

THE DUAL PRIESTS OF THE REPUBLIC

On the lists of known republican priests¹⁾ several individuals appear who held, or might have held membership in more than one priestly college; thus, cumulation of priesthoods was not necessarily contrary to any specific regulation²⁾. Since

1) For bibliography regarding history, organization and activity of priesthoods, cf. Marquardt – J. Marquardt and Th. Mommsen, *Handbuch der römischen Altertümer*, 7 vols., 2nd ed., 1876–1886, 3, pp. 234–415; RSR – Th. Mommsen, *Römisches Staatsrecht*, 3 vols., 1887, unchanged reprint of the 3rd ed., Ak. Druck- u. Verlagsg., Graz, 1952, 1, pp. 104–116; 2, pp. 18–73; 3, pp. 110–111 and 1049–1062; Bouché–Leclercq–A. Bouché–Leclercq, *Manuel des Institutions Romains*, Paris, 1886, pp. 510–562; RKR – G. Wissowa, *Religion und Kultus der Römer*, 2nd ed., München, 1912, (Handbuch der klassischen Altertumswissenschaft, V, 4), pp. 479–549; RRG – K. Latte, *Römische Religionsgeschichte*, (Handbuch der Altertumswissenschaft, V, 4), München, 1960, pp. 195–212 and 394–411; M. Hoffman Lewis, *The Official Priests of Rome under the Julio Claudians*, American Academy in Rome, Papers and Mon., 1955, p. 8.

There are a number of works in which priests were treated. L. Mercklin presented a list of *pontifices* and *augures*, (*Die Cooptation der Römer*, Mitau – Leipzig, 1848, pp. 215–216), utilized by Mommsen, (RF – *Römische Forschungen*, 2 vols., Berlin, 1864, 1879, 1, pp. 83 ff.) who included also Mercklin's list of *Xviri*, (*op. cit.*, p. 101). In 1871, C. Bardt compiled the membership of the major colleges during the Republic, to the death of Julius Caesar (*Die Priester der vier großen Collegien aus römisch-republikanischer Zeit*, K. Wilhelms-Gymnasium in Berlin, XI. Jahresbericht, Berlin, 1871). He presented evidence for the individual priests and attempted to establish by conjecture priestly successions after the *lex Ogulnia*, (but he did not list the *flamines*, nor the minor priests). His work was incorporated by T. Robert S. Broughton and M. Patterson, (MRR – *The Magistrates of the Roman Republic*, 2 vols., New York, 1951/52, Suppl., 1960), who presented names of magistrates and priests from available literary tradition as well as non-literary sources. Pauly-Wissowa's RE, (*Realencyclopädie der classischen Altertumswissenschaft*, edited in succession by Kroll, Mittelhaus and Ziegler) was constantly used. Authors of the individual articles will be named in the appropriate references. Much of the material is based upon the author's monograph, *The Priests of the Roman Republic, A Study of Interactions between Priesthoods and Magistracies*, Coll. Latomus, vol. 114, Bruxelles, 1971. Beside the above, diverse, partial and/or topical studies offered additional views of Roman Republican priesthoods.

2) Bardt, *op. cit.* p. 38, "Der Besitz mehrerer Priesterthümer, der also rechtlich statthaft war, war zu allen Zeiten eine seltene Auszeichnung, aber es liegen einige Beispiele vor ..."; RKR, pp. 492–493: "Für die Zulässigkeit der Vereinigung mehrerer Priestertümer in einer Hand haben sich

“priesthoods were important prizes in an official career” (MRR, 1, p. x), dual priesthoods might indicate special distinction, or they might offer significant insight into the *modus operandi* of the Roman oligarchy if evidence could be found that dual priesthoods were actively sought. This last assumption, of course, cannot be proved.

Available evidence merely shows that dual priesthoods were seldom granted. Therefore, the question might be asked: who were the dual priests, when did such cumulations occur, and were these “important prizes” regulated, just as the iterations and prorogations of politically important magistracies were regulated? This paper contends that with the exception of the emergency conditions during the Hannibalic Wars³⁾, cumulation of priesthoods did not occur until the eventual pontificate and augurate of C. Julius Caesar, and memberships in priestly colleges were regulated just as the magisterial positions and functions were. Issues concerning prosopography, priestly duties and privileges, as well as the priests’ special role in Roman political affairs, were fundamentally discussed elsewhere, (cf. note 1 above). Nevertheless, it seems to be necessary to expand this problem and offer a theoretical proposition concerning the limitations on priestly memberships in general, and the elimination of cumulating such memberships in particular.

Republican Dual Priests

Before Julius Caesar, historically ascertainable dual priesthoods are known only at the end of the third century B.C. These dual priests might be listed as follows:

feste Regeln erst nach und nach herausgebildet . . . gleichzeitige Bekleidung zweier Priestertümer aus der Zahl der großen Collegien kommt in der älteren republikanischen Zeit in einigen wenigen Fällen vor . . .” For further material, cf. Marquardt, *op. cit.*, pp. 232–233.

3) It is not the role of this paper to analyze these emergency conditions, nevertheless, one should point to the unsettled internal and external features of Roman society during the second half of the third century, B.C. as well as to the appearance of leading personalities, the resultant “party wars” and the basically fluid constitutional system. G. Rögler, (“Die Lex Villia Annalis”, *Klio*, 40, 1962, pp. 83 ff.), considers this period as preparatory to the later *lex Villia*. Similarly, U. Schlag, *Regnum in senatu*, Kieler Historische Studien, vol. 4, Klett, Stuttgart, 1968, pp. 9–16, 100–114 and 140ff.

1. Q. Fabius (Q.f.Q.n.) Maximus Verrucosus Aug. 265–203; Pont. 216–203; Cos. 233, 228, 215, 214, 209

Bardt, Aug. 22; Pont. 20; Münzer, RE, 6, pp. 1814, 10–1831, 28; MRR, 1, pp. 202; 252; 282; 314; CIL, 1², p. 193, Elog. XII and XII with commentaries. Divergence in genealogy is caused between Plut. *Fab.*, 1, 3 and Livy 30. 26, 8, *i.e.*, two or three generations removed from Rullus. Livy states that he was an augur for sixty-two years in 30. 26, 7: “Eodem anno Q. Fabius Maximus moritur – (203) – exactae aetatis si quidem verum est augurem duos et sexaginta annos fuisse, quod quidam auctores sunt.” As seen in the Oxford edition, (Conway-Walters, vol. 4, *ad loc. cit.*), the earliest MS, (*Codex Puteanus*, from the fifth century) gives sixty years for the augurate of Q. Fabius Maximus, the latest, (*Burmeisterianus*, from the fifteenth century) merely twenty years. The date of 265 for his inauguration is accepted by all authorities. The pontificate is mentioned in Livy 23. 21, 7. To the augurate, RAAF – F. Münzer, *Römische Adelparteien und Adelsfamilien*, Stuttgart, 1920, pp. 53–55; to Fabius Maximus’ career, A. Lippold, *Konsules, Untersuchungen zur Geschichte des römischen Konsulates, von 264 bis 201*, Habelt, Bonn, 1963, pp. 341 ff., and *passim*.

2. C. Servilius C.f.P.n. Geminus Pont. 210–180; Pont. Max. 183–180; Xvir s.f. ?–180; Praet. 206; Cos. 203; Dict. 202

Bardt, Pont. 39; Xvir 16; Münzer, RE, 2A, (60), pp. 1792, 10 ff.; RAAF, pp. 133 ff.; MRR 1, pp. 282 and 390. On account of the difficulty caused by a patrician and plebeian branch of the Servilii, the dual priesthood of Servilius Geminus ought not to be doubted. Pontificate is indicated in Livy 27. 6, 15: “C. Servilius pontifex factus in locum T. Otacilii Crassi”; and the decemvirate, Livy 40. 42, 11: “Exitu anni et C. Servilius Geminus pontifex maximus decessit: idem decemvir sacrorum fuit.”

3. Ti. Sempronius Ti.f.C.n. Longus Aug. 210–174; Xvir s.f. 210–174; Praet. 196; Cos. 194

Bardt, Aug. 11; Xvir 9; Münzer, RE, 2A (67), pp. 1433, 62 ff.; MRR 1, p. 283. His cooptation in both colleges is derived from Livy 27. 6, 15, although in the citation of his death (Livy 40. 42, 6 and 12) only his decemvirate is mentioned. Against Münzer’s (RE, 2A (52), pp. 1403, 41 ff.) and Geer’s theorization (R. M. Geer, “Ti. Sempronius Gracchus and T. Veturius Gracchus Sempronianus,” *AJPh*, 60 (1939), pp. 466–467) stands the fact that in the earlier stages of the Republic *cognomina* were not listed and the date of the possible “law”, which prohibited two members of the same *gens* in a priestly college cannot be established with certainty (Dio, 39, 17; RF, 1, p. 89; Bardt, p. 34; to this, cf. below, note 46).

4. M. Pomponius M'.f.M'.n. Matho Aug. ?–204; Xvir s.f. ?–204; Cos. 231; Mag. Equ. 217; Praet. 216 (?)

Bardt, Aug. 20; Xvir s.f. 13; H. Gundel, RE, 21 (18), pp. 2330, 36 ff.; RAAF, p. 161; MRR, 1, pp. 283; 309, esp. 244, 246, n. 4 and n. 6; 249. Difficulty is caused by the *mag. equ.* in 217, possibly the *cos.* 231, and a *praet. peregrinus* of the same year, M. Pomponius – possibly Matho also – and the appearance of a M. Pomponius Matho as praetor in the year 216, who held the praetorship earlier (Livy 22. 35, 5/7), and whose colleagues were all consuls before. The praetor of 217 could be the *mag. equ.* of the same year (RSR, 1, p. 154, notes 1 and 2; p. 174), and the praetor of 216, could be possibly the same as the *praet. per.* of 217, since adverse war conditions could conceivably permit extraordinary compilations of magistracies. (Cf. W.K.A. Drumann, *Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung*, re-edited by P. Groebe, 6 vols., 1899–1929, 5. 4, note 7, esp. note 10, where the impossibility of identification is emphasized.) The problem remains, and identification – at best – is questionable.

The augurate and decemvirate is indicated in Livy 29. 38, 7: “in M. Pomponi Mathonis auguris et decemviri locum creati decemvir M. Aurelius Cotta, augur Ti. Sempronius Gracchus admodum adulescens...”

5. C. Julius C.f.C.n. Caesar Pont. 73–44; Pont. Max. 63–44;
Aug. 47–44;

Bardt, Pont. 63; Aug. 48; Klotz, RE, 10 (131) pp. 186, 40 ff.; MRR, 2, pp. 113 and 203. His pontificate is indicated in Vell. Pat. (2. 43, 1): “Idem mox ad sacerdotium ineundum (quippe absens) pontifex factus erat in Cot-tae consularis locum ...”; cf. also, CIL, 1², 2, 789 – ILS 71; Evidence for his augurate is derived from Cicero (*ad fam.*, 13. 68, 2), as well as Dio (42. 51, 4). Cf. also numismatic evidence, H. A. Grueber, *Coins of the Roman Republic in the British Museum*, (3 vols., London, 1910), 2, p. 576; E. A. Sydenham, revised by G. C. Haines, ed. by L. Forrer and C. A. Hersch, *The Coinage of the Roman Republic*, Spink, London, 1952, p. 170, no. 1023/24; and Octavian’s coins honoring Julius Caesar’s dual priesthoods, *ibid.*, p. 201, no. 1282.

Two additional individuals might have held dual priesthoods in the third century B.C. These are:

6. C. Marcius (C.f.L.n.) Rutilus Pont. and Aug. 300; Cos. 310
(Censorinus)

Bardt, Pont. 13; Aug. 8; RE, 14 (98), pp. 1589, 30 ff.; MRR, 1, p. 172; The dual priesthood, in his case, depends on the well known Livy citation concerning the *lex Ogulnia*, (10. 9, 2): “Pontifices creantur ... C. Marcius Rutilus ... quinque augures item de plebe ... C. Marcius ...” C. Marcius appears to be the same as the C. Marcius Rutilus among the *pontifices*. Bardt (*op. cit.* p. 9) maintains the duality of his priesthoods, but doubt is expressed by Wissowa (RKR, p. 493, n. 2). Dessau’s view appears to be feasible (ILS, 9338, 1, n. 4): “novorum pontificum unus fuit C. Marcius Rutilus, inter novos augures C. Marcius (Livy, 10, 9, 2), ab illo non diversus, vel filius eius.”

7. T. Otacilius Crassus

Pont. ?-211; Aug. ?-211;
Praet. 217, 214

Bardt, Pont. 38; Aug. 11, (cf. Bardt's notes to Aug. 21); Münzer, RE, 18, pp. 1852, 48ff.; RAAF, pp. 73-83; MRR, 1, p. 284, n. 6. The dual priesthood accepted by Marquardt, *op. cit.*, p. 233, n. 2, but rejected by Wissowa, *loc. cit.*, above, n. 2. The problem is in Livy 26. 23, 8: "T. Otacilius Crassus, pontifex ... mortuus erat" - yet, in 27. 6, 15: "C. Servilius pontifex factus in locum T. Otacilii Crassi; Ti. Sempronius Ti. f. Longus augur factus in locum T. Otacilii Crassi." Bardt indicates that Otacilius' name might be mistakenly written, and suggests an emendation to Atilius Serranus, possibly *praet. urb.* 218. Thus the text would read "Ti. Sempronius Ti. f. Longus augur factus in locum Atacilii Serani" (p. 20, esp. note 1, concerning MSS tradition). Bardt admits (p. 21) that Atilius Serranus was a likely predecessor in the augural college to M. Pomponius Matho, cos. 231, thus, the succession of Ti. Sempronius Longus is arbitrary. The difficulty in this case seems to be connected with Otacilius' dual priesthood. Bardt argues that Livy should have mentioned such a major distinction in 26. 23, 8: "... das doppelte Priesterthum bei T. Otacilius Crassus, auf das Livius in den wenigen vorkommenden Fällen immer besonders hinweist ...", (pp. 19-20). Münzer suggests an attractive solution by inserting *eiusdem* in Livy 27. 6, 15, (RAAF, p. 82). According to him the passage would read as follows: "... augur factus in locum [eiusdem] T. Otacilii Crassi." Thus, the argument seems to be feasible that "die Möglichkeit, ja die Wahrscheinlichkeit ist vorhanden, daß Otacilius in der Tat den beiden Kollegien der Pontifices und der Augures angehört hat." I. Müller-Seidel's argument ("Fabius Maximus und die Consulwahlen 215/214", *Rb. Mus.* 96 (1953), pp. 241ff., esp. p. 267) does not offer a solution; she merely restates the unsatisfactory quality of the sources. (Cf. MRR, 1, p. 310, n. 7). E. Badian's suggestion, "Sulla's Augurate", *Arethusa* 1 (1968), pp. 31-36, to eliminate from the text "Ti. Sempr. Ti. filius Longus augur factus in locum T. Otacili Crassi", offers an attractive, albeit not decisive solution.

During the second and first centuries B.C., seven individuals might have been members of a second priestly college⁴). Nevertheless, a brief analysis of the sources which could indicate these dual priesthoods merely underlines the improbability of these cumulations.

Vague, numismatic evidence might suggest that Q. Caecilius Metellus Pius, cos. 80, or his adopted son, Q. Caecilius Metellus Pius Scipio Nasica, cos. 52, might have accumulated membership in two colleges, although the assumption was denied by L. R. Taylor⁵). Similarly, the *monetalis* before 62, (C?)

4) Marquardt, *op. cit.*, pp. 232-233.

5) "Symbols of the Augurate on Coins of the Caecilii Metelli", *AJA*, 48, 1944, pp. 352ff.; For the cos. 80, Bardt, Pont. 61; Münzer, RE, 3 (98), pp. 1221, 48ff.; MRR, 2, p. 78; For the cos. 52, Bardt, Pont. 77; Münzer,

Coelius Calvus, might have been a XVvir s.f., as well as augur, although two separate individuals are listed by most authorities⁶). Drumann assumed the P. Cornelius Sulla (Rufus Sibylla), praet. 212, might have been a fl. Dial., beside being a Xvir s.f., but later the idea was rejected by Groebe⁷). A conjecture based upon a Macrobius passage makes the saliate of the augur Ap. Claudius Pulcher, cos. 54, or the augurate of the sal., Ap. Claudius Pulcher, cos. 143, most problematic⁸). Based upon the same conjecture, the saliate of the pontifex, M. Aemilius Scaurus, praet. 56, has to be rejected. A later addition to an inscription all but eliminates the possibility of a flamine for the augur, P. Cornelius Scipio (Afr. f.)⁹). Similarly unsatisfactory is

RE, 3 (99), pp. 1224, 44ff.; MRR, 2, p. 171; As a solution, Broughton suggests augurate for (?) Q. Caecilius Numidicus, cos. 109, and father of the cos. 80, which is an attractive, albeit further not demonstrable proposition.

6) Bardt, Aug. 42; Xvir 28; Münzer, RE, 4 (13), pp. 196, 38ff.; MRR, 2, p. 485; On the coins of C. Coelius Calvus the augurate and the Xvirate are indicated. (Sydenham and Haines, *op. cit.*, p. 148, no. 894/895, date the coin to 62 B.C.; E. Babelon, *Monnaies de la République romaine*, 2 vols., 1885/86, 1, p. 370, to 54 B.C.; while Grueber, *op. cit.*, 1, p. 475, to ca. 61.) The coin is either an earlier issue, or Coelius Calvus must have held a dual priesthood. Broughton follows Bardt in ascribing the priesthoods to two individuals, who cannot be further identified.

7) Drumann-Groebe, *op. cit.*, 2, pp. 362–363, esp. n. 11; cf. also, RKR, p. 493, n. 7, where Wissowa – following A. Klose, (*Römische Priesterfasten*, Breslau, 1910, p. 16, n. 6) – rejects synchronization of the praet. 212 with the fl. Dial., ca. 250, P. Cornelius Sulla. To the problem of identification, cf. further MRR, 1, p. 214.

8) Macr. *sat.*, 3, 14, 14; The problem is that of identification. Mommsen, RF, 1, p. 79, n. 16, suggests that he was an augur at the death of Ti. Sempronius Gracchus, tr. pl. 133, accepted by Broughton, MRR, 1, p. 495. (To the saliate of the cos. 143, cf. Münzer, RE, 3 (295), p. 2848, 42.) To apply this passage to the colleague of Cicero, the cos. 54, also a member of the augural college, is a most unlikely proposition, cf., RKR, p. 494, n. 1. (To the augurate of the cos. 54, cf. Münzer, *loc. cit.*, (297), p. 2853, 34ff.).

9) Bardt, Aug. 28; Münzer, RE, 4 (331), pp. 1437, 23ff.; MRR, 1, pp. 394 and 407, n. 6; MRR, 2, p. 486; CIL, 1², 2, 10, where Mommsen admits: “Ad quemnam Scipionem hoc carmen pertineat, non satis constat.” According to Latte, RRG, p. 276, n. 2: “Die Stelle – (of the fl. Dial.) – scheint in der ersten Hälfte des zweiten Jahrhunderts fast Familienreservat der Cornelier gewesen zu sein: 174 Liv. 41, 28, 7 ein Cn. Cornelius, ein Publius, CIL 1² 10. War der letztere der Sohn der älteren Africanus, so wird man berücksichtigen, daß er kränklich war ... Das wurde die Übernahme des Amts durch einen Angehörigen des vornehmen Geschlechts erklären. Er müßte unmittelbar Nachfolger des Cn. Cornelius gewesen sein, was dessen Amtszeit recht kurz bemißt.” Evidently, Latte’s suggestion is possible, but in view of the questionable reliability of the inscription, this flamine, to be combined with an augurate, will remain improbable.

the circumstantial evidence which suggests that the pontifex in the year 170, M. Servilius, is the augur M. Servilius Pulex Geminus, cos. 202, and the augur P. Cornelius Sullamight be pontifex as well¹⁰). The consul of 204, M. Cornelius Cethegus, did not hold his two priestly positions simultaneously¹¹).

Ultimately, therefore, the duality of these priesthoods has to be rejected, or – at best – will have to remain problematic.

Regulations Concerning Magistrates

On the political scene, the second half of the third century B. C., especially the period of the Second Punic War, “schließt die Werdezeit des klassischen Roms ab”, according to Ernst Meyer¹²). Internally, the political changes were finished, while external conditions produced great leaders to whom practically unlimited political opportunities were offered. According to W.F. Jashemski: “*prorogatio imperii* had been employed so often that from 218 on the proroguing of the imperium of a magistrate is considered as a perfectly natural procedure, and proconsuls and propraetors are mentioned without comment, as a matter of course”¹³). She shows that promagistracies were extended to *privati* in great numbers, magistracies and promagistracies were held consecutively, as in Greece and in Spain, often year after year, and such positions were distributed among many when one or two would have been sufficient. Inevitably, some

10) Szemler, *op. cit.*, pp. 116ff., suggests that the tr. mil. of 181 B. C., (Livy, 40, 27), is the elderly augur, M. Servilius Pulex Geminus, cos. 202, although on the coins of the Servilii only the augural *lituus* appears (Babelon, *op. cit.*, pp. 446–449). According to Livy, 43, 11, 13, a M. Servilius, who is not further identifiable, was coopted as a pontifex in 170. E. Badian, *loc. cit.* pp. 36–40, conjectures that Sulla might have been a pontifex. To this, cf. B.W. Frier, “Sulla’s Priesthood”, *Aethusa* 2 (1969) pp. 187 ff., and Badian’s reply, *ibid.*, pp. 199 ff.

11) For inexact performance of duties and a misplaced *apex* (Plut., *Marc.*, 5, 2), he and a colleague, (Q?) Sulpicius, had to abdicate as *flamines*; nevertheless, he became a pontifex in 213 (Livy, 25, 2, 2); Bardt, *Pont.* 29; Münzer, *RE*, 4 (92), pp. 1279, 24ff.; MRR, I, p. 266.

12) *Römischer Staat und Staatsgedanke*, Zürich and Stuttgart, 3rd ed., 1965, p. 97.

13) W.F. Jashemski, *The Origins and History of the Proconsular and the Propraetorian Imperium to 27 B. C.*, Chicago, 1950; *pror. imp.*, App. II, pp. 101ff.; *privati*, esp. Chapter II, pp. 17ff., (she shows that promagistracies for *privati* cease after 198, with one exception, pp. 39, 40); promagistrates in Spain and Greece, App. V and VI, pp. 122ff.

of these positions could be used for personal aggrandisement¹⁴), as seen in the bitterly fought elections campaigns for the available magisterial and, for that matter, priestly positions. The aims of these leaders appear to be personally motivated, and yet for the benefit of Rome, emanating from the established, governmental *status quo* which was essentially oligarchic in concept.

Evidently, these issues are in the background of the obvious attempts to regularize magisterial functions and positions, which started as early as 217 with the *lex Metilia* and the probable limitation of the tenure of dictatorship¹⁵). In 216, the abdication of M. Fabius Buteo from a *dictatura rei gerundae causa*¹⁶) theoretically meant the end of power that could be gathered into one persons' hands. By 208, iteration of the consulate was bound to a period of ten years, and at least a one year grace period was maintained between lesser magistracies and the consulate¹⁷). By 198 a form of *cursus honorum* was specifically maintained on account of previous legalistic and normative infighting for priestly and magisterial positions¹⁸). The stipulations of the *lex Villia Annalis* were in effect as early as 197¹⁹).

Regulations Concerning Priesthoods

Circumstantial evidence suggests similar processes in stabilizing the membership of the priestly colleges, as well as existing *religio* – bound institutions. That this process of stabilization was essentially connected with political developments appears to be evident.

14) Lippold, *op. cit.*, *passim*, to the individual consuls, Schlag, *op. cit.*, *passim*, esp. Chapter III, “*mos – lex – cupiditas gloriae*”, pp. 140ff.

15) G. Rotondi, *Leges publicae populi Romani*, Milano, 1912, (repr. Olms, 1962), p. 252; L.F. Janssen, *Abdicatio*, Diss. Amsterdam, 1960, was not available to this author in the preparation of this paper; U. Schlag, *op. cit.*, *loc. cit.*

16) Rotondi, *op. cit.*, p. 252; RSR, 1, p. 626, n. 3; 2, pp. 148, 159, n. 2 and 169; MRR, 1, p. 248; to Livy 22. 25 ff., and Pol., 3, 103, 4, cf. F.W. Walbank, *A Historical Commentary on Polybius*, 2 vols., Oxf., 1957–1967, 1, p. 434.

17) G. Rögler (*loc. cit.*), analyzes the constitutional background in the normalization process of re-defining magisterial functions at the end of the Second Punic War.

18) Schlag, *op. cit.*, pp. 141 ff., esp. 143, n. 12.

19) Rögler *loc. cit.*; Rotondi, *op. cit.*, p. 278; A.E. Astin, *The Lex Annalis before Sulla*, Coll. Latomus, 32, Bruxelles, 1958, esp. Chapter II, “The *Biennium*”, pp. 7 ff.; for a convenient summary, Schlag, *op. cit.*, p. 143.

1. As a final step in removing the barricades of patrician-held spheres of competence, the *lex Ogulnia* implied a politico-social rather than religious change.

Between the Second and Third Samnite Wars, a number of plebeian notables appeared who were successful in achieving membership, through the *lex Ogulnia*, in the augural and pontifical colleges. By 326, plebeian right to one consulship was established, thus, internal difficulties, as well as the continuous wars, could produce eminent plebeians in all affairs of Rome, e.g., Q. Publilius Philo, cos. 339, 327, 320, 315, Marcus Rutilus, cos. 310, *pont.* and *aug.*, C. Junius Bubulcus, cos. 317, 313, 311, C. Maenius, cos. 338, P. Decius Mus, cos. 312, 308, 297, 295, *pont.*

For the *lex* the main source is Livy, (10. 6, 6ff.): "Rogationem ergo promulgarunt ut, cum quattuor augures, quattuor pontifices ea tempestate essent placeretque augeri sacerdotum numerum, quattuor pontifices, quinque augures, de plebe omnes adlegerentur." Further on, after giving the names, he states: "Ita octo pontificum, novem augurum numerus factus" (10. 9, 2). Bardt, *op. cit.*, pp. 32ff., shows in the incompletely available data concerning the successions in plebeian and patrician positions that from the *lex Ogulnia*, in both colleges nine priests represented the membership, (cf. also RSR, 2, p. 22, n. 1; and the complete list for 210, MRR, 1, pp. 282/283; Szemler *op. cit.* pp. 64f.)

The names of the new priests are given in Livy 10. 9, 2: "Pontifices creantur suorum legis P. Decius Mus P. Sempronius Sophus C. Marcus Rutilus M. Livius Dentor; quinque augures item de plebe, C. Genucius P. Aelius Paetus M. Minucius Faesus C. Marcus T. Publilius." (For the list and additional information cf. MRR, 1, pp. 172/173). The four *pontifices* were *consulares*, members of well established plebeian families, listed with *cognomina*. Although Livy's sources or that of his sources cannot be determined, there is no reason to doubt the historicity of the report.

2. Similarly into this period falls the new system of electing the *pontifex maximus* by a special assembly consisting of seventeen tribes chosen by lot from the total thirty-five²⁰). Ca. 254 this assembly probably elected the first plebeian as *pontifex maximus*, Ti. Coruncanius Ti.f.Ti.n., cos. 280, who "primus ex plebe pontifex maximus creatus est"²¹). He was a member of the Tuscan nobility, an alleged expert in religious and secular law, and a remarkable personality in every way²²). His suc-

20) RSR, 2, p. 27, n. 3ff.; RAAF, pp. 185-186, dates it to 241; L.R. Taylor, "The Election of the Pontifex Maximus in the Late Republic", *Cl. Phil.*, 37, 1942, pp. 421ff., suggests the third century B. C., i.e., probably during the period which is depicted in Livy's lost second decade.

21) Livy, *per.* 18; MRR, 1, p. 210; the date is probably between 255-252; cf. Münzer and Jörs, RE, 4, pp. 1663, 47ff.

22) Cic., *Brut.*, 14, 55 and scattered references, e.g., *de or.*, 3, 33, 134; *nat. d.*, 1, 41, 115; for further references, RE and MRR, *loc. cit.*

cessor was L. Caecilius Metellus, cos. 251, also a plebeian²³). They were succeeded by a patrician of the highest reputation, L. Cornelius Lentulus Caudinus²⁴), cos. 237, and, after him, by a plebeian, P. Licinius Crassus Dives, cos. 205²⁵).

To these *pontifices maximi* are attributed the compilation of religious *formulae*, which eventually became the *libri* and *comm. pontificum*²⁶). Furthermore, they refused to alleviate the burden of ritualistic interdictions put upon the *flamines maiores* and *reges sacrorum*²⁷). At the same time, they were instrumental in ad-

23) Cic. *de sen.*, 9, 30; Val. Max. 8. 13, 2; Bardt, *Pont.* 16; Münzer, *RE*, 3, pp. 1203, 40 - 1204, 44; *MRR*, 1, p. 218.

24) Bardt, *Pont.* 28; Münzer, *RE*, 4, pp. 1377, 68 - 1378, 36; *MRR*, 1, p. 234; Mentioned as pont. max. in 217 (Livy, 22. 10, 1). The date of his appointment is based upon the death of the pont. max., L. Caecilius Metellus, in 221, although the possibility has to be maintained, (against Bardt, *op. cit.*, p. 4), that someone else could have been a *pontifex maximus* between the two.

25) Bardt, *Pont.* 47; Münzer, *RE*, 13, pp. 331, 10ff.; *MRR*, 1, p. 271.

26) HRR - H. Peter, *Historiarum Romanorum reliquiae*, 2nd ed., 2 vols., (repr. of the ed. Teubner, Leipzig, 1914; Stuttgart, 1967), 1, pp. III-XXIX; W. S. Teuffel (new ed. W. Kroll and F. Skutsch), *Geschichte der römischen Literatur*, 3 vols., (1, 6th ed., 1916; 2, 7th ed., 1920; 3, 6th ed., 1913), Teubner, Leipzig, 1, par. 76, pp. 135 ff.; for more recent bibliography, cf. *HRR*, pp. 385-387; also, (publ. O. Reverdin) *Fondation Hardt, Les Origines de la République Romaine*, Entretiens, Tome XIII, 1967, pp. 135-169. Gabba follows P. Fraccaro's excellent evaluation of the problem: "The History of Rome in the Regal Period", (transl. U. Erwins), *JRS*, 47, 1957, pp. 59-65. Cf. also, L. Pareti, *Storia di Roma*, Torino, 1952, 1, pp. 59-65; A. Alföldi, *Early Rome and the Latins*, Jerome Lectures, Seventh Series, Ann Arbor, 1964, pp. 165 ff.; L. Cantarelli, "Origine degli Annales Maximi", *RFIC*, 26, 1898, pp. 209 ff., identifies the *acta* (cf. *HRR*, 1, pp. VII ff.), or the *annales pont.* with the *commentarii*.

27) Latte (*RRG*, p. 195) speaks about "Machtkämpfe" in politico-religious matters, even of a revolution, during which the *pontifex maximus* emerged as the head of the Roman sacral institutions. J. Bleicken, ("Oberpontifex und Pontifikalkollegium," *Hermes*, 85, 1957, pp. 363 ff.), after having traced the *pontifex maximus*' position as far as *imperium*, *potestas* and *auspicium* are concerned, comes to the conclusion that the *flamines*, *reges s.*, as well as the Vestal virgins, were not under the *pont. max.* in the sense of a superior authority, rather, as the administrative head of the pontifical college; that the *pontifices*, especially the *pontifices maximi*, always remained what they originally were, i. e., priests, separate from the magistrates. He sees in the eventual superiority of the *pontifex maximus* a lengthy development due to strong personalities in this position. R. Muth, ("Römische Religio", in *Serta Phil. Aenipontana I*, Innsbruck, 1962, pp. 253 ff.), after tracing the cult - concepts of Roman religion in the Republic and the Empire, states: "Die Geschichte der römischen Religion wird man primär sicher nicht als Geschichte ihrer zunehmenden Überlieferung sehen dürfen, sondern als Geschichte des Strebens nach Selbstbehauptung der alten Reli-

mitting new deities to the Roman cult, necessitated by external conditions²⁸). Beside the *pontifices maximi* and the pontifical college, the college of the *augures* emerged in a highly enhanced position, on account of the increased need or expediency of interpreting *auspicia* which, at least in the later stages of the Republic, became a legalistic, constitutional as well as religious expertise²⁹).

3. To the third century falls the first historically ascertainable priesthood which preceded a magistracy³⁰), a procedure which was widely used from the end of the third century to the time of Julius Caesar, as a first step in a successful political career³¹).

gionsidee," (p. 256). In a recent article, J.-Cl. Richard, ("Sur quelques grands pontifes plébéiens," *Latomus*, 27, 1968, pp. 786 ff.), espouses the idea that the change was due to forceful plebeian *pontifices maximi* between 242-131, who embellished the position of the *pontifex maximus* by delimiting the function of the *flamines maiores* for political and religious reasons.

28) RRG, pp. 251-263; Lippold, *op. cit.*, pp. 323-340.

29) RSR, 1, pp. 76 ff.; Wissowa, RE, 2, pp. 2313, 41 ff.; W. Warde Fowler, *The Religious Experience of the Roman People*, Macmillan, London, 1933, p. 76; The study of *auspicia*, through which the *augures*, claimed to ascertain the will of Jupiter, was their main preoccupation. In most cases the magistrates took the *auspicia*, (Wissowa, RE, 2, pp. 2580, 26 ff.), and the *augures* gave interpretation according to strictly established *formulae*. General supervision of religious functions was in the hands of the *quattuor amplissima collegia*, (Suet., *Aug.*, 100; Mon. Anc., 2, 16; cf. Kornemann's article on "Collegium", RE, 4, pp. 380, 14 ff., esp. 382, 21-383, 47).

30) A. Postumius Albinus, cos. 242, was forbidden by the newly appointed pont. max., L. Caecilius Metellus, cos. 251, to leave the city for a naval command, (Livy, *per.* 19; Val. Max. 1. 1, 2; Bleicken, "Kollisionen zwischen Sacrum und Publicum, Eine Studie zum Verfall der altrömischen Religion", *Hermes*, 85, 1957, p. 450; Münzer, RE, 22, p. 902, 1-53; MRR, 1, p. 218). Equally, Q. Fabius Maximus Verrucosus, who became consul possibly thirty-two years after his cooptation as an augur.

31) D. E. Hahm, ("Roman Nobility and the Three Major Priesthoods, 218-167 B.C.," *TAPhA*, 94, 1963, pp. 73-75), provides the following statistics for the period 218-167 B.C.: "... about four-fifths of the augurs, nearly three-fifths of the pontifices, and one half of the decemviri, to our knowledge, not yet held any high political office at the time of their cooptation". Hahm considers the entire *cursum* of an individual in his conclusion. Nevertheless, one should point out that he often assumes dates of cooptations, and his "order of relative prestige" - at the end of the third century B.C. - is evidently erroneous. Szemler (*op. cit.*, pp. 237 ff., "Results") lists 188 known priests for the period 210 - 44 B.C. 146 of these were praetors and consuls. Dates of cooptation and election to a magistracy could not be estimated in fifty-five cases on account of insufficient evidence. Of the remaining priests, sixty-nine preceded higher magistracy - (cons. or praet.) - with their priesthoods, against twenty-two, who held a higher magistracy before cooptation to any one of the colleges.

It is known that priesthoods in the Republic were not connected with the responsibility of holding magistracy³²), yet one can seldom find a priest without a curule magistracy³³). Therefore, it would be erroneous to maintain that there was a highly legalistic and superficial separation between priesthoods and magistracies, since only in the case of the *rex sacrorum* was such a separation consistently maintained³⁴). The fact that the priests,

32) RSR, 2, pp. 18 ff.: "Der gesamte vorschriftsmäßige Cultus der von der Gemeinde anerkannten Götter ist den Priestern überwiesen, ohne daß den Beamten irgend ein Antheil dabei oder auch ein Oberaufsichtsrecht eingeräumt wäre; ... Umgekehrt sind in dem Gemeinwesen die Priester als solche ohne formelle Gewalt und ohne rechtliche Stellung; ... Dem entsprechend ist auch die Organisation der Priesterschaft derjenigen der Magistratur in den wesentlichsten Prinzipien diametral entgegengesetzt." Although magisterial and priestly functions were distinct, and they did not overstep the boundaries of established spheres of action, the two seemed to interact in the careers of the priests whose priestly membership can be proved.

33) For the third century B.C., our data do not provide satisfactory evidence, although the following conclusions can be reached: between 275-211 B.C., the known pontifices and augures were consuls or praetors, with the possible exception of Q. (or C.) Manilius Q. f. Turrinus, (aug. or pont. 254, possibly the cos. 239; - ILS 93338, 1; Münzer, RE, 14, pp. 958, 22-30; RAAF, p. 68; MRR, 1, pp. 210-211, n. 2); Q. Aelius Paetus, (pont. ?-216; Klebs, RE, 1, p. 526,44 ff.; MRR, 1, p. 282); and P. Scantinius, (pont. ?-216; Münzer, RE, 2A, p. 352, 46-47; MRR, 1, p. 252). Between 210 - 44 B.C., 188 priests can be listed with great degree of certainty, (cf. note 31, above). (This list includes members of the four major colleges, as well as the *flamines*, *reges*, *curiones*, *salii* and *luperi*.) With a warning against hasty conclusions, since full and consistent lists of the membership in each college cannot be established - with the exception of three years, and then only in the pontifical college, (MRR, 1, pp. 282 and 393; 2, pp. 203-204) - 146 of these priests were consuls or, at least, praetors; in other words, four-fifths of all known priests were higher magistrates during this period, if we disregard the *reges sacrorum* who never held any magistracy.

34) Attempts were made to change the tradition, but without success. Livy, 40. 42, 8 ff., describes the L. Corn. Dolabella affair in 180: "De rege sacrificulo sufficiendo in locum Cn. Cornelii Dolabellae contentio inter C. Servilium pontificem maximum fuit et L. Cornelium Dolabellam duumvirum navalem, quem ut inauguraret pontifex magistratu sese abdicare iubebat. Recusantique id facere ob eam rem multa duumviro dicta a pontifice, deque ea cum provocasset certatum ad populum. Cum plures iam tribus intro vocatae dicto esse audientem pontifici duumvirum iuberent, multamque remitti, si magistratu se abdicasset, vitium de caelo quod comitia turbaret, intervenit. Religio inde fuit pontificibus inaugurandi Dolabellae." (The *vitium*, usually an unfavorable omen, such as, lightning and thunder, necessitated the immediate adjournment of the assembly.) In the fact that the pontifex maximus C. Servilius Geminus (cf. above dual priest no. 2) appointed C. Cloelius Siculus to fill the place of Dolabella, Münzer sees

patricians and (after the *lex Ogulnia*) plebeians were *consulares*, and that the *pontifices*, especially the *pontifices maximi* and the *augures* – with few exceptions – held higher magistracies, created the conditions in which magisterial and priestly functions not only could be but actually were interwoven effectively already in the third century B.C. In these conditions the validity of Broughton's statement becomes clear: "... the priests in the various colleges were not magistrates ... But priesthoods were positions of considerable political influence ..." ³⁵). Understandably, some of the priestly cooptations were fraught with bitter fights ³⁶), yet in cooptations apparent care was taken to allot the few available positions to deserving members of the oligarchy equally, and without the possibility of cumulation. As indicated before, it is certain that during the third century the *pontifex maximus* was elected from among the members of the pontifical college ³⁷) by a special assembly of seventeen tribes ³⁸). After some unsuccessful attempts for further reform ³⁹), in 104 a plebescite of the tr. pl., Cn. Domitius Ahenobarbus determined that the members of the four major colleges be elected by the vote of the seventeen tribes ⁴⁰). The nomination probably became the responsibility of the *augures* ⁴¹). The vote of the assembly nevertheless obliged the presiding officer of each college formally to coopt the new member. Sulla temporarily stopped the law ⁴²), but a lieutenant of C. Julius Caesar in 63, T. Labienus, local-patriotic reasons (RAAF, p. 134, n. 1) – an assumption which is attractive, yet not necessarily acceptable: better the religious and political reasons given by Bleicken, ("Kollisionen ...", *loc. cit.*, pp. 452–543).

35) MRR, 1, p. x; Bleicken, "Kollisionen ...", *loc. cit.*, pp. 446–448, and 478–480; To the problem, cf., G. J. Szemler, *op. cit.* pp. 34–46.

36) To cooptation, *i. a.*, cf. Wissowa, RE, 4, pp. 1208, 25 ff.; RKR, pp. 487 ff.; RGR, pp. 394–396; problems of rivalry for priestly positions were treated, *i. a.*, by Lippold, *op. cit.*, *passim*; U. Schlag, *op. cit.*, *passim*; and Szemler, *op. cit.*, in each individual case whenever such fights occurred.

37) L. R. Taylor, *loc. cit.*, esp. p. 421, note 1, for bibliography. Cf. Münzer's evaluation in RAAF, pp. 185–186.

38) RSR, 2, pp. 27 ff.; RKR, pp. 495, 508 ff.

39) C. Licinius Crassus, tr. pl. 145, proposed a bill for popular vote in electing priests; RRG, p. 277; MRR, 1, p. 470.

40) RSR, 2, pp. 25 ff.; H. Last in CAH (*The Cambridge Ancient History*, ed. by J. B. Bury, S. A. Cook, F. E. Adcock and M. P. Charlesworth, Cambridge, 1923–1939), 9, pp. 163–164; RAAF, pp. 359–360; MRR, 1, pp. 561–562, n. 5; Rotondi, *op. cit.*, p. 329.

41) Auct. ad Her., 1, 20: "lex iubet augurem in demortui locum qui petat in contione nominare."

42) Livy, *per.* 89; Dio, 37, 37, 1; Auct., *vir. ill.*, 75, 11; for further references, cf. MRR, 2, p. 75.

reinstated it⁴³). The result was that, in the time of Cicero, regular elections for priests were held between the consular and praetorial elections⁴⁴).

Evidently, these regulations were patterned after the legislative actions by which magistracies were regulated. Not surprisingly, hardly a name of importance is missing from the priestly lists. Specifically, one should mention T. Quinctius Flaminius, cos. 198, who had an older brother in the augural college, the consul of 192, or P. Cornelius Scipio Nasica, cos. 191, whose older brother was a pontifex since 199⁴⁵). Also, P. Cornelius Scipio Africanus was neither an augur nor pontifex, yet he was one of the *salii* at a time when Corneli were in the two highest colleges: the pontifex maximus, Cornelius Lentulus (until 213), the pontifex Cethegus (from 213), and the augur, Cn. Cornelius Lentulus (since 217).

Thus, we can assume that elder brothers were given first choice in being coopted to any of the colleges according to available vacancies; moreover, apparent care was taken that two members of the same *gens* should not appear in any one of the colleges⁴⁶). Cumulation of priesthoods became an unlikely proposition, since nomination and cooptation were carefully regulated, and each vacancy had numerous candidates.

43) Dio, 37. 37, 1-2; L.R. Taylor, *loc. cit.*, pp. 421-422.

44) Cicero, *ep. ad Br.*, 1. 5, 4; Dio, 41. 36, 3.

45) Satisfactory explanation cannot be offered as to why T. Quinctius Flaminius was not coopted into the pontifical college in the year before his consulship, when two pontifices – both Sulpicii – died, (MRR, 1, pp. 314, 318 and 329). In their place, two relatively inexperienced individuals were selected, M. Aemilius Lepidus (cos. 187, 175), and P. Cornelius Scipio Hispallus (cos. 176); (cf. to the internal difficulties, U. Schlag, *op. cit.*, pp. 150-151). In the case of P. Cornelius Scipio Nasica, one should consider that another member of the Cornelian *gens*, Cn. Cornelius Lentulus, cos. 201, was in the augural college.

46) One assumes that such a prohibition would have established a system of checks and balances in the early stages of the Republic when membership in the priestly colleges was delimited to three. Blank generalizations cannot be made of a statement of Dio Cassius, 39. 17, 1 ff., according to which individuals from the same *gens* were prohibited to be members in the same priestly college. Mommsen has shown, (RF, 1, p. 89, followed by Bardt, pp. 34-35) that Dio's remarks can be applied to the augural college only, and for the other colleges only by *argumentum ex silentio*. That the "law" could not be applied to the *pontifices* at the end of the third, nor in the first century, can be seen in the mutual pontificate of the two Servilii, Cn. Servilius Caepio, cos. 203, and C. Servilius Geminus, also a *Xvir s.f.*, and the second consul of 203, (MRR, 1, pp. 266, 282); as well as the first

Therefore, the following conclusions can be reached: (1) Dual priesthoods, before the augurate of C. Julius Caesar, were allotted to a number of individuals during the Hannibalic War, with the possible exception of C. Marcius Rutilus (Censorinus), in accordance with the prorogation and iteration of magistracies; (2) but with the end of the third century, such a cumulation of priesthoods was avoided, though not specifically forbidden, through the nomination and cooptation procedures.

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PLAUTUS, *RUDENS*, ACT 3 SCENE 5
(780-838)¹)

- 780 DA. Vtrum tu, leno, cum malo lubentius
quiescis an sic sine malo, si copias?
LA. ego quae tu loquere flocci non facio, senex.
meas quidem te invito et Venere et summo Iove
de ara capillo iam deripiam. DA. tangedum.
- 785 LA. tangam hercle uero. DA. agedum ergo, accede huc
modo.
LA. iubedum recedere istos ambo illuc modo.

century membership of two Aemilii, M. Aemilius Scaurus, praet. 56, and M. Aemilius Lepidus, IIIvir r.p.c., (to the praet. 56, v. Rohden, RE, 1 (141), pp. 588, 23 ff.; MRR, 2, p. 206; to the IIIvir, v. Rohden, RE, 1 (73), pp. 556, 9 ff.; Hoffman Lewis, op. cit., pont. no. 1). Difficulties are caused by the appearance of two Claudii, of whom Ap. Claudius Pulcher, cos. 54, was a patrician and C. Claudius Marcellus, praet. 80, who was a plebeian, (MRR, 2, pp. 171 and 255); as well as by the somewhat earlier appearance of two Sempronii, Ti. Sempronius Longus, cos. 194, and (Ti. Sempronius Gracchus, or) Ti. Sempronius P.f. Ti. n. Gracchus, cos. 177, 163, in the augural college, (MRR, 1, pp. 283, 309, 405, 406, n. 4, and 407, n. 5). Explanation was offered by Bardt, who assumed that gentilician limits were applied only in the case of patrician families; (his argument was derived from Livy, 10. 8, 9). Bardt's assumption seems to be feasible; nevertheless, he does not explain why such a system "had to be maintained" only in the augural college.

1) I have benefited greatly from the scepticism of Professor H.D. Jocelyn. Professor F.R.D. Goodyear and my pupil, Mr. P.G. Hooker, have also saved me from error.