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ON THE DANGERS OF IGNORING AUSPICES

Before taking any action in the public sphere, Roman officials were obliged to consult the deities, Jupiter in particular. This has been the case from the very beginning of Rome, as confirmed by all known versions of the legend of Romulus and Remus¹. Among other things, auspices served to check whether the deities were in favour of a given step – and not only that, the purpose of asking was to establish how and when to act, if to act at all. Acceptance of the gods, confirmed by the appearance of a favourable sign, allowed to take action that should pose no risk of violating the *pax deorum*². The signs asked for were called *auspicia impetrativa*³, procedure for obtain them was called *spectio*⁴.

Spectio was the prerogative of officials⁵, and was compulsory before performing any important tasks related to the exercise of office, such as convening people's assemblies, or starting a battle, if the official was a military commander. The signs could also appear spontaneously (*auspicia oblativa*⁶) – if they were unfavourable, the activity should not be started and the started one should be

¹ Among other sources: Cic., *Div.* 1, 3; Cic., *Leg.* 2, 33; Liv, 1, 6–7.

² About the importance of elites behaviour in maintaining it, see lately C.B. Champion, *The Peace of the Gods: Elite Religious Practices in the Middle Roman Republic*, Princeton 2017, p. XI. The whole book is worth reading, but the passage in Introduction seems quintessential.

³ Difference between *auguria impetrativa* and *oblativa* – Serv., *ad Aen.* 6, 190. Servius often used the term *auguria* to describe auspices – L.G. Driediger-Murphy, *Roman Republican Augury. Freedom and Control*, Oxford 2019, p. 72 along with the given literature. See: Th. Mommsen, *Römisches Staatsrecht*³ I, Göttingen 1952, p. 77. On differences between *augurium* and *auspicium* see: P. Catalano, *Contributi allo studio del diritto augurale*, Torino 1960, p. 9 ff; L.G. Driediger-Murphy, *Roman Republican...*, p. 2.

⁴ Cic., *Phil.* 2, 81; Varro, *LL* 6, 82; Fest. 446L; L.G. Driediger-Murphy, *Roman Republican...*, p. 135.

⁵ P. Catalano, *Contributi allo studio...*, p. 41; J. Linderski, *Rzymskie zgromadzenie wyborcze od Sulli do Cezara*, Wrocław–Warszawa–Kraków 1966, p. 75. Cf. Also: *idem*, *The Augural Law*, «ANRW» II 16.3/1986, p. 2198.

⁶ Difference between *impetrative* and *oblativa* signs: P. Catalano, *Contributi allo studio...*, p. 79 ff. About *auspicia oblativa* in particular, *ibidem*, p. 86 ff.

stopped. *Auspicia oblativa* could be seen by anyone, including a private person, since no one asked for a sign to appear, it was unknown when and where it would appear and who would notice it. It was allowed to ignore an unfavourable sign that was noticed and signalled by the *privatus*, as only the *nuntiatio* announced by the augur or official⁷ (other than the one who wanted to carry out the action) had legal effects. However, if a private person informed the college of augurs about the sign, the priest could perform the *nuntiatio* of the observed sign, and then it gained more importance – it seems such a sign must have been accepted. It was considered that the *auspicia oblativa* were often ambiguous, and the augur solely could interpret them properly⁸.

It might even be, that taking the auspices and being obedient to its result, in some sort of way guaranteed the best course of events, both to the *magistratus* and to the *populus Romanus* as a whole. The positive result of *auspicia impetrativa* was for Romans the visible sign of divine approval. And it might be that the negative auspices were not a prohibition of action, but a warning that something could go wrong. A warning which so often turned out to be right that Romans did not bother to discuss with it. In public matters, the auspices were usually carried out by officials, but the augurs had the final word in their interpretation. The acceptance (or the lack of it) of such an interpretation, however, was ultimately at the discretion of the official carrying out the auspices – he was responsible for his actions during the term of office.

One of the aims of auspices then was undoubtedly to avoid failure – if the deities were approving of carrying out an action and showed it by sending the sign asked for, people could believe it to be successful. So it should be asked again: were the signs from the deities, then, indications of behaviour, or did they result in an absolute requirement to behave in a certain way, especially to refrain from acting in the event of an unfavourable sign? It seems that both officials and the augurs should, or even had a duty to follow the signs they received from the gods. Otherwise it would be difficult to explain their attempts to avoid noticing the signs⁹.

Jerzy Linderski actually claims that the *auspicia impetrativa* could only be observed by the official who asked for them, and they were visible for him only¹⁰ – this would undoubtedly make it easier to hide the appearance of an unfavourable sign, or to state that the approving sign appeared, regardless of whether it had actually happened. However, due to the nature of events that were to indicate the approval/disapproval of the deities, it is difficult to agree with such a statement, as for instance a lightning strike must have been seen by the public. Most likely then,

⁷ Th. Mommsen, *Römisches Staatsrecht*³, p. 110.

⁸ J. Linderski, *Watching the Birds: Cicero the Augur and the Augural Temple*, «CPh» 81/1986, p. 335.

⁹ Cf. L. Driediger-Murphy, *Roman Republican...*, p. 68.

¹⁰ J. Linderski, *Rzymskie zgromadzenie...*, p. 75.

the perception of the sign made it obligatory to act in accordance with it, and those who wanted to decide without the participation of the deities were to completely block themselves from observing anything that could constitute such a sign¹¹. Thus, an interesting practice of avoiding the observation of signs emerged when one wanted to avoid having to change their plans of action: political, or military ones, or any other plans in fact. The existence of this practice is shown by the example given by Cicero in the second book of his treatise *De divinatione*:

Cic., *div.* 2, 77: *Nam ex acuminibus quidem, quod totum auspicium militare est, iam M. Marcellus ille quinquies consul totum omisit, idem imperator idem augur optumus. Et quidem ille dicebat, si quando rem agere vellet, ne impediretur auspiciis, lectica operta facere iter se solere.*

Consul Marcus Claudius Marcellus, who was an augur himself, used a covered litter when he wanted to carry out any activity related to commanding the army¹², so as not to accidentally see a sign that could prevent him from carrying it out. His behaviour clearly indicates the awareness that if any sign was observed, he had to act accordingly. But if he did not notice the sign, he could ignore it, even if it appeared¹³.

This example also clearly shows that auspices needed be noticed especially by the sense of sight (or perhaps by all senses, and the exclusion of one of them resulted in the possibility of avoiding the acceptance of a sign). For instance, a lightning strike is after all also associated with a sound effect that is difficult to be confused with anything else – the very covering of the litter does not isolate it from sounds. This raises the question of the possibility of taking the auspices by the blind¹⁴, or the deaf, but that is a topic for other considerations.

As was indicated above, the interpretation of signs and the decision to accept them was the domain of an official carrying out auspices, but any doubts had to be resolved with the participation of the augurs. It was they who knew the augural books, which gave a specific meaning to the vast majority of signs; that meant their interpretation could not be arbitrary¹⁵. The source texts contain examples of situations in which officials acted against auspices by taking action despite the appearance of unfavourable signs. What were the consequences of this?

Perhaps the most well-known example of an official ignoring an unfavourable sign is an event during the First Punic War described by Cicero:

¹¹ L. Driediger-Murphy, *Roman Republican...*, p. 71, nt. 47.

¹² About *auspicia militaria* see: P. Catalano, *Contributi allo studio...*, p. 431, nt. 147.

¹³ J. Linderski, *The Augural Law*, p. 2153.

¹⁴ After all, Appius Claudius Caecus owed his nickname to his disability. Even if this is the only case of a person who held office without being fully functional, it is still worth considering the consequences it produced for the performing of auspices.

¹⁵ C.B. Champion, *The Peace...*, p. 37.

Cic., *nat. deo.* 2, 7: *Nihil nos P. Clodi bello Punico primo temeritas movebit, qui etiam per iocum deos inridens, cum cavea liberati pulli non pascerentur, mergi eos in aquam iussit, ut biberent, quoniam esse nollent? Qui risus classe devicta multas ipsi lacrimas, magnam populo Romano cladem attulit. Quid collega eius, [L.] Iunius, eodem bello nonne tempestate classem amisit, cum auspiciis non paruisset? Itaque Clodius a populo condemnatus est, Iunius necem sibi ipse conscivit.*

In 249 BC, setting off for the battle with the Carthaginian fleet at Drepanum, consul Publius Claudius Pulcher¹⁶ carried out the auspices of the sacred chickens – grain was poured out in front of them, and if they ate (preferably greedily), the sign was encouraging. If the birds were not interested in the grain, the project had to be abandoned, because the signs were unfavourable. When the chickens released from their cages did not want to peck at the grain, the angry consul threw them into the sea ‘to drink since they did not want to eat’ (*ut biberent, quando esse nollent*). The consul suffered a devastating defeat in the battle, lost most of his ships, and was recalled to Rome to appoint a dictator. He chose his own messenger, Glycias, which, according to Suetonius, once again proved his mockery when it came to the security of Rome¹⁷.

Following these events, the consul was tried by *iudicia populi*¹⁸, most likely under the charge of *perduellio*. However, it is hard to imagine that he would have been accused at all, had he won the battle. Claudius was not convicted of treason, escaping with just a heavy fine imposed on him¹⁹. Both ignoring unfavourable signs and appointing a random person as the dictator, and thus exposing the Roman community to the wrath of the gods, definitely testified to Claudius’ lack of command competences and arrogance. It is interesting that the public trial of Claudius did not have any hint of “religiosity” in it. Of course, violation of *pax deorum* that seemed to be the base of *perduellio* charge was in itself the matter of *ius sacrum*. It seems rather strange, though, that the Romans did not expect any kind of expiation from him, any kind of sacrifice to placate the gods, the trial was a secular one.

In the same passage, Cicero also recounts the story of Lucius Junius, who lost his fleet in a storm, ignoring auspices (unfavourable ones, one may assume). Yet, having the pangs of conscience, Junius committed suicide.

Countless warning signs from the deities, and the omens were also ignored by Marcus Licinius Crassus²⁰ prior to the campaign in Parthia²¹. Again, the most interesting omen was given by Cicero:

¹⁶ T.R.S. Broughton, *The Magistrates of the Roman Republic*, I, New York 1951, p. 214.

¹⁷ Suet, *Tib.* 2. Also Liv., *Per.* 19.

¹⁸ Cic., *div.* 2, 71, Val. Max. 8, 1, abs. 4.

¹⁹ Polyb. 1, 52, 3. Cf. J. Linderski, *The Augural Law*, p. 2176 ff.; C.B. Champion, *The Peace...*, p. 102.

²⁰ T.R.S. Broughton, *The Magistrates of the Roman Republic*, II, New York 1952, p. 214.

²¹ Dion Hal. 2,6,4.

Cic., *div.* 2,84: *Cum M. Crassus exercitum Brundisii imponderet, quidam in portu caricas Cauno advectas vendens <Cauneas> clamitabat. Dicamus, si placet, monitum ab eo Crassum, caveret ne iret; non fuisse periturum, si omni paruisset.*

When Crassus boarded himself and his army in Brindisi, there was a fig seller standing on the shore, who advertised his merchandise by shouting his place of origin ('*Cauneas* [figs]!'). It sounded very much like the caveat '*Cave ne eas!*' ('Beware of going!'). If the consul had withdrawn after hearing the omen, he would not probably have lost his life²².

According to Cicero and Dionysius of Halicarnassus, the triumvir even went so far as to fabricate the favourable signs and replace the disapproving ones²³. Crassus did not wait long for the negative result of ignoring or even falsifying the auspices – this time the consequences did not even require the interference of the Roman people. The commander was killed in an ambush, and Parthia was not captured.

It can be concluded from the source texts, and especially from Cicero's treatises, that the power of the augurs was related to the fact they knew and communicated the will of Jupiter. Today, the prevailing view among the researchers is that it was an augur or a *magistratus* who expressed his will using the authority of a deity²⁴ and that the elites cynically used religion for the political purposes only²⁵. There is some truth to it, as confirmed by some sources²⁶, but it is more complicated. This view does not quite reflect the Romans' approach to the question of auspices – what happened to Claudius is significant, as he tried to show that his will mattered more than that of Jupiter's. And since it turned out that he had been wrong (or so it seemed), he was brought to justice.

As it was mentioned already, signs were sent not only at the request of officials or the augurs; they sometimes appeared spontaneously. The will of the gods was read not only through auspices but also by reading the entrails of sacrificial animals, or by observing reality – the appearance of prodigies was not a derivative of auspices, as these were unfavourable signs interpreted on the basis of the Sibylline Books, not by the augurs but the haruspices.

Ignoring the signs of the deities could be very dangerous not only for the wellbeing of the society but also for the very life of an ignorant person. Every year

²² Further in this passage, Cicero adds: *Quae si suscipiamus, pedis offensio nobis et abruptio corrigiae et sternumenta erunt observanda.* [but if we are going to accept chance utterances of this kind as omens, we had better look out when we stumble, or break a shoe-string or sneeze – LOEB translation]. It must be remembered, though, what the context of the second book of this treatise is. Here Cicero, an augur himself, argues that there is no point in believing in any form of divination, including augury. Cf. J. Linderski, *Cicero and Roman Divination*, «La Parola del Passato» 37.202/1982 [1983], p. 12 and ff.; M. Schofield, *Cicero for and against Divination*, «JRS» 76/1986, p. 56 and ff.

²³ Cic., *div.* 1,29. Cf. L. Driediger-Murphy, *Roman Republican...*, p. 97 and ff.

²⁴ Cf. summary of views comparison in *ibidem*, p. 5.

²⁵ About this view and *contra* it: C.B. Champion, *The Peace...*, p. XVIII.

²⁶ For example Cic., *nat. deo.* 1, 118.

on 15 March, historians and others mentioned the Ides of March, which nowadays is remembered mainly as the day Gaius Julius Caesar was murdered by the conspirators. The consul²⁷ ignored every ominous signs²⁸ that had been appearing for several months, such as the discovery of a bronze plate announcing the death of Julius' descendant, or a king-bird torn apart by other birds in Pompey's curia. On the Ides themselves, he disregarded both his own dreams and those of his wife Calpurnia's, and the warnings of the haruspices who had not found the heart in the guts of a sacrificial animal killed by Caesar²⁹. He also did not heed the warning of a seer who had foretold him a danger that would come no later than on the Ides of March. He even mocked him – noticing the prophet on the way to the curia, he stressed that the Ides had come and nothing had happened. The prophet was to reply the day was not over yet. And he was right. Despite unfavourable signs and omens, Julius Caesar went to the Senate meeting, which he did not leave alive.

The examples showed here are obviously not the only one appearing in the source texts, but they show clearly, how important the will of the gods and the obedience to it seemed to Romans. It is interesting to notice, there are probably no contrary examples from the sources – those showing that something undertaken in disregard of the negative auspices had a positive effect.

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Summary

The aim of the article is to show the attitude of the Romans in the Republican period towards the necessity of following ritual requirements, and to carry out auspices along with obeying the

²⁷ T.R.S. Broughton, *The Magistrates of the Roman Republic*, II, New York 1952, p. 315.

²⁸ Suet., *Jul.* 81.

²⁹ Plut. *Caes.* 63, 4.

will of the deities shown in them in particular. The examples of the catastrophic effects of ignoring the auspices quoted here show the importance of this aspect of the public life for the Romans.

Keywords: Roman Republic, *auspicia*, *pax deorum*

O NIEBEZPIECZEŃSTWACH IGNOROWANIA AUSPICJÓW

Streszczenie

Celem artykułu jest pokazanie nastawienia Rzymian w okresie republikańskim do konieczności przestrzegania wymogów rytualnych, w szczególności do przeprowadzania auspicjów i posłuszeństwa ukazanej w nich woli bóstw. Powołane przykłady katastrofalnych skutków ignorowania auspicjów wskazują na to, jak ważny dla Rzymian był ten aspekt ich życia publicznego.

Słowa kluczowe: republika rzymska, *auspicia*, *pax deorum*