubero in 129 ('stravit pelliculis haedinis lectulos Poenicanos et exposuit vasa Samia') could be as much influenced by Laelius' views on religion as by Greek philosophy (but also relevant are his family's tradition of poverty and simplicity—see Plut., *Aem. Paullus* 28).

¹⁹ Peter, *HRR* (Piso, frag. 8).

²⁰ id. ib. Hemina, frags. 12 and 13.

²¹ Lucilius 484 (Marx).

²² Lucilius' burlesque treatment of the gods and kings of Rome in his Satires does not of course tell us much about his considered views on religion (note the passage behind Arnob., *adv. Gentes* v, 18 on the

miraculous birth of Servius Tullius; but there is perhaps something serious behind the description of the Council of the Gods, who seem to be discussing luxury and the decline of Rome).

²³ P-W, Laelius no. 8. Macrobius *Sat.* i, 6, 13.

²⁴ cf. Livy xxii, 1, 18 and xxvii, 37; also E. Fraenkel, *Horace* (1957) 380 n. 3.

²⁵ *Phil.* ii, 83.

²⁶ T. R. S. Broughton, *MRR* i, 479.

²⁷ *Brutus* 101; *de Amic.* 7-8; perhaps, suggests Broughton, Fannius succeeded Ti. Gracchus.

²⁸ *Brutus* 117.

²⁹ Latte, *RRG* 276, n. 2; the *flamen Dialis* in particular was frequently a Cornelius.

he is likely to have done so; if we may trust Livy xliii, 11, 13, a member of his family, possibly his father, was a pontifex, and an argument will be given below for the son also belonging to the college. The family was certainly thought of as a priestly one; a P. Furius Sp.f. M.n. Philus is said to have been augur in the late third century, and various earlier Furi, not necessarily direct ancestors, are given sacred office by the annalists.³⁰ In fact, the Scipionic group is likely to have had much influence in the colleges,³¹ Astin is probably right in asserting, *pace* Münzer, that the pontifex Q. Fabius Maximus Servilianus (who was adoptive brother to Scipio's brother Q. Fabius Aemilianus, who married his son to the daughter of Scipio's protégé P. Rupilius, and under whom Laelius' son-in-law Fannius served in Spain) was a friend; it is a striking fact that he was the author of one of the first books, perhaps the first book, on pontifical law.³²

But it is now time to turn to Scipio Aemilianus himself. Evidence for his religious views and activity is not plentiful. Astin (extraordinarily) does not consider the matter at all, save to reject, probably rightly, the story that as censor Scipio altered the wording of the prayer used at the completion of the *lustratio*,³³ and to suggest, tentatively, the date 146, after the African triumph, for the dedication of the temple to *Virtus* mentioned by Plutarch.³⁴ (One notes that Scipio chose a typical Roman abstraction, comparable to Marcellus' *Honos et Virtus*.) We are also told by Appian that he expelled all unofficial soothsayers and diviners from camp on his arrival in Spain;³⁵ this might reflect religious orthodoxy, scepticism, or merely care for military discipline. We know that he gave his grandmother's expensive outfitings to his mother so that she might attend the public sacrifices—which does not really tell us very much about his religious traditionalism.³⁶ And we know that, as censor, he held a party at the dedication of a temple to Hercules—which tells us nothing at all.³⁷

But we know enough about the influences on Scipio's youth to be able to say something fairly plausible about his position. We know, for one thing, that he was scarcely to be torn from Xenophon's *Cyropaedia*,³⁸ that first and most successful *Bildungsroman*, which the Romans of the republic took with extraordinary seriousness as a Mirror for Princes.³⁹ As we might expect in a work of Xenophon (whose straightforward piety is proved by the *Anabasis* and *Hellenica*), Cyrus takes great care to pray or sacrifice to the gods and especially to Zeus before all his battles, and to give thanks after them. There are two passages of slightly more significance. In i, 6, 2 Cyrus' father points out not only that he has been mindful of the gods in preparing the campaign now in prospect, and that he trusts that, as omens and sacrifices indicate, the gods will prosper it; but also that he has been careful to have Cyrus taught to interpret these signs himself, so that he can neither be deceived by his soothsayer, nor left in perplexity without one. This sentiment was likely to find an echo in the mind of a Roman noble, especially once he had himself become augur. Cyrus replies that he

³⁰ L. Furius pontifex maximus in 449; M. Furius Fusus pontifex or augur in 390; L. Furius Bibaculus a Salius before 219—see *MRR* under these years.

³¹ Various rivals of Scipio also held places in the colleges however—Ap. Claudius, Metellus Macedonicus, Ti. Gracchus, Brutus Callaicus and Q. Scaevola.

³² Astin, *op. cit.* 315; Münzer, *P-W* vi, 2, Ser. Fabius Pictor no. 128, accepts, like others, the suggestion that the work on pontifical law ascribed to (a) Fabius Pictor may be really that of Servilianus. The fragments are unenlightening.

³³ *op. cit.*, Appendix x. One of the very few scholars to consider the religious outlook of the 'Scipionic Circle' briefly is G. Boissier in *La Religion Romaine* (1906), 49; he thinks them privately sceptics like their Greek friends.

³⁴ *Fort. Rom.* 5, calling Scipio Numantinus, which strictly implies a later date.

³⁵ *Hisp.* 85.

³⁶ Polybius xxxi, 26.

³⁷ Plut., *Praec. Reip. Ger.* 20. Cf. Astin, *op. cit.* 121.

³⁸ Cicero, *Tusc.* ii, 62 'semper in manibus habebat'

(and his favourite passage was that on honour making the general's labour lighter than the soldier's); *ad Q. fr.* i, 1, 23 'de manibus ponere non solebat'.

³⁹ K. Münscher, 'Xenophon in der griechisch-römischen Literatur', *Philologus* Suppl.-Band xiii, 2 (1920), chap. III. Note especially *ad Q. fr.* i, 1, 23—useful for those with *imperium*; cf. i, 2, 7; *Brutus* 112—read by all, but not so suited to Roman circumstances as Scaurus' memoirs; *ad fam.* ix, 25, 1 'παρβέτων Κύρου quam contriveram legendo, totam in hoc imperio' (i.e. in Cilicia) explicavi—a joke, to be sure, but resting like the other passages on the work's accepted position. We also know it to have been read by Caesar (Suet., *DJ* 87) and its account of Persian education is mentioned by Varro in his *logisticus Catus de liberis educandis*.

P. Grimal, *Le Siècle des Scipions* (1953), 182, n. 4 thinks Scipio's taste for hunting in youth came from Xenophon; the youths in Persia do hunt (*Cyrop.* i, 9 ff.) but Polybius xxxi, 29, 3 states that Scipio developed the taste when the Macedonian royal parks were at his disposal in 167.

regards the gods as he does his friends, and also that he has learnt from his father that the gods help those who help themselves. Later, in i, 6, 44, his father again impresses on him the importance of sacrifices and omens in war.

Secondly, in viii, 1, 23 we find Cyrus, now established in all his glory, reforming religion by founding the Magi as an order of priesthood and setting an example to his people in religious matters; partly because he looks on his subjects' piety as a blessing to himself, and holds that if they are god-fearing they will be less ready to commit crimes against each other or their king. Here is the religious man's version of Polybius' rationalistic belief in the value of religion in politics.

The scene between Cyrus and his father, in particular, may have touched a chord in Scipio's breast. Diodorus tells us that Scipio modelled himself closely on his real father Aemilius Paullus,⁴⁰ and certainly his adoption (its precise date is uncertain) did not break all links with his own family: he served with his father against Perseus in 167. We can undoubtedly see many parallels between their careers, beginning with the fact that neither chose as young men to plead in the law-courts, as was usual with upper-class young Romans.⁴¹ In particular there are parallels in religious matters. Scipio, like Paullus, made remarks about the power of Fortune to a defeated antagonist. Scipio's own fear for Rome, expressed at the height of his success, with Carthage prostrate before him, perhaps recalls the fear that Paullus told the Roman people he felt at his successes in Greece, praying that any compensatory misfortune might fall on him alone—as it so terribly did in the deaths of his two younger sons.⁴² Like Paullus at Amphipolis, Scipio burnt and dedicated spoils to Mars and Minerva on taking Carthage.⁴³ Like Paullus—*exempli patris sui* as Livy's Epitome remarks⁴⁴—he held games on his victory there, and, more specifically, threw deserters to the beasts.⁴⁵

Now Paullus was, according to Plutarch, an exceptionally learned and conscientious augur 'devoted to study of the ancestral customs and the religious ceremony of the ancients'; he was eager to lay aside all other cares when religious ones came his way; he never omitted or altered a single detail, and was always ready to argue about such things with his colleagues and about the danger of neglecting even small matters of this kind. He occupied himself with sacred affairs on being passed over for a second consulship. Indeed he ended his life as a martyr to augury, returning to Rome for a religious ceremony from the country retreat to which the doctors had sent him for his health, and dying in the city.⁴⁶ Plutarch also records⁴⁷ the sacrifices with which he punctuated his campaigns and his tour of Greece.⁴⁸

It is inconceivable that Scipio should not have been affected by all this. In addition, his adoptive father P. Scipio was an augur too (and/or possibly flamen Dialis),⁴⁹ and there can be little doubt that Astin is right in supposing that Scipio was influenced by the memory of the great Africanus.⁵⁰ Cicero shows how a Roman should copy not only the *maiores* in general but his own *maiores* in particular, and instances the younger Africanus' emulation of the elder, in warfare at least.⁵¹ The immensely strong aristocratic family feeling in the *gens Cornelia* at this time is

⁴⁰ Diodorus Siculus xxxi, 27, 2.

⁴¹ Plutarch, *Aemilius Paullus* 2, 3; Polybius xxxi, 23, 11.

⁴² Plutarch, *ibid.* 27, 36; Polybius xxxviii, 21.

⁴³ Livy xlv, 33, 1; Appian, *Lib.* 133. See Astin, *op. cit.* note G, p. 341.

⁴⁴ Livy, *Ep.* 51.

⁴⁵ It is also symptomatic of Paullus' influence that his son quoted him to the effect that one should give battle only in great need or in great opportunity (*HRR* Asellio, frag. 5).

⁴⁶ J. Liegle, 'L. Aemilius Paullus als augur maximus im Jahre 160 und das Augurium des Heils', *Hermes* lxxvii (1942), 249 does not convince, through lack of evidence.

⁴⁷ Plutarch, *Aemilius Paullus* 3, 6, 17, 24, 27, 39.

⁴⁸ We should also recall however that as a friend of Sulpicius Galus he understood about eclipses—but none the less sacrificed at the one before Pydna to pacify his troops; Polybius xxix, 16, Plutarch, *ibid.* 17.

⁴⁹ *CIL* i², 10, the epitaph of the P. Cornelius P.f. Scipio, who was flamen Dialis but held no political office, dates from the earlier second century and has sometimes been thought to refer to the son of the elder Africanus, whose weak health is known to have kept him in private life. It is unlikely however that this priesthood could be combined with the augurate, for which see Livy xl, 42, 13. Some might think it possible to disbelieve Livy. (See *MRR* i, 407, n. 6.) F. Coarelli, 'Il sepolcro degli Scipioni', *Dialoghi di Archeologia* vi (1972), 1, 36 suggests that the reference to the flamine, clearly an addition to the inscription, was inserted on his adoptive father's sarcophagus by Aemilianus; this would fit the idea that he was deeply imbued with the importance of the traditional religion.

⁵⁰ *op. cit.* 21. N.b. the elder Africanus was a Salius, taking it very seriously even when away from Rome: Polybius xxi, 10, 10.

⁵¹ *de Off.* 1, 32, 116.

documented by the epitaph of Scipio Hispanus; and also by the enlargement of the tomb of the Scipiones, and its embellishment with statues of the elder Africanus and his brother (and possibly Ennius) and with paintings, probably on historical subjects.^{5 2} Now it is clear that by at latest Polybius' day (in fact, by that of Ennius' epitaph) the idea was about that the elder Scipio had been specially favoured by the gods, or was perhaps even in some way himself superhuman.^{5 2a} Aemilianus, a conscientious and severe man, had little of his ancestor's magnetism, though he is said to have managed, at Carthage, to inspire the idea that he was aided by the power which had given his grandfather knowledge of the future, obviously Jupiter.^{5 3} But he does not seem to have had anything of the mystic in his character. If he too wanted the favour of the gods, or the reputation of having it, he must be content to attain it in a humbler way, by acts of ritual and piety. That he did want it we cannot doubt; and thus there was a very bitter point to the attack when

'Scipiadae magno improbus obiciebat Asellus
lustrum illo censore malum infelixque fuisse.^{5 4}

This consideration of Aemilianus' background has involved, several times, the use of religion in warfare. It is here that Scipio and the third member of our friendly trinity may have been concerned together. Indeed all three were active in 136 in that famous case in which an ancient religious rite was deeply involved—the business of Mancinus and the repudiation of his treaty with the Spaniards. Furius investigated the affair as consul, with Scipio and Laelius on his *consilium*; together with his colleague he proposed the *rogatio* (preceded by a *senatus consultum*) by which it was decided that Mancinus should be handed over to the Numantines. And he himself, on taking over the Spanish command, supervised the operation. Astin sees Scipio as the dominating figure in the whole crisis, influential especially on the decision that Mancinus' fate should not be shared by his staff, including his quaestor Ti. Gracchus, Scipio's cousin.^{5 5}

The idea of handing over to the enemy a general or other responsible person was probably not in itself unprecedented. Polybius tells us that in 218 the Romans demanded that Hannibal and his advisers should be given up, and the stories of the handing over of Q. Fabius in 266, M. Claudius Clineas to the Corsi in 236 and the man who insulted the Carthaginian legates in 188 may have a basis of truth.^{5 6} But that such action was not necessary upon the repudiation of a treaty in the second century the history of Spain shows all too well. Clearly however Scipio and Philus did not think such action as had been taken in the case of Pompeius' treaty three years earlier was adequate or properly reverent to the gods.

They thus involved—or re-involved—the fetials in the procedure. Ogilvie has recently and rightly asserted that in the early second century their activities were obsolete and their status was low, and that it was the Mancinus affair that brought

^{5 2}F. Coarelli, *op. cit.*; cf. V. Saladino, *Der Sarkophag des Lucius Cornelius Scipio Barbatus* (1970), who also argues, not convincingly, that that is an archaizing work of the mid-second century.

^{5 2a}F. W. Walbank, 'The Scipionic Legend', *PCPS* cxiii (1967), 54, who believes Africanus did, as Polybius says, appeal to a dream of Neptune before the capture of New Carthage (Polybius x, 11; Ennius *ap. Lactantius, Div. Inst.* i, 18, 10).

^{5 3}Appian, *Pun.* 104, 109. (Note perhaps also Porcius Licinus' sarcastic reference to *Africani vocem divinum*; he is referring to the younger Africanus.)

M. H. Crawford suggests, on the basis of their coins, that the *gens Cornelia* as a whole worshipped Jupiter: *Roman Republican Coinage* (1973), no. 296. This is uncertain, but perhaps more likely than Ribbeck's view that the *gens Aemilia* made much of descent from Jupiter. This is based on Festus' statement (22 L) that they traced their line back to Ascanius, and on a line in Pacuvius' *Paullus*:

Pater supreme, nostrae progenies patris
(progenitor)

But surely this must be spoken, or narrated as spoken, by Perseus. F. W. Walbank, *Philip V* (1967), 258, n. 3; 267, n. 6, shows that the Antigonids claimed descent from the Argeads, and thus Heracles and Zeus. The Aemilii more usually asserted descent from Pythagoras (Plutarch, *op. cit.* 1; Festus, *loc. cit.*) and this is more likely to involve association with Apollo (to whom Aemilius was perhaps devoted, witness his sacrifices at Delphi *en route* for Macedon, Plutarch, *op. cit.* 36, as well as his sacrifices, and the statues and monument that he put up there, after Pydna). See for Ribbeck's theory his *Römische Tragödie* (1875), 229.

^{5 4}Lucilius 394 (Marx).

^{5 5}*op. cit.* 181-2.

^{5 6}Val. Max. vi, 6, 5, etc.; vi, 3, 3, etc.; Livy xxxviii, 42, 7 (giving the fetials a part in the event, which may be dubious).

them back into the centre of the stage.⁵⁷ F. W. Walbank showed some time ago that in the late third and second centuries they were not responsible either for formal *rerum repetitio* from enemies, or for the declaration of war on the frontier of enemy territory; this was done by secular *legati* and a more compendious procedure.⁵⁸ But it is not even likely that the fetials threw a spear about in Rome itself; the story in some late antiquarian sources that a prisoner from Pyrrhus' army was made to buy a piece of land near the temple of Bellona, to serve as technically hostile ground into which they could throw the spear symbolizing the opening of war,⁵⁹ is very doubtful. It does not seem to be known to Varro, since he anyway believes that the spear-throwing on the frontier was done by *duces*, and symbolized choosing a camp-site; nor to the sources of Livy xxxi, 8, 3, where the fetials are said to *iubere* concerning the formal declaration of war, but do not apparently take part in it. Whether in the second century the fetials on the other hand took part in the making of treaties has not been made clear. Varro says that in his time they 'still' did this, in spite of having lost their role in the declaration of war.⁶⁰ But even this may possibly have been a revival.

Now Polybius' version of the first Carthaginian treaty with Rome mentions an oath by Jupiter Lapis, which his learned source explained as an oath taken 'according to ancient custom', with a stone in the hand. This custom is not implausible in itself, but is not a very good explanation of the reference in the treaty, since in this the stone, ultimately cast away, appears to symbolize not Jupiter but the perjurer. But right or wrong it seems to exclude all knowledge of the fetial rite in which the fetials sacrifice a pig at the making of a treaty with a stone knife from the temple of Jupiter Feretrius. Ogilvie would explain Polybius' confusion as due to the fact that in his day the exact formulae of the fetials 'were not common knowledge and had to be resuscitated by a later generation'. In fact we may perhaps press the passage a little further—Polybius' 'most learned of the Romans' presumably had more than common knowledge, and ὁ ποιούμενος τὰ ὄρκια περὶ τῶν συνθηκῶν does not sound as if they envisaged a priest taking part at all. Did they perhaps know nothing whatsoever about the fetials, let alone their exact formulae? Indeed, had the fetials really ever taken part in Rome's treaties, at least since the mists of pre-history? One should note that the two rather more recent treaties with Carthage given by Polybius have even less to do with fetial rites than the first, since the oaths in them are made by Mars and Quirinus, while the fetials seem to have been exclusively concerned with Jupiter Feretrius. The intimately Roman Mars and Quirinus cannot, of course, be explained away as the Carthaginians' choice of gods.

Whoever first introduced into the historical tradition the oxhide document of the treaty with Gabii (implying that the ox was the animal slain at the making of the treaty) would also seem to have left no room for fetials.⁶¹ But of course the slaughter of a pig at the making of a treaty is a rite well-known in the second century, as coins show us; but these seem to represent warriors, not priests, in attendance, with swords, not a stone knife, ready for the sacrifice.⁶² The same picture is suggested in Cicero, *de Inventione* ii, 92, posing the rhetorical problem of whether the boy who held the pig for the Caudine treaty should be given up when this was repudiated; he seems to be thought of as acting directly *iussu imperatoris*, whereas Livy (i, 24) shows that in fetial procedure the priest replaced the general altogether.

There were no fetials in the field, then (in spite of Livy xxx, 43, 9, the annalistic story of their sailing for Africa in 201); and indeed one cannot imagine them traipsing

⁵⁷ R. M. Ogilvie, *Commentary on Livy 1-5* (1965), 128. It is agreed that Livy's fetial formulae are late reconstructions.

⁵⁸ A. H. McDonald and F. W. Walbank, 'The Origins of the Second Macedonian War', *JRS* xxvii (1937), 192; F. W. Walbank, 'A Note on the Embassy of Q. Marcus Philippus, 172 B.C.', *JRS* xxxi (1941), 82. S. I. Oost, 'The Fetial Law and the Outbreak of the Jugurthine War', *AJP* lxxv (1954), 147, argues that this same procedure was in use in the Jugurthine war, well after Mancinus.

⁵⁹ Servius, *Aen.* ix, 52; Ovid, *Fasti* vi, 205 ff.

⁶⁰ *De L.L.* v, 86.

⁶¹ D.H. iv, 58, 4, cf. Festus 48 L; n.b. it was in the temple of Semo Sancus.

⁶² G. Wissowa, *Religion und Kultus der Römer* (1912), 552, n. 5. It could be suggested that the coin depicts a very early treaty, before the time of Numa or Tullus whom the annalists supposed to have introduced fetial law; but that is ascribing a remarkably careful historical sense to the moneyers—and one coin is as early as the late third century. (A. Alföldi, 'Hastis summa imperii', *AJA* lxiii (1959), 1 thinks the old man with spear and sword is King Latinus and the other fully armed warrior Aeneas.)

round the provinces on the off-chance of a treaty being made, and for this reason Livy (ix, 5) thought it impossible to make a real treaty in the field at all. Did they play some part when a treaty was made by the senate or subsequently ratified in Rome? Clearly, in Varro's day; but was it, as we have suggested, a revival?⁶³ It is interesting that Dionysius of Halicarnassus seems to think that the office will be wholly unknown to his Greek readers, and explains οὔτοι ἄν εἴησαν κατὰ τὴν Ἑλληνικὴν καλούμενοι διάλεκτον εἰρηνοδίκαι, which suggests that there was no official translation of the word.⁶⁴ He uses the institution to illustrate Roman piety and *fides*, just as Varro (*ap.* Nonius 529) does; a purpose for which it seems so highly suitable that, dangerous as arguments *ex silentio* are, we may perhaps take it as significant that neither Polybius nor perhaps any other Greek-writing historian before Dionysius had apparently mentioned it.⁶⁵

Is it rash, then, to suppose that the occasional references to fetials in the annalistic tradition about the early second century should be regarded rather warily; and to hold that in 136 the fetials were a very obscure body indeed? Perhaps they were only active in the yearly renewal of the Lavinian treaty (though for this, and their part in it, it is true that our only evidence is from the first century A.D.).⁶⁶ They might have survived better outside Rome; Roman historians generally accepted that they had been introduced from Latium or elsewhere.⁶⁷ If this is so, when L. Furius Philus and his *consilium* decided to take a fetial all the way out to Spain this was a remarkable piece of revivalism;⁶⁸ it may or may not signify that Furius, Scipio and Laelius, with or without impulsion from the senate or elsewhere, were desirous of reviving the whole body of fetial law about war, peace, and the making of treaties that Cicero for one thought an essential element in the perfect republic,⁶⁹ and that Augustus supported to the extent of becoming a fetial himself—the first one certainly known to us.⁷⁰ How far their efforts were successful it is hard to say; but the fetial college certainly existed in Cicero's time, and, as Varro shows, took part in the making of treaties.

We must now turn to a less certain, but if true even more striking, piece of revivalism. The fall of Carthage in 146 was apparently accompanied with much religious ritual; the games and sacrifices on its fall have already been mentioned, and the site was of course solemnly cursed. It may be that the criticisms of Roman policy, which Polybius reports, provoked Scipio to ostentatious piety (in the same way, the breaking of the Mancinus treaty was a very dubious action). Indeed, Scipio's own position was peculiarly difficult, as the Carthaginians had been in some sense his clients. It is then extremely interesting that the *cuiusdam Furi vetustissimus liber* containing the formulae for an *evocatio* of the gods of Carthage and a subsequent *devotio* of her armies and of the town, formulae that are quoted by Macrobius⁷¹ from, as his immediate source, Serenus Sammonicus, is very often attributed to our L. Furius

⁶³ Varro may have had little old evidence for fetials: this is suggested by his attempt (*de vita p.R.*, fr. 75) to equate *oratores* and *legati* as used by early sources with fetials. But *orator* simply means ambassador and a priest would not be described as *legatus*. It is possible, but far from certain, however, that Cato mentioned fetials in his account of Tullus' war with Alba (*HRR*, frag. 22) as Livy and other later writers did. The first historian known to have mentioned fetials is Cn. Gellius (*HRR* fr. 16), probably near the end of the second century.

⁶⁴ D.H. ii, 72, 1.

⁶⁵ Polybius xiii, 3, 7 has a curt remark to the effect that the Romans do declare war formally. It is clear from the very general context that Walbank in his commentary ad. loc. is right (as against Ogilvie, op. cit. 128) in saying that Polybius is *not* referring to the *ius fetiale*.

⁶⁶ *CIL* x, 797.

⁶⁷ D.H. ii, 72—Ardea or Aequicolae.

⁶⁸ When the Spaniards refused to accept Mancinus, a further religious problem was posed, and solved with

solemnity; he was *augurio receptus in castra*, though a difficulty subsisted as regards *postliminium*, the full recovery of the rights of citizenship. The interest generated by the case was clearly immense, and the effect it had on accounts of earlier events, and especially on annalistic versions of the Caudine Forks, is recognized, though the details are disputed. Mancinus set up a statue of himself as dressed, or rather undressed, for the occasion: Pliny, *NH* xxxiv, 18.

⁶⁹ *de Legibus* ii, 21.

⁷⁰ *Res Gestae* 7; the little known writer Annius Fetalis may however have been a fetial and of the republican period. The two men who swear to a treaty with Cnidus, probably in the twenties, may be fetials, though there is no space in the inscription for their title. War had been declared by the fetials before Actium, so Augustus (or rather Octavian's) interest in the institution was early. If the Hermunduli in Cincius' fetial formula (*ap.* Aulus Gellius xvi, 4) are the German Hermunduri, Augustus perhaps also used the *ius fetiale* in the German wars.

⁷¹ Macrobius, *Sat.* iii, 9, 6.

Philus.⁷² The trouble is that this and the other evidence for the use of *evocatio* at Carthage is not beyond suspicion. It has never had a full discussion.

Wissowa argued that the goddess of Carthage was only transferred to Rome by Septimius Severus, and that Serenus Sammonicus was thus an unreliable source importing contemporary propaganda into his work.⁷³ But there is no solid evidence at all for supposing that Septimius, rather than Elagabalus, transferred the Dea Caelestis to Rome.⁷⁴ Sammonicus, *vir saeculo suo doctus*, but probably dead before Elagabalus' reign, is quoted by Macrobius several times: iii, 16, 6 shows that, in his *libro de animalibus quarto* he used the elder Pliny and Nigidius Figulus (on the *acipenser*); in the next chapter (iii, 17, 4) he is employed for the state of morals which the Lex Fannia, of 161 B.C., was designed to reform, and his description looks as if it may be based on the contemporary speech of Titius, *qua legem Fanniam suasit*, from which Macrobius has just been quoting.⁷⁵ Indeed Funaioli holds that all the information in chapters 16-17, with the many second and first century B.C. authors there quoted, is from Sammonicus and ultimately from Varro and other good sources.⁷⁶ Even if Funaioli is wrong, it seems probable that Sammonicus was a serious scholar, interested in the second century B.C. This does not prove that he must, but that he could, have had a genuine second century source for the *evocatio* at Carthage, whether known direct or only *via* earlier scholars.

The latter is the likelier; and in fact we can be pretty sure who this intermediary was. We should observe that Plutarch, *Quaestiones Romanae* 61, knows of certain Roman writers who have dealt with *evocatio*, and he connects this with concealment of the true name of the deity protecting Rome in order to frustrate enemies—just as Macrobius does. The blank in Macrobius' *evocatio* formula, where the god summoned is only addressed as *teque, maxime, ille*, suggests that the comment comes from the same source as the formula, and has been directly inspired by the latter.

Now Plutarch's authorities for Roman matters are mostly not post-Augustan; and Varro and Verrius are prominent among them. And here it emerges that Verrius is a very likely source for both Plutarch and Sammonicus (Macrobius);⁷⁷ for Pliny, *NH* xxviii, 18 tells us that Verrius had found *auctores* who convinced him that *evocatio* had been a regular practice in the past—and connects with it the keeping secret of the name of Rome. The fact that, according to Pliny, Verrius said that *evocatio* was carried out *a Romanis sacerdotibus*, while Macrobius (Sammonicus) says that it is the general himself who pronounces the formula, is perhaps not disastrous for the theory of the latter's connection with Verrius; the general would follow the dictation of the priests. Since Verrius seems to have regarded the practice as frequent, the list in Macrobius of cases where *devotio*, and probably also *evocatio*, occurred might come from him too; it is however rather alarmingly comprehensive, mentioning besides various early Italian examples 'multos exercitos oppidaque hostium Gallorum, Hispanorum, Afrorum, Maurorum aliarumque gentium quas prisci loquuntur annales'. The trouble is that the annalistic tradition, as far as we can tell, did *not* mention these cases, or any cases at all of *evocatio* save the famous one from Veii. It may then be that there is something wrong with Macrobius' list; perhaps Verrius generalized too sweepingly on the basis of a few examples, and Sammonicus or Macrobius thought he had actually had more

⁷² Following M. Hertz, *Fleckeisens Jahrb.* lxxxv (1862), 54 (Huschke, *Iurisprud. Anteiust.* i, 15 preferred A. Furius Antias, the epic poet of c. 100, but there is no evidence he wrote any prose). See recently A. H. MacDonald *OCD*² under Philus' name; and Ogilvie, *op. cit.* 674, who attributes the revival primarily to the pontifices.

⁷³ G. Wissowa, *RuK* (1912), 374 and P-W vi, 1, *evocatio*.

⁷⁴ I. Mundle, 'Dea Caelestis in der Religionspolitik des Septimius Severus und der Julia Domna', *Historia* x (1961), 228. Dio lxxx, 12; Herodian v, 6, 4 on the transfer of the statue, supposedly dating to Dido, by Elagabalus.

⁷⁵ Titius refers to the scandal of drunken *iudices*; Sammonicus has the closely related point of drunken men in the assembly.

⁷⁶ P-W 2, i, 2, 2129; cf. Wissowa, *Hermes* xvi (1881), 503. However, if Sammonicus said that Titius was a *vir aetatis Lucilianae* he was confused—though it has been suggested that Titius could have spoken against the abrogation of the Lex Fannia some time after its passage.

⁷⁷ H. J. Rose, *Plutarch's Roman Questions* (1924), 196 believes that Plutarch is almost certainly using Verrius; cf. pp. 37 and 42.

evidence than he had.⁷⁸ But if we may believe that Verrius had the Carthage formulae, then, since he was a reputable scholar, it is probable, though not absolutely certain, that he had a genuine old source for them; and the *liber vetustissimus* might well be Furius Philus'.

Evocatio would indeed be an understandable and possibly even a necessary preliminary to the subsequent and well-attested curse put on the site of Carthage (Cicero, *de leg. agr.* ii, 51: 'propter religionem sedum illarum ac vetustatis de consili sententia consecravit [Scipio]'). And it would be very natural for Scipio and his friend Furius to be interested in it; for the most certain and famous example of its earlier use—the evocation of Juno from Veii after its fall—dates from a year in which the greatest of the Furian gens, Camillus, was dictator, and a Cornelius, perhaps the first recorded Scipio, was his master of horse.⁷⁹ Camillus would presumably also have been involved in the *evocatio* from Falerii, mentioned if rather tentatively by Ovid. If Macrobius' list is genuine, or partly genuine, (i.e. if Verrius was right in thinking *evocatio* a frequent thing), Scipio and Furius were not reviving a completely forgotten rite; but for Furius to write on the subject would still be remarkable. Verrius clearly associated the ritual with the pontifices, and Pliny says 'durat in pontificum disciplina hoc sacrum': we might well suspect that Furius was a pontifex as his father may have been.

Thus the arguments for accepting an *evocatio* by Scipio at Carthage are quite strong; and Servius (*Aen.* xii, 840) indeed says firmly 'constat bello Punico secundo exoratum Iunonem, tertio vero bello a Scipione sacris quibusdam etiam Romam esse translata'. But it is usually possible to disbelieve Servius, as Latte for one does here;⁸⁰ and the arguments for rejecting *evocatio* at Carthage are rather strong too, unfortunately. It is alarming that there is no other evidence than Servius that the vow made by the general in Macrobius' evocation formula, *vobis templa ludosque facturum*, was actually carried out;⁸¹ just as none of the narrative sources for the Third Punic War, even the detailed Appian, mentions an *evocatio*, or the *devotio* of Carthage and her armies, as in the other formula (though it is true that the main source for these accounts, the practical Polybius, might well not be interested). Are there any traces of Punic Juno's presence in Rome at all? Probably none; one would have to assume that she was given hospitality in some existing temple, possibly that of Juno Moneta, as Basanoff suggested.⁸² And one would have to assume that she finally went home again. Fraenkel, to whom the most recent discussion of the affair is due, thought that C. Gracchus meant to return her;⁸³ conceivably Caesar or Augustus could actually

⁷⁸ Macrobius does not mention the *evocatio* of Minerva from Falerii, which Ovid, *Fasti* iii, 843 adduces as a possible explanation for the name Minerva Capta, claiming an ancient source: 'littera prisca docet'. This could be a book, a document or an inscription (cf. *Met.* xi, 706). It is less certain that other cases were referred to in the Augustan period: Propertius iv, 2, 2-4 does not show that Vertumnus was evoked from Volsinii in the third century, as anyone who reads the poem carefully to the end, and learns that the god is supposed to have come to Rome with the Etruscan allies of Romulus, will see (so, rightly, Eisenhut in P-W 2, viii, 2, 1669). See also de Sanctis, op. cit. iv, 2, 1, 139, n. 49 on the possible transfer of Juno Curitis from Falerii—but he notes that there is some reason to think that the cult was older, and we must regard this as another very dubious case.

⁷⁹ Scipio, Livy v, 19, 1; Plut., *Camillus* 5, 1; Maluginensis, *Fasti Cap. MRR* i, 88 follows O. Hirschfeldt, *Kl. Schr.* (1913), 286, n. 3 in preferring the latter; but for the Scipiones as descendants of the Maluginenses see P-W Claudius, no. 348.

Is it worth observing that Aemilius Paullus sacrificed very persistently to Heracles before Pydna, —surely Perseus' god? So the idea of winning over the enemy's gods would be familiar to Scipio.

⁸⁰ K. Latte, *Röm. Religionsgeschichte* (1960), 125, n. 2; 346, n. 4. G. Dumézil, *La Religion romaine*

archaique (1966), 454 accepts the evocation of 146 hesitantly (and an *exoratio* at the end of the Second Punic War too, arguing that Juno was prominent in Roman rites during the war).

⁸¹ It is odd but probably not significant that a temple to Juno Regina was probably built and dedicated in or soon after 146—by Metellus Macedonicus (with one to Jupiter Stator; near the Circus Flaminius; possibly a restoration of the temple dedicated by M. Lepidus in 179). Metellus was later at least an *obtrektor Scipionis* and is unlikely to have housed spoils from Carthage; indeed we know about the cult-statues in his temples, which got mixed up: M. Gwyn Morgan, 'The Portico of Marcellus, a Reconsideration', *Hermes* ic (1971), 480.

⁸² V. Basanoff, author of the only special work on our subject, *Evocatio* (1947), accepts Macrobius (and much else) uncritically. E. van Doren, *Peregrina Sacra*, *Historia* iii (1954), 488 argues that other *evocatio* cults became obscure and neglected in Rome; but this is not true of Juno Regina from Veii, and we have seen that there are no other *certain* instances. Paradoxically, the senate might in our case have found the deity acquired by such a traditional method dangerously exotic and so played that down?

⁸³ E. Fraenkel, *Horace* (1957), 237. F. Cumont, P-W iii, s.v. Caelestis, thinks she was actually sent home by Gracchus.

have done so. It has not been noted in this connection that Ovid, in the *Fasti*, makes Juno ask

‘poeniteat, quod non foveo Carthagini arces
cum mea sint illo currus et arma loco?’

Vergil implies that Juno’s chariot and armour had been in Carthage from remote antiquity; are they now back there again?⁸⁴ Tertullian refers to rites apparently relative to the restoration of Carthage: ‘ubi moenia Statilius Taurus imposuit, sollemnia Sentius Saturninus enarravit’.⁸⁵ Such rites would certainly be well graced by the return of Juno and her trappings.

But there is no hint in Vergil’s *Aeneid* that Juno will ever in the end agree to leave Carthage for Rome,⁸⁶ and Macrobius and Servius are probably wrong in thinking that Vergil’s gods leave Troy by *evocatio* and invitation, rather than of their own impulse when they can do no more for it, as gods in ancient literature often do leave falling cities.⁸⁷ It is unlikely then that Vergil knew of Scipio’s supposed action. Fraenkel however argued that Horace shows that it was well-known at this time in referring to

Iuno et deorum quisquis amior
Afris inulta cesserat impotens
tellure.

Fraenkel has persuaded others. But is he not making the same mistake as Macrobius and Servius? *cesserat impotens* does not sound like a willing removal, especially as in the next, balancing lines—

victorum nepotes
rettulit inferias Iugurthae,

Horace clearly does not refer to any formal act of cult, but the spontaneous action of a still unreconciled deity.⁸⁸

There are further disagreeable arguments *ex silentio*. Tertullian, himself a Carthaginian, shows in *Apology* x that he has heard of Rome honouring *di captivi* but in xxv he speaks of the impossibility of Juno ever bringing Rome rather than Carthage to greatness (he is arguing against the pagan belief that Rome owed her power to the honour she paid the gods). He quotes Vergil on Juno’s power being inferior to the Fates; but there is no sign that he knew that in the end Juno abandoned Carthage for Rome. Compare Minucius Felix xxv, 9—Punic Juno never aided Rome. And there is other North African literature that might well have referred to the episode—notably the works of Augustine.⁸⁹ Or did the Africans prefer to forget all about the event?⁹⁰

It is furthermore quite clear that Cicero had not read anything at all of Furius Philus; *Brutus* 108 can only say ‘perbene Latine loqui putabatur litteratiusque quam ceteri’. And Cicero’s knowledge of second-century literature was extensive and his

⁸⁴ *Fasti* vi, 45; cf. Vergil, *Aeneid* i, 16: ‘hic illius arma, hic currus fuit’. F. Bömer, *Die Fasten* ii, 341 is thus clearly wrong in thinking the currus simply a Homeric commonplace.

⁸⁵ Tertullian, *De Pallio* 2. Groag, P-W 2, i, 2, Sentius no. 9, would put his proconsulate between his consulate in 19 B.C. and 9 B.C. (denying he was *legatus Augusti* in 29). The *Fasti* were left unfinished at Ovid’s exile; the dates then could harmonize. Unless the statue and other objects were completely new works in the imperial period (and we recall that the third century A.D. believed that the statue of Juno or Dea Caelestis dated from Dido), they must have been kept somewhere outside Carthage; its deletion was thorough. The skins, possibly of chimpanzees, dedicated by Hanno the voyager in the Temple of Juno appear certainly to have been lost or destroyed when Carthage fell (Pliny, *NH* vi, 200), but more sacred objects need not have shared this fate. Of the booty, libraries were presented to African courts and works of art distributed around Sicily and Italy.

⁸⁶ Though Vergil makes more of Juno’s Argive links than her Carthaginian ones.

⁸⁷ Macrobius iii, 9; Servius, *Aen.* ii, 351. Compare Aeschylus, *Septem* 203 ff.; Euripides, *Troad.* 25; Schol. Aesch., *Septem* 291, referring to a lost play of Sophocles; and Tacitus, *Hist.* v, 13—the fall of Jerusalem, of all places!

⁸⁸ *Odes* ii, 1, 25 ff.

⁸⁹ See esp. *City of God* i, 4-6, discussing the profanation of the asylum of Juno in the Sack of Troy, as recounted by Vergil; i, 6, Fabius at Tarentum saying ‘relinquamus Tarentinis deos iratos’; iii, 12 and 21, which actually deal with the Third Punic War: thereafter Rome’s gods did not help her.

⁹⁰ One could possibly compare the way in which the Africans rejected Vergil’s version of the Dido story and asserted her chastity; but here the polemic is often explicit. See A. S. Pease, ed., *Aeneid* iv (1935), 65.

interest in Scipio and his friends deep. Still, his tastes were primarily for speeches and memoirs; and Verrius could perhaps have known a specialized religious work—*commentarii* perhaps—that Cicero did not.⁹¹

What the African and Vergilian silence in particular probably does show is that Scipio's *evocatio* was unknown to Varro; which is in itself disquieting. There is nothing conclusive in the formula itself; there seems to be no suggestion that the language could not be second-century.⁹²

What of Macrobius' other formula, that for the *devotio* of Carthage? Wissowa indeed holds⁹³ that it was on the basis of this devotion of the armies of Carthage, as well as of the land and buildings, to the gods of the underworld, and on the basis of the vow contained in it, that the land was finally consecrated after the city's fall. But the *devotio* formula seems to be itself an act of consecration (*uti vos eas urbes agrosque, capita aetatesque eorum devotas consecratasque habeatis ollis legibus quibus quandoque sunt maxime hostes devoti*) and the only actual vow contained in it is one to sacrifice three black sheep if the magic works. In actual fact however, the final *consecratio*, which Cicero tells us was done *ex consili sententia*, was it is surely implied quite a separate act, a decision which the *consilium* might or might not have taken, not one already implied by a *devotio* carried out before the city fell. There is the further question whether, if Scipio had vowed the armies to the god of the underworld, as Macrobius' formula implies, he could then have burnt the spoils, especially arms, to Mars and Minerva, as we know that he did. If we accept the *devotio* formula, however, it would be interesting to speculate whether Scipio and his friends were directly responsible for the modernization of the barbarous old rite that had required the general undertaking it to devote himself, or a substitute, together with the hostile army; or whether this had been done before their day.

The situation has only been confused by the publication of a stone from Gammarth in Africa, which purports to be a (perhaps second-century A.D.) restoration by one Sex. Classicus Secundinus, *proc. Aug.*, of an inscription recording the consecration by Scipio of something—the text says a throne—to Adnibal; whom its editors take to be Adon-Baal, the Roman Saturn, chief god of Carthage.⁹⁴ The part of the inscription allegedly restored by Secundinus states that

DIRVTIS PERVSQVEQVAQVE
ET ATSOLATIS MOENIBVS
INSTAR REBELLIS IMPERI
SOLIVM POTITVS HOC TVVM
HOC ADNIBALI SCIPIO

—*sc. [devovit] ET CONSECR[avit]*, which is found in different lettering at the bottom of the stone, well away from the supposedly restored lines and below Secundinus' statement of his activities; presumably the stone-cutter left the last line out by mistake and he or another added it on where he could. The editors also suggest that Secundinus or his stone-cutter misread the damaged original, which really said SOLVM POTITVS HOSTIVM and recorded Scipio's famous consecration of the site of Carthage; and that this consecration was therefore to Adon-Baal, whom they also suppose to be the god of Macrobius' *evocatio* formula ('teque, maxime, ille...'). But this involves a misapprehension. Apart from the fact that the Romans certainly saw the chief divinity of Carthage as Juno (the Punic Tanit), it would surely be impossible to consecrate the soil of Carthage to a divinity who, as the editors suppose, had just been removed from it to Rome; and if we are to take Macrobius' *devotio* formula seriously, then Carthage was *not* consecrated to Saturn (Adon-Baal) but, properly, to the god of the underworld, *Dis Pater, Vejovis, Manes sive quo alio nomine fas est nominare*. (Though, presumably,

⁹¹ See, on the limitations of Cicero's knowledge compared with Varro's, my 'Cicero the Historian and Cicero the Antiquarian', *JRS* lxii (1972), 33.

⁹² C. Thulin, *Italische sacrale Poesie und Prosa* (1906), 59. Fraenkel, who should know, also appears perfectly happy with the formula.

⁹³ P-W iv, s.v. *consecratio*.

⁹⁴ J. Ferron and Ch. Saumagne, 'Une inscription commémorative de la *consecratio* de Carthage: Adon-Baal', *CRAI* (1966), 61; *eid.*, 'Adon-Baal, Esculape, Cybèle à Carthage', *Africa* ii (1968), 75. Cf. *AE* (1967), 180.

if the *consecratio* after the fall of Carthage was really an act quite unconnected with Macrobius' *devotio*, it could be to a different divinity?) We must, then, choose between Macrobius' formulae and the inscription as understood by its editors (or, of course, reject both).

Whether the inscription could be, as it *prima facie* claims, a genuine record of a minor act of Scipio's, the dedication of a throne of Adnibal to Adnibal (which is surely an odd piece of behaviour) remains dubious. There has been serious suspicion, on the grounds both of content and appearance, that the whole thing is a 'faux moderne'.⁹⁵ Some of the problems (the unromanized god-name, if it is a god-name, the bare cognomen Scipio,⁹⁶ the unarchaic language) are possibly circumvented by the editors' hypothesis that the original stone was not set up till the later first century B.C., and by a Punic college of priests. But the combination of a peculiar and exaggeratedly old-fashioned alphabet with language which, where it is not just peculiar, tends to evoke the post-Augustan period,⁹⁷ does not inspire confidence. If, conceivably, the object could be a 'faux antique' by a real Classicus Secundinus (the name is clearly not impossible,⁹⁸ the lettering of his part is, it seems, convincing enough and geological investigation has found nothing incompatible with antiquity in the stone,⁹⁹ which turned up with other ancient objects),¹⁰⁰ then one would have evidence that the fall of Carthage was provoking antiquarian interest in Africa under the Empire, and the ignorance of *evocatio* on the occasion, if it really happened, by Tertullian and Augustine, would be the more surprising.

We ought, before leaving this complex of problems, to observe that Macrobius includes Corinth among the cities suffering *devotio* (and perhaps also *consecratio* too) at the hands of Rome. All we know here is that Mummius 'Corinthon ex s.c. diruit quia ibi legati violati sunt'. The destruction was clearly a solemn act: 'civitas direpta primum, deinde tuba praecinente deleta'.¹⁰¹ But it may be wondered whether the senate did not decide on its destruction after its fall, and whether therefore a pre-fall *devotio*, necessarily carrying with it later destruction, is not unlikely to have been uttered. We may add that public buildings and temples were spared, as they were not at Carthage;¹⁰² did the temples, like the civic buildings, stand unoccupied?¹⁰³

We should probably, then, still suspend judgement about the *evocatio* of 146 and the *cuiusdam Furi vetustissimus liber*. If we reject it, the blame for misleading us must most likely go to over-enthusiasm on the part of Augustan writers, principally Verrius. But we should note that it would be disinterested over-enthusiasm—there is no evidence that Augustus made use of *evocatio* as he did of the fetials; and one can safely presume that he had no desire to introduce to Rome either the gods of Cleopatra's Egypt or those of his various barbarian foes.¹⁰⁴

⁹⁵ Asserted especially by L. Robert in the discussion reported in *CRAI* (1966).

⁹⁶ *ILLRP* 326 (a Hadrianic restoration) at least omits the praenomen and speaks of Cornelius Scipio.

⁹⁷ e.g. *atsolare*, a word found, as the editors observe, twice in Tertullian (*Apol.* xv, 6 and *ad nat.* i, 10) and nowhere else.

⁹⁸ A good Gallic name? See G. Aiföldy, 'Notes sur la relation entre le droit de cité et la nomenclature dans l'Empire romain', *Latomus* xxv (1966), 55 for the habit, common in large areas of the northern provinces from the late first to the third century, of deriving *nomina* from *cognomina*. E. M. Wightman, *Roman Trier* (1970), 50 cites as examples Secundus, Secundinus, Secundinus, Secundinius—several from Trier; and note the well-known Trevirans, Julius Classicus and Julius Alpinus Classicianus.

⁹⁹ See *Africa* ii, *supra* n. 94.

¹⁰⁰ In a context however that might suggest they had been owned in the mid-nineteenth century by a local antiquary, a possible forger or dupe of forgers? Or in a sanctuary,—thus H. Zehnacker, 'Les statues du

Sanctuaire de Kamart (Tunisie)', Coll. *Latomus* lxxvii (1965).

¹⁰¹ Florus i, 32, 5.

¹⁰² F. J. De Waele, P-W Suppl. vi, 182.

¹⁰³ Is the fact that the Secular Games were held in 146, three years late (they had taken place in 249), connected with or a sign of some religious activity inspired by the fall of Corinth and Carthage? We know nothing of this celebration but its date, which is certain (Censorinus, *de die nat.* 17, 11 from Piso, Cassius Hemina and Cn. Gellius, all contemporaries or nearly so of the event). De Sanctis however suggests that the gravity of the wars in hand in 149 and after held up the celebration, which had been voted for the proper year; this might explain why Varro got the date wrong (*Storia dei Romani* iv, 2, 1, 341).

¹⁰⁴ He did however restore the temple of Juno Regina (before 17 B.C.) and this might have stimulated an interest in Camillus' *evocatio* (*Res Gestae* 19). For Augustan belief in the introduction to Rome of 'religiones urbium superatarum' cf. L. Cincius' frag. 22 (*GRF*), with its (mistaken) explanation of 'di novensiles'.

Giace l'alta Cartago; a pena i segni
De l'alte sue ruine il lido serba.

Our arguments too have been at times discouragingly tenuous. But even if we are uncertain about events at Carthage, it remains very probable that with Scipio, Laelius, and Furius—and, we should doubtless not forget, Fabius Servilianus—we are in touch with an important stage in the development of religious antiquarianism: which, like most Roman antiquarianism, had a strong practical side to it.¹⁰⁵

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¹⁰⁵I am grateful to the Editorial Committee for several suggestions; and to Dr. Nicholas Horsfall and Mrs. Vivienne Gray for references.