

# Cicero's 'Response of the *haruspices*' and the Voice of the Gods\*

MARY BEARD

## ABSTRACT

*This article explores the religious importance of Cicero's De Haruspicum Responso against the background of prodigy-handling in Republican Rome. Comparing the prodigy in question to an 'auditory epiphany', it argues that key issues raised by the speech include the nature of the divine voice, the relationship of the prodigious 'rumbling and clattering' to the gods themselves, and the ambiguous temporalities implied by Roman practices of divination. The article also suggests that De Haruspicum Responso proposes a significant overlap between religious and political speech, and it questions the radical split often assumed between the religious ideology of Cicero's philosophical and his more 'public' works.*

**Keywords:** Cicero; Clodius; prodigies; *haruspices*; epiphany; divination

## I INTRODUCTION

Not long after Cicero's triumphant return to Rome from exile in 57 B.C., a strange noise was heard, just outside the city: 'a rumbling and a clattering' ('strepitus cum fremitu').<sup>1</sup> It was reported to the Senate, who — swayed by what must have been the usual mixture of tradition, self-interest, piety, political calculation and desperate improvisation — declared the noise to be a 'prodigy' and referred it to the *haruspices*. These were that distinguished group of Etruscan diviners whose skill embraced various forms of divination, from reading the entrails of sacrificial animals, through the interpretation of thunder, to the explanation and expiation of prodigies. A prodigy was a sign of a disturbance in the relations between gods and men; at the very least, the Senate would have expected the *haruspices* to recommend how that disturbance could be put right.

On this occasion, the *haruspices* produced a detailed answer (*responsum*), in which they identified the gods to whom reparation should be made and the human errors that underlay the religious breakdown signalled by the prodigy (games had been desecrated, sacred places

\* An early version of this paper was first given in 2001 at a conference on ancient divination in Philadelphia (organized by Sarah Iles Johnston and Peter Struck), and later at a seminar in Oxford, hosted by my much missed friend and ally Simon Price. I thank the audience and discussants on both occasions, and since then — especially — John North and Joyce Reynolds; as well as the Editor of the *Journal*, Greg Woolf, the Editorial Committee and the anonymous readers. Throughout this article I refer to Cicero's *De Haruspicum Responso* as 'Har.', with chapter number; and to the commentary by J. O. Lenaghan — *A Commentary on Cicero's Oration De Haruspicum Responso* (1969) — as 'Lenaghan, Har.'. Quotations follow the text of the 1981 Teubner edition, by T. Maslowski.

<sup>1</sup> *Har.* 20; to judge from Cicero's gloss on the sound later in the same chapter ('horribilis fremitus armorum'), this was a clattering of arms; cf. the 'fremitus armorum' said to have been heard emerging from the depths of the earth in 100 B.C., *Obsequens* 45.

had been profaned, envoys had been killed); and they added a series of rather generalized, predictive warnings for the future (about dissension among the senators leading to danger, power passing into the hands of one man and secret plans harming the state, and so on). It was a classic combination of the specific and the vague, leading to fierce debate among the Roman élite about exactly what (or who) was referred to.

Clodius, predictably, exploited the haruspical response in his conflicts with Cicero, attempting to turn it against his old enemy and his recent building projects. Speaking to a mass meeting (*contio*), he leapt in with the obvious interpretation: the 'sacred and holy places <that> had been profaned' ('*loca sacra et religiosa profana haberi*') was a reference to the shrine of Liberty that Clodius had erected on the site of Cicero's house, after he had left for exile — and which had been 'profaned' by Cicero's rebuilding on his return.<sup>2</sup> Cicero's response to these allegations survives as the speech we know as *De Haruspicum Responso* (or *Responsis*), *On the Response(s) of the Haruspices*.<sup>3</sup> Delivered in the Senate sometime in 56 B.C., it is our only substantial evidence for this incident.

The main aim of the speech was to deflect any suspicion that Cicero himself was the cause of the divine displeasure signalled by the prodigy, and to point the finger at Clodius instead. It has never been a favourite with modern audiences. For many years through the eighteenth and nineteenth centuries, its authenticity was disputed — like that of the other three speeches delivered in the aftermath of Cicero's return from exile (the *Post Reditum* speeches to the Senate and to the People, and the *De Domo*, given to the college of *pontifices*). Although they are now overwhelmingly accepted as genuine, some of the mud has stuck; and the very same 'failings' that cast doubt on their authenticity — a marked lack of oratorical flair, and some woeful examples of 'un-Ciceronian' Latin — have tended to keep them out of the critical limelight.<sup>4</sup> *De Haruspicum Responso* — with its repeated, often opaque, references to the complex Roman micro-politics of 56 B.C. — has fared even worse than the others. Only very recently has it begun to attract more sympathetic attention from students of Ciceronian oratory. Anthony Corbeill has explored the rôle of writing (and especially of the written text of the haruspical response) within Cicero's argument; Ingo Gildenhard has drawn on the speech in his exploration of the 'conceptual creativity' of Cicero's orations (underlining its radically Hellenizing or philosophical aspects).<sup>5</sup> As will become clear, this article is indebted to these studies — but also offers a significantly different view of the importance of *De Haruspicum Responso*.

More puzzling is the fact that even now the speech rarely takes centre-stage in discussions of Roman divination and prodigies, or of Roman Republican religious history more generally. For *De Haruspicum Responso* is a document that takes us right into the processes of the interpretation of divine signs — written by a leading participant, as a direct and loaded intervention into a divinatory debate, not as a retrospective historical analysis. Even if, as is almost certain, the 'published' version differs in some respects from what was said when the speech was originally delivered, it remains part of the series of negotiations (both oral and written) that must have accompanied many prodigies. This is, in other words, exactly the kind of document from the very heart of Roman religious processes that we so often complain we lack.

<sup>2</sup> *Har.* 9. For a recent discussion, see S. Hales, 'At home with Cicero', *Greece and Rome* 47 (2000), 44–55.

<sup>3</sup> The singular and plural forms are used interchangeably. In casual references to the speech, Quintilian (5.11.42) uses the plural, Asconius (70 C) the singular. The manuscript tradition uses the plural; I have followed Asconius and many recent writers.

<sup>4</sup> The controversy is reviewed by Lenaghan, *Har.*, 38–41; and, in reference to all four speeches, by R. G. Nisbet, *M. Tulli Ciceronis, De Domo Sua ad Pontifices Oratio* (1939), xxix–xxxiv.

<sup>5</sup> A. Corbeill, 'The function of a divinely inspired text in Cicero's *De haruspicum responsis*', in D. H. Berry and A. Erskine (eds), *Form and Function in Roman Oratory* (2010), 139–54; I. Gildenhard, *Creative Eloquence: the Construction of Reality in Cicero's Speeches* (2011), 326–43 (quote, p. 1).

Yet most modern analyses of Roman divination tend to focus on the retrospective accounts of ‘prodigy and expiation’ — and in particular on more than a hundred ‘prodigy notices’ found in Livy and Obsequens. Covering the fifth to the first centuries B.C., these record, usually very briefly, the nature of the prodigious event, the actions taken to expiate the divine displeasure (*procurare*), and sometimes the religious officials whose interpretation or advice had been sought.<sup>6</sup>

This article focuses on the theory and practice of Roman prodigies, as we find it paraded and debated in *De Haruspicum Responso*. I shall be concentrating on the rôle of the divine voice, both here and in the discourse of divination more generally and — prompted by recent work on divine epiphany in antiquity — I shall be trying to narrow the gap between the ‘rumbling and clattering’ as a *prodigy* and as a ‘*sonic epiphany*’.<sup>7</sup> I shall also explore the ambiguities of time and chronology highlighted in Cicero’s discussion, suggesting that the text encourages us to go beyond the usual questions so often asked about Roman divination (Was it, or was it not, a method of prediction? How far was it concerned to foretell the future?). ‘Divinatory time’ operated differently, transcending the apparently clear distinctions between past, present and future.

My discussion will reveal some significant overlaps between topics broached in *De Haruspicum Responso* and the theoretical dilemmas famously raised in *De Divinatione* (with the obvious implication that there is not such a radical distinction as is often assumed between Cicero’s public religious utterances and his private philosophical thinking<sup>8</sup>). But even more important, it will highlight overlaps between the language of religion and the language of political persuasion. I shall be suggesting that the language of Roman divination provided a way of framing other debates — political, cultural and rhetorical. When he raises the problems and uncertainties of haruspical speech, Cicero is at the same time raising crucial questions about the nature of Roman public speech in general. What are the conditions of effective or persuasive speech? In what does communication between men and men, as much as between men and gods, consist? *De Haruspicum Responso* is a speech *about speaking*, seen through the lens of the discursive practices of divination.

## II DE HARUSPICUM RESPONSO: CONTENT AND CONTEXT

The main thrust of Cicero’s argument is clear enough. After a lengthy introduction, justifying his attacks on Clodius the previous day (*Har.* 1–7), he proceeds, in the first substantive section (*Har.* 8–17), to refute the claim that the *haruspices* were indicating his own house when they referred to ‘*loca sacra* being profaned’. In the rest of the

<sup>6</sup> John North’s work is a notable exception in focusing explicitly on the divinatory issues raised by the speech, in comparison with other evidence: especially ‘Diviners and divination at Rome’, in M. Beard and J. North (eds), *Pagan Priests* (1990), 51–71 and ‘Prophet and text in the third century B.C.’, in E. Bispham and C. Smith (eds), *Religion in Archaic and Republican Rome and Italy* (2000), 92–107. I shall return to his arguments below. Otherwise, even lengthy modern accounts usually devote only a few — and those largely descriptive — pages to the speech; among the most significant of these are V. Rosenberger, *Gezähmte Götter; das Prodigienwesen der römischen Republik* (1998), 64, 80–1; S. W. Rasmussen, *Public Portents in Republican Rome* (2003), 186–91; D. Engels, *Das römische Vorzeichenwesen (753–27 v. Chr.): Quellen, Terminologie, Kommentar, historische Entwicklung* (2007), 639–42. The phrase ‘prodigy and expiation’ alludes to B. MacBain, *Prodigy and Expiation: a Study in Religion and Politics in Republican Rome*, Coll. Lat. 177 (1982), an influential discussion of prodigies — in which *De Haruspicum Responso* hardly figures.

<sup>7</sup> Particularly important are, V. Platt, *Facing the Gods: Epiphany and Representation in Graeco-Roman Art, Literature and Religion* (2011) and T. P. Wiseman, ‘Visible gods, audible gods: epiphany and the Romans’, in G. Petridou and V. Platt (eds), *Epiphany. Envisioning the Divine in the Ancient World* (forthcoming); I am very grateful to Peter Wiseman for showing me an advance copy of this article.

<sup>8</sup> Other aspects of the intersection of Ciceronian philosophy and oratory are explored in Gildenhard, *op. cit.* (n. 5).

speech he examines, in turn, various clauses from the haruspical response, interpreting them each as a reference to Clodius or his associates (including, notably, Lucius Calpurnius Piso who, as consul in 58 B.C., had supported Cicero's banishment). The 'desecrated games', he claims, indicated the disruption of the *ludi Megalenses* by Clodius' bands of slaves (*Har.* 21–9); the profanation of the 'sacred places' actually referred to shrines destroyed in the houses of Clodius and Sextus Serranus, and to a sanctuary of Diana demolished by Piso (*Har.* 30–3); the 'envoys killed' was an allusion to a murder committed by Piso in Macedonia (*Har.* 34–5); the 'secret sacrifices desecrated' and the 'oath neglected' were references to Clodius' infiltration of the Bona Dea ceremony and to the perjury of the jurymen, bribed by Clodius, at the subsequent trial (*Har.* 36–9); and, of course, the warnings about the 'dissension among the nobles' (*Har.* 40–55), 'affairs returning to the power of one man' and 'secret plans' threatening the state (*Har.* 54, 55), as well as the dangers of honouring 'men of the baser sort' (*Har.* 56–9), all referred in some way to the schemes of Clodius. Finally the warning of the *haruspices* that 'the form of the state' should not be changed was, he urged, another way of saying that Clodius should be stopped in his tracks and punished (*Har.* 60–3).

In broad terms, Cicero's case is very easy to follow. But the background to the speech, the detailed references to contemporary politics scattered throughout it and the precise chronology remain obscure. The difficulty is partly that we have no evidence for the prodigy and its handling outside the speech itself, apart from a few lines in Dio's account of 56 B.C., which are not obviously consistent with Cicero's version of events. In Dio, for example, the underground *thorubos* in Latium is only one of a longer series of more dramatic prodigies, including a temple on the Alban Mount apparently turning on its axis (most of them not mentioned by Cicero); and, though Dio does refer to a speech of Clodius pointing to Cicero's actions as the cause of divine anger, he makes no mention of Cicero's response.<sup>9</sup> But the difficulty is also to do with our very sketchy understanding of the practical procedures (and timing) of the handling of prodigies in late Republican Rome, despite numerous studies on the rôle and significance of divination at this period. The result is that there is much we do not, or cannot, now know about the speech and its context: from the precise date of its delivery (a specialist controversy of long standing) to the words of the haruspical response itself (often optimistically reconstructed from the snatches of quotation given in Cicero's text).

The original speech was certainly delivered in 56 B.C., for it refers to Gnaeus Cornelius Lentulus Marcellinus as consul and to Clodius as aedile. But when exactly? Unless there was a drastic rewriting of the final text, it must have been delivered after the Megalesian Games in early April, for Cicero was able to refer back to that event; and it is usually assumed to have been delivered before the much publicized return of Cato from Cyprus in the same year (though that assumption is based only on the fact that Cato is nowhere mentioned in the speech — and the truth is, anyway, that we do not know exactly when, between late summer and late autumn, he returned to Rome). So the likely date is somewhere during the middle months of 56 B.C., but more precise than that we cannot be. By attempting to align the speech with Dio's account, or to decode Cicero's apparent

<sup>9</sup> Dio 39.20. In a recent paper (as yet unpublished) John North has ingeniously attempted to reconcile the two accounts, rightly pointing out that the prodigies and their disputed interpretation are only incidental to Dio's main agenda in this section of his narrative. In my view, however, many difficulties remain. It is uncertain, for example, whether the speech of Clodius attacking Cicero noted by Dio is the same as that mentioned by Cicero himself. In Dio, Clodius' speech appears to have taken place *after* the series of prodigies that Cicero does not refer to. Does Cicero's silence indicate that those prodigies had not taken place, or been reported, at the time of the delivery of *De Haruspicum Responso* — so suggesting (at least) two different speeches by Clodius? Or, are Dio's prodigies in fact those briefly mentioned at *Har.* 62 ('an earthquake at Potentia and other fearful events not yet officially reported')? We do not know. But, on any reconstruction, Cicero cannot be Dio's source; and no prodigies are recorded for this year by Obsequens.

allusions to other events of the period (how far, it is often asked, does the text betray awareness of the results of the ‘Conference of Luca’, which took place in April?), some scholars have pressed the case for May 56 (early or late), others for September.<sup>10</sup> But it is a fruitless argument. Dio’s account is too imprecise in its chronology, and all attempts to pin down allusions in the speech itself are thwarted by the uncertain fit between delivery and ‘publication’, and the rewriting that took place in the gap. This may have been no more than the minor adjustments that came with retrospective knowledge of what happened next. But that would be quite enough to turn a speech originally delivered in ignorance (say) of the results of the Conference of Luca into one that seemed quite well apprised of those results. And it should also be enough to remind us that, despite the apparent chronological precision and contrived immediacy of many Ciceronian speeches (the first words of our version of *De Haruspicum Responso* are *hesterno die*), none had a single momentary date or origin, but was formed over a period of weeks or maybe months — from devising, though oral delivery (in most cases), to circulation in written form.

Similar problems make it hard to pinpoint when the prodigy (the ‘rumbling and clattering’) occurred, and when and how the haruspical response was delivered. According to the strictest logic, both the response and the prodigy itself should be dated (like the speech) to some time *after* the Megalesian Games in early April 56 B.C. For, on the face of it at least, Cicero’s explanation that the *haruspices* were referring back to those Games — and, more precisely, the suggestion that the prodigy had pointed to the disruption of the *pax deorum* caused by Clodius’ activity on that occasion — would seem implausible if the prodigy had occurred and been reported *before* the Games took place. But, as we shall see, the temporalities and the links between cause and effect in Cicero’s discussion of prodigies in *De Haruspicum Responso* are much looser than such logic might seem to demand; and the story of the prodigy itself, its first hearing, its reporting, its acceptance by the Senate, and its subsequent interpretation, may also be a much more extended one, possibly stretching back into 57 B.C.

Our uncertainties about the practicalities of prodigy-handling at this, or any other, period only make the chronology more obscure. The usual assumption is that whoever noticed a sign that might count as a prodigy (whether an underground rumbling, an hermaphroditic birth, a swarm of bees in the wrong place, or any of the many other events that might indicate divine displeasure) would be obliged to report it to a senior magistrate, who would then refer it to the Senate to decide whether or not it was a *bona fide* sign from the gods, and if so what to do about it. Sometimes the Senate would themselves decide on the course of action, sometimes they would pass it on to other specialists — (*quin*)*decemviri*, *pontifices* or Etruscan *haruspices* — for interpretation or advice; and these would then report back to the Senate with recommendations, which would themselves be discussed before the appropriate action was taken (it is one part of this extended discussion that we witness in the speech of 56 B.C.).<sup>11</sup>

But there are problems lurking beneath the surface of this apparently straightforward, text-book account. These are partly in the detail. How long, for example, did any of this take? What was the likely gap between the potentially prodigious event and its

<sup>10</sup> E. J. Courtney, ‘The date of the *De haruspicum responso*’, *Philologus* 107 (1963), 155–6; P. Willeumier and A.-M. Tupet (eds), *Cicéron, Discours XIII, 2, Sur la réponse des haruspices* (1966), 8–10; Lenaghan, *Har.*, 22–8; T. P. Wiseman, *Cinna the Poet* (1974), 159–69, especially 162–6; R. Seager, *Pompey the Great* (2nd edn, 2002), 228. The fact that Cicero seems to address Cn. Cornelius Lentulus Marcellinus as presiding consul suggests that it was delivered in an ‘odd’ month of the year.

<sup>11</sup> V. Rosenberger, in *Thesaurus Cultus et Rituum Antiquorum* III (2005), 85–8, offers one such succinct, up-to-date account; likewise in ‘Republican nobiles: controlling the *Res Publica*’, in J. Rüpke (ed.), *A Companion to Roman Religion* (2011), 292–303, especially 293. Yet more briefly, M. Beard, J. North and S. Price, *Religions of Rome* (1998), vol. 1, 37.

reporting to the Senate? How quickly and easily could the *haruspices* be summoned? And from where exactly? Would the tightest chronology suggested for 56 B.C. (packing in everything between a 'rumbling' heard in April and discussion of the haruspical interpretation in early May) have been feasible?<sup>12</sup>

There are also more fundamental problems about the whole reconstruction of the rules of prodigy-handling, and the evidence on which it is based. No ancient set of guidelines survives. Instead the supposed norms are inferred from the written accounts of individual events and interpretations (primarily, but not only, in Livy), extracting from them what appear to be common procedural elements. It is a perilous method, which almost inevitably blurs changes in those procedures over time, and (relying on the convenient alibi of Roman religious 'conservatism') probably assumes more consistency in prodigy-handling than there ever could have been. Besides, it remains an open question quite how skewed Livy's own approach — or his source material — was. What are we to make, for example, of the fact that some places in Italy appear to produce significantly more prodigies than others (outside Rome itself, Lanuvium, Tarracina, Capua and Reate head the list)? Were more prodigies actually reported from those towns? Or were there specific, local archival or antiquarian records that preserved prodigies from those places and not others? And does the fact that seven out of ten prodigies we know from Reate concern mules (whether giving birth, or being born three- or five-footed) hint at a series of copycat prodigies? Or had some Republican antiquarian actually assembled a special list of 'Reatine mule prodigies' which became incorporated into the main historical tradition? We do not know; but we have to allow that the apparently comprehensive ancient records of prodigy handling may be much more selective and partial than they seem at first sight.<sup>13</sup>

The text of the haruspical response, as quoted by Cicero in his speech, raises another aspect of the same set of problems. It has often been noticed that the response of 56 B.C., as reported, seems very different from those in the Livian retrospective accounts. Cicero's *haruspices* offer a detailed (even if frustratingly unspecific) statement of the causes of the divine displeasure behind the prodigy and issue semi-prophetic warnings for the future, though in comparison they have little to say about what remedial action is to be taken to assuage the anger of the gods beyond 'reparations (*postiliones*) for Jupiter, Saturnus, Neptune, Tellus, the Gods of the Heavens'.<sup>14</sup> Livy's *haruspices*, by contrast, offer little or nothing by way of interpretation and only occasionally prediction; instead they focus almost entirely on the *remedia*, the actions required to re-establish the *pax deorum*: *supplicationes*, sacrifices with *hostiae maiores*, the killing of the prodigious animal.<sup>15</sup> So, does Cicero's rhetoric indicate a different kind of response, or a change of divinatory practice at the end of the Republic towards a fuller and more prophetic mode of haruspical interpretation? Or are we dealing with different priorities in the recording and transmission of the divinatory process between Cicero and Livy? Certainty is impossible. But John North has argued powerfully that the conventions of the annalistic tradition, and the ideologies driving it, may be crucial factors here. The religious history of the Republic as transmitted by Livy, he argues, is 'a carefully edited

<sup>12</sup> Events at the very beginning of 56 B.C. might suggest that the religious process could on occasion move quickly. If we trust Dio (39.15.1), a thunderbolt struck the statue of Jupiter on the Alban Mount 'at the beginning of the year'; the Sibylline oracles had been consulted and a (supposedly fake) response produced by 13 January, that is, within two weeks (Cicero, *Fam.* 1.1). But this was in the hands of the *XVviri* in Rome itself, and did not involve any external consultation with the Etruscan *haruspices*.

<sup>13</sup> On the possibility of specialist prodigy collections, see E. D. Rawson, 'Prodigy lists and the use of the *Annales Maximi*', *Classical Quarterly* 31 (1971), 158–69 (Reate, p. 164); reprinted in *Roman Culture and Society* (1991), 1–15; contested by MacBain, *op. cit.* (n. 6), 14–15, with further discussion by J. North, 'Religion and politics: from Republic to Principate', *Journal of Roman Studies* 76 (1986), 251–8, especially 255.

<sup>14</sup> *Har.* 20.

<sup>15</sup> See, e.g., Livy 24.10; 32.1; 36.37.

product', which systematically excludes elements such as prophecy or divine inspiration from the record, in favour of normalized institutional activity. In other words, behind many of Livy's brief formal records of prodigies, a much more expansive haruspical response (as we find in Cicero) may lie.<sup>16</sup>

However we choose to resolve those issues, there has been broad agreement (since at least the first edition of Georg Wissowa's *Religion und Kultus* in 1902) that Cicero's quotations from the haruspical response, scattered through the speech, are both accurate and more or less complete. Hence, the disparate snatches can be excerpted and re-united, to reconstruct the words of the *haruspices* in full — as the 'one surviving example of a prophetic text, actually produced in a particular situation by the *haruspices* when consulted by the senate'.<sup>17</sup>

It runs, in Wissowa's version, as follows (retaining Cicero's indirect speech):

quod in agro Latiniensi auditus est strepitus cum fremitu, postiliones esse Iovi Saturno Neptuno Telluri dis caelestibus; ludos minus diligenter factos pollutosque, loca sacra et religiosa profana haberi, oratores contra ius fasque interfectos, fidem iusque iurandum neglectum, sacrificia vetusta occultaque minus diligenter facta pollutaque; (videndum esse) ne per optimatium discordiam dissensionemque patribus principibusque caedes periculaque creentur auxilioque divini numinis deficiantur, quare ad unius imperium res redeat exercitusque apulsus deminutioque accedat, ne occultis consiliis res publica laedatur, ne deterioribus repulsisque honos augeatur, ne reipublicae status commutetur

Because a rumbling and a clattering was heard in the *ager Latiniensis*, reparations are due to Jupiter, Saturnus, Neptunus, Tellus, the Gods of the Heavens; games have been celebrated without due care and desecrated, sacred and holy places have been profaned, envoys have been killed against law and right, faith and oath have been neglected, ancient secret sacrifices have been celebrated without due care and desecrated. (Precautions should be taken) lest through the discord of the aristocrats murders and perils should arise for senators and leaders; lest they should be lacking the aid of divine majesty to prevent affairs returning to the power of one man and the army from weakening and losing its strength; lest the state be harmed by secret plans; lest honour be increased for men of the baser sort and the rejected; lest the form of the state be changed.<sup>18</sup>

At first sight, there is a good deal that is plausibly haruspical in this reconstruction. In fact the warnings about 'dissension in the state' seem so close to some of the entries in the 'Brontoscopic calendar' (a version of an Etruscan book of thunder interpretations preserved in a Greek translation by John Lydus) that it is not implausible to imagine that they both derive from the same group of priestly books, that played such a large part in Etruscan religion: 'If it thunders, out of dissension in the state a man will arise as sole ruler and he himself will be killed, and the powerful will be destroyed with unspeakable penalties', as the calendar's entry for 25 September runs.<sup>19</sup> But this similarity is a very long way from proving that the compilation of Cicero's apparent quotations from the haruspical response amounts to something close to the text as it was delivered to the Senate (assuming, anyway, that this was in writing and not oral). Even if we were to believe Cicero's occasional insistence that he is quoting fully and

<sup>16</sup> North, op. cit. (n. 6, 2000), especially 93. For further discussion of Livy's literary treatment of prodigies, and the dangers of an uncritical reading of his accounts of chronology and procedure, see D. S. Levene, *Religion in Livy* (1993), especially 35–6; 62–9; 95–101; 104–17; Beard, North and Price, op. cit. (n. 11), vol. 1, 38–9; J. P. Davies, *Rome's Religious History: Livy, Tacitus and Ammianus on their Gods* (2004), 27–58.

<sup>17</sup> North, op. cit. (n. 6, 2000), 94. Similarly Corbeil, op. cit. (n. 5), 141, claims that 'most, if not all <of the response> can be reconstructed from his extant oration'; Rasmussen, op. cit. (n. 6), 190, only goes so far as to suggest that 'the essence' of the response 'remains intact'.

<sup>18</sup> G. Wissowa, *Religion und Kultus der Römer* (1902), 471.

<sup>19</sup> John Lydus, *De Ostentis* 30.

accurately ('haruspicum verba sunt haec omnia, nihil addo de meo' — as he says, defensively perhaps, at one point<sup>20</sup>), there is no reason to suppose that he did so consistently. And even if, as Corbeill stresses,<sup>21</sup> the orator presents himself in the speech as having to hand a written version of the response, we have no idea whether this was much more than a staged piece of oratorical showmanship. We certainly cannot assume — even supposing that the individual quotations themselves may be strictly accurate — that Cicero cited *all* the clauses of the response, or in anything like the original order. Not to mention the fact that we cannot be sure of the language of the *haruspices'* interpretation. Was it in Latin or Etruscan? And if Etruscan, how, when and by whom was it translated (into the markedly archaic Latin in which we have it)? The more these questions are faced, the more distant does the standard scissors-and-paste reconstruction of the response seem from a 'surviving example of a prophetic text'.

These questions of the chronology and context of *De Haruspicum Responso* are intriguing, potentially important for our understanding of the period and the details of its religious procedures — and, at the same time, more or less unanswerable. They have also tended to deflect attention from the speech itself and its crucial rôle in the history of Roman divination at a more fundamental level. For, in some respects, it matters very little how far Cicero was quoting the precise words of the *haruspices*, how far he had reworked for publication what he said on the occasion of its delivery, or when exactly that occasion was. The point is that — tendentious, improved, re-embellished as it might be — this is a rare surviving attempt by a member of the Roman political élite to grapple in detail, and in public, with an individual haruspical response. Both in its original oral formulation, and as the written text circulated later, the speech was a contribution to divinatory debate, an active part of the processes of divination.

It is in those terms that I explore it now, focusing initially on two major divinatory questions to which Cicero repeatedly returns, and which have important implications for the whole of the Roman divinatory process. First, what is the nature of the divine *voice* that can be heard in the prodigy (and how does that relate to the voice of the *haruspices*)? Second, what is the process of interpretation involved in making sense of the prodigy, and how far does that process operate according to the usual rules of human time, chronology, and cause and effect?

### III DIVINATORY DILEMMAS (I): VOICE

A major preoccupation of the speech is the *voice* (*vox*) of the gods. True, Cicero occasionally gestures to a written text of the haruspical response, which we may imagine him brandishing at his audience. 'Sed recitemus quid sequatur' ('Let's read what comes next'), he says at one point, as if looking down to the text in his hand.<sup>22</sup> But, despite Corbeill's insistence on writing, Cicero is throughout much more concerned with sound and with the noises emanating from the divine. This is a speech which foregrounds not only *strepitus cum fremitu* (the sound that constituted the prodigy itself), but also the *vox* of the gods themselves: 'deorum immortalium vox', 'vox ipsa deorum immortalium'.<sup>23</sup> And it raises the question about the relationship between prodigious noises and divine speech.

It is often taken for granted that Roman gods and goddesses were rather silent characters. Or at least, leaving aside their many conversations in myth and legend, their normal state in historical time was mute — opening their mouths only occasionally, in

<sup>20</sup> *Har.* 40.

<sup>21</sup> Corbeill, *op. cit.* (n. 5), 143–4.

<sup>22</sup> *Har.* 36; Clodius too is represented as reading the response from a written text, *Har.* 9.

<sup>23</sup> *Har.* 63; 62.



emergencies, to warn the Romans of impending danger, whether in the form of an auditory prodigy or a direct address. As one leading historian of Roman religion has recently insisted, 'Roman gods did not speak to priests or magistrates in the course of ritual action, and very, very rarely outside it. As far as state cult was concerned, verbal communication from the gods was more or less restricted to the enigmatic prophecies in Greek verse contained in the officially sanctioned Sibylline Books'.<sup>24</sup> This is an over-simplification. While it is true that they most often spoke in times of trouble, or to warn of a rupture in the *pax deorum*, they could sometimes be heard on other occasions too. A classic case of this occurred in the 480s B.C. when a divine voice was heard from a statue of Fortuna Muliebris, which had been dedicated by the matrons of Rome. It spoke in support of the women's action: 'In accordance with divine will, matrons, you have given me, and in accordance with divine will you have dedicated me.'<sup>25</sup>

There was, in fact, a wide spectrum of divine noise. At one end is the extraordinary limit case represented by Aius Locutius (or Loquens), that is 'Speaker Sayer', a god defined — as his name suggests — by his voice alone. Just before the attack of the Gauls, words were heard in the city ('clearer than human') warning of an imminent attack. Although they were ignored at the time, after they had finally recovered from the Gallic invasion that did of course follow the warning, the Romans built a shrine to 'Speaker Sayer' — a reminder surely of the gods' capacity to speak to the human world.<sup>26</sup> A similar capacity is suggested in the title of Juno Moneta 'the warner' — as some ancient aetiologies make explicit. One, in particular, refers to a voice coming out of Juno's temple after an earthquake, urging the sacrifice of a pregnant sow as an expiation; and another story has the statue of Juno Moneta captured by the Romans at Veii actually speaking to the Roman soldiers to indicate her willingness to be taken to Rome.<sup>27</sup>

Towards the other end of the spectrum are the large numbers of recorded prodigies that were in some way auditory events. The 'rumbling and clattering' that became the focus of debate in 56 B.C. is only one of a series of such prodigious noises: *fremitus* again in 106, 100, 99, 97, 92 and 76 B.C.; *strepitus* in 200 and in 204 B.C.; and 'a clashing of arms' ('arma concrepuisse') in 213 B.C.<sup>28</sup> And the lists include an even wider range of strange forms of speech: a rich variety of speaking animals (including one ox, which uttered the words 'Rome, be on your guard' — 'Roma cave tibi'), and some preternaturally young human vocalists (including a foetus crying 'io triumpe' *in utero*).<sup>29</sup> Some historical linguists would even go so far as to argue that prodigies were, in origin, defined as *enunciations*: on this view, the word *prodigium* is a version of *prod-agium*, which ultimately derives from *prod* and *aio*, 'speak out' (as in *Aius Locutius*).<sup>30</sup>

<sup>24</sup> C. Ando, *The Matter of the Gods: Religion and the Roman Empire* (2008), 125; the Roman gods — in historical time at least — are only slightly more voluble for J. Scheid, 'La parole des dieux. L'originalité du dialogue des Romains avec leurs dieux', *Opus* 6–7 (1987–89), 125–36 and A. Dubourdieu, 'Paroles des dieux', in F. Dupont (ed.), *Paroles romaines* (nd <1995>), 45–51.

<sup>25</sup> Dionysius of Halicarnassus, *Rom. Ant.* 8.55–6; Valerius Maximus 1.8.4; Plutarch, *Cor.* 37–8; see C. E. Schultz, *Woman's Religious Activity in the Roman Republic* (2006), 38–44. Wiseman, op. cit. (n. 7), offers useful observations on this and several of the divine voices that I discuss here.

<sup>26</sup> This account is drawn from Livy 5.32; 5.50; 5.52; a similar version is found in Cicero, *Div.* 1.101; 2.69. Also underlying this account is a clash between the individual non-élite citizen and the religious authorities of the state; the man who reported the voice, Marcus Caedicius ('Disaster Teller') was ignored in part because of his lowly rank (Beard, *North and Price*, op. cit. (n. 11), vol. 2, 42–3).

<sup>27</sup> Cicero, *Div.* 1.101; 2.69; Valerius Maximus 1.8.3.

<sup>28</sup> *Obsequens* 41; 45; 46; 48; 53; 59; Livy 31.12; 29.14 ('cum horrendo fragore'); 24.44. As Greg Woolf reminded me, the portents on the death of Caesar evoked by Virgil at the end of the first *Georgic* include some striking noises: 'armorum sonitum toto Germania caelo/ audit' (ll. 474–5); 'vox quoque per lucos vulgo exaudita silentis/ ingens' (ll. 476–7).

<sup>29</sup> Livy 35.21; 24.10.

<sup>30</sup> Such is my crude summary of E. Benveniste, *Indo-European Language and Society* (1973), 512–13.

The question is, of course, how many of these sounds were perceived as a divine voice — in what sense, or how directly. Aius Locutius himself was clearly more than that: not so much the voice of a god, but a god *as voice* (though Cicero could wonder — provocatively — in *De Divinatione* why, if so, he had only chosen to speak once<sup>31</sup>). Others were clearly nothing of the sort, but rather second-order forms of noise, which might indicate the will or views of the god, but were not usually equated with any audible divine speech. So, for example, one alternative Roman explanation of the title of Juno Moneta referred instead to the noise made by Juno's sacred geese on the Capitoline hill — cackling and flapping their wings — to warn of enemy attack.<sup>32</sup> This was not, in other words, Juno speaking directly, but rather communicating through the noise of her sacred birds. She was ultimately responsible for the sound, but did not make it herself. Most auditory prodigies too were apparently of this type, and, as such, they required expert interpretation. But the categories were far less clear-cut than these examples might suggest.

Surviving literary accounts hint at the Roman controversies about the nature of these various sounds and their relationship with the gods. Sometimes, the issue appears to be the familiar question of authenticity: was it a god speaking or a human impersonation? This is emphasized in Dionysius' account of the speaking statue of Fortuna Muliebris. He claims that — 'as generally happens with strange voices and sights' — the women present at first assumed that it was actually 'a human voice', until it happened again 'and even louder, so there could be no doubt'.<sup>33</sup> In other cases, we can tentatively reconstruct rival explanations of the sound in question. It is striking, for example, that the 'warning' referenced in the title of Juno Moneta is interpreted in significantly different ways in the various different ancient aetiologies: in one it is the voice of the goddess in the shape of her statue, in another it emerges, disembodied, from her temple, in the third it is the noise made by (or through) Juno's sacred geese.

Ancient descriptions of the origins and impact of these sounds also challenge the firm boundaries, often assumed within modern scholarship, between different categories of divine intervention in the world. In particular, they challenge the boundaries between epiphany and prodigy — that is between the appearance of a deity in the human world (usually visually, but also, as Peter Wiseman stresses, sonically<sup>34</sup>), and the appearance of a divine *sign*. Take, for example, the speaking statue of Fortuna Muliebris. Though very similar to a number of auditory prodigies, it is explicitly termed an epiphany (*epiphaneia*) by Dionysius.<sup>35</sup> Conversely, the disembodied voice of Juno emerging from her temple, in recommending the fulfillment of a particular ritual (on this occasion, the sacrifice of a pregnant sow), gave the kind of advice usually given by the priestly interpreters of a prodigy; in fact, it is almost as if the voice of the goddess was offering an interpretation both of the earthquake *and* of itself.<sup>36</sup> Even within the annalistic lists of prodigies, some sounds seem much closer approximations to the direct speech of the gods than others — most notably the words spoken by the talking animals. When in 192 B.C. the ox told the Romans to 'be on your guard', who was thought to be speaking? Was it a god, the ox, or a god through the medium of the ox? The usual priestly recommendations following a prodigy of this type suggest that these animals

<sup>31</sup> *Div.* 2.69.

<sup>32</sup> Livy 5.47; Dionysius of Halicarnassus, *Rom. Ant.* 13.7–8. The myth and history of this incident is discussed by N. Horsfall, 'From history to legend: M. Manlius and the geese', *Classical Journal* 76 (1979–80), 298–311; A. Ziolkowski, 'Between geese and the *auguraculum*: the origin of the cult of Juno Moneta on the Arx', *Classical Philology* 88 (1993), 206–19.

<sup>33</sup> *Rom. Ant.* 8.56.3.

<sup>34</sup> *op. cit.* (n. 7).

<sup>35</sup> *Rom. Ant.* 8.56.1.

<sup>36</sup> It is treated straightforwardly as a prodigy by Engels, *op. cit.* (n. 6), 719.

were deemed to be — at the very least — conduits of divine speech. While hermaphrodites and other irregular births were destroyed, these talking animals — far from being treated as monstrous — were kept and cared for at state expense.<sup>37</sup>

Walter Burkert recently observed that: ‘Divination may be described as a quest for epiphany beneath a misty surface’, and Verity Platt, in a book almost exclusively concerned with visual forms of epiphany, has noted that ‘manifestations of divinity often ... have much in common with other forms of sacred semiosis, including oracles and portents’.<sup>38</sup> It has been rare, however, for students of Roman divination to face the challenges of meaning and interpretation that have been so intensely debated by students of ancient epiphany: how the divine presence is recognized, how it can be represented, indeed what counts as an epiphany rather than an image of a god. It is, however these ‘cognitive and hermeneutic dilemmas’ (in Platt’s words<sup>39</sup>) that Roman discussions of divine sounds — and especially Cicero’s contribution to the haruspical debate of 56 B.C. — insistently raise.

What was the noise heard? Who was speaking in, or through, the prodigy? And how did the ‘rumbling’ relate to the gods? In the course of *De Haruspicum Responso* these questions are raised — and answered — in several, significantly different ways. Cicero’s shifts were no doubt driven in part by the constraints and convenience of his attack on Clodius, and he is bound to have adjusted the tone and language in which he discussed the prodigy to match the changes in the rhetorical ‘intensity’ of the speech, from the high-flown to the more mundane. The fact remains, however, that there were clearly alternative ways in which ‘strepitus cum fremitu’ could be understood: ranging from the direct communication from the gods, erupting into the human world, to a second order divine sign in need of haruspical interpretation.

In some passages of the speech, Cicero boldly claims that the rumbling was nothing short of the actual voice of the gods: do not imagine, he says in his peroration, ‘as you often see in plays, that a god can come down from heaven, mingle with human beings, wander over the earth and hold a conversation with humanity’.<sup>40</sup> That is not how the gods talk to mortals. Instead their speech is heard in such sounds as that reported by the Latinienses, and in the recent dreadful earthquake not yet officially notified to the Senate. That is ‘the voice of the immortal gods ... almost a speech’ (*deorum immortalium vox ... paene oratio*). Elsewhere, when he first introduces the prodigy and its contested interpretation, he refers to it as ‘a warning spoken almost by Jupiter Optimus Maximus’ (*prope iam voce Iovis optimi maximi praemoneri*). The gods may not be speaking human language, but they are directly communicating with men through these sounds; or they ‘almost’ are.<sup>41</sup>

That ‘almost’ (*paene, prope*) may be an acknowledgement of metaphor, or perhaps a gesture to consistency. For in other parts of the speech, the sound is differently presented. At one point we are encouraged to think of it still as directly emanating from the gods, but as *noise* rather than *voice*. In discussing the disruption of the Megalesian Games by Clodius,<sup>42</sup> Cicero conjures up the image of Magna Mater herself, angry at the disturbance of her sacred festival. The rumbling, he suggests, is the noise made by the

<sup>37</sup> e.g. Livy 35.21; 41.13; Obsequens 27.

<sup>38</sup> W. Burkert, ‘Signs, commands and knowledge: ancient divination between enigma and epiphany’, in S. Iles Johnston and P. T. Struck, *Mantikê: Studies in Ancient Divination* (2005), 29–49 (quote, p. 36); Platt, op. cit. (n. 7), 10.

<sup>39</sup> op. cit. (n. 7), 9.

<sup>40</sup> *Har.* 62.

<sup>41</sup> *Har.* 63; 10. Similarly *Har.* 25: ‘Pro di immortales! qui magis nobiscum loqui possetis, si essetis vorsareminique nobiscum? ludos esse pollutos significastis ac plane dicitis.’

<sup>42</sup> This (otherwise unattested) incident and its chronology is discussed by Lenaghan, *Har.*, 114–17 and Wiseman, op. cit. (n. 10), who cuts Cicero’s rhetoric down to size, and dissects the precise topography of these events. See also M. R. Salzman, ‘Cicero, the Megalenses, and the defense of Caelius’, *American Journal of Philology* 103 (1982), 299–304, especially 303–4; W. J. Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (1999), 211–12. Despite some confident claims to the contrary, the exact timetable of the Megalesia at this period is unknown.

goddess as she ranges through the countryside: 'she, I insist, wanders through the fields and woodlands, with a strange rumbling and clattering' ('cum quodam strepitu fremituque').<sup>43</sup> And elsewhere he directly raises the question of the authorship and origin of the response itself. Are we dealing, as the logic of the haruspical procedures must suggest, with an auditory sign interpreted and given meaning by haruspical skill? Or is the haruspical response itself a message from the gods. 'Who is speaking these words?' Cicero asks. 'The *haruspices* or the gods of our fatherland and our households?' ('haruspices haec loquuntur an patrii penatesque di?').<sup>44</sup>

There is little point in asking what Cicero or his audience thought the rumbling 'really' was, or where it 'really' originated. Much more important is that the speech highlights the 'hermeneutic dilemmas' posed by a prodigy of this type, and places those dilemmas centre-stage. However institutionalized the practice of reporting, interpretation and expiation of such prodigious events may have been (probably a good deal less institutionalized than modern handbooks suggest), here we see those institutional aspects of Roman religious procedure counterbalanced by a series of shifting uncertainties as to the very nature and significance of the noise in question. In fact, in the course of a few pages, Cicero's speech reflects that range of interpretative options implied by the different aetiologies of the title Juno Moneta, and the different types of divine 'warning' to which they point — from divine voice to encoded sign. Far from a regime of divine silence, how the gods talked to humans (or which noises in the world derived from the gods, and how) was a significant issue in public Roman religious debate.

#### IV DIVINATORY DILEMMAS (2): INTERPRETATION AND TIME

In *De Haruspicum Responso* questions about the nature and origin of the prodigious sound are inextricably bound up with questions about the nature of the interpretative process. Who is doing the interpretation? How? And what are they interpreting? Throughout the speech, the rôles and functions of the participants in this particular religious conversation (the gods, the *haruspices* and the Roman élite citizens) are repeatedly differently configured, with different implications for how we might understand the basic principles of prodigy interpretation.

Formally, the speech confirms the standard, two-stage, linear model of the interpretation of Roman prodigies: first the *haruspices* offered an interpretation of the prodigy (as it has been reported to them by the Senate); then, secondly, it was the task of the Senate to interpret that interpretation, and to decide what, if any, expiatory action should be taken. In fact, Cicero's words are an integral part of the second stage, in their attempt to present a convincing reading of the enigmatic words of the *haruspices*, and to undermine the reading of his rival.<sup>45</sup> But there is more to it than that. For Cicero is hinting also at divergent ways of understanding the very nature of the interpretative process — both querying the relationship between *haruspices* and Senate, and effacing the distance between the prodigy and what it portended.

These various alternatives in part stem from the different views on the character of the noise itself. If, for example, the prodigious noise were thought to be the actual voice of the gods speaking directly to the human world, then the interpretative rôle of the *haruspices* would necessarily be much reduced — to, at most, a translator of the divine message. Indeed, at

<sup>43</sup> *Har.* 24.

<sup>44</sup> *Har.* 37.

<sup>45</sup> Or, as Beard, North and Price stress (op. cit. (n. 11), vol. 1, 138), 'when both Clodius and Cicero claimed as correct their own, partisan, interpretation of the prodigy, each was effectively attempting to establish his own position as the privileged interpreter of the will of the gods'.

one point, Cicero flirts with the idea that the intermediary rôle of the *haruspices* between humans and the gods could be dispensed with altogether. ‘Surely we can be our own *haruspices*?’ (‘nos nonne haruspices esse possumus?’).<sup>46</sup> This is, of course, as both Corbeill and Gildenhard see it, a massive claim to political and religious authority on Cicero’s part;<sup>47</sup> but it is also a significant re-alignment of the processes and personnel of interpretation.

The speech includes, however, other, more nuanced variants on the standard model. In one particularly striking passage Cicero comes close to making the whole interpretative process redundant, by conflating the prodigy itself with the disasters it heralded (a conflation, in our terms, of signifier and signified). He was already pointing in this direction in his brief discussion of Magna Mater and his suggestion that the rumbling and clattering was not merely a sign of divine presence (or anger), but that it was literally the noise made by the present god. And in the same section of the speech he likewise short-circuits the processes of prodigy handling and interpretation, by implicitly merging the noise (*fremitus*) that constituted the prodigy with its formal announcement, as a prodigy, to the Senate: ‘dubitabimus quos ille fremitus nuntiet ludos esse pollutos?’ (‘shall we have any doubt what games the clattering declares have been desecrated?’). The key word here is *nuntiet*, which is regularly used for the formal announcement or declaration of the prodigy. So this apparently simple sentence turns the prodigious noise into the official reporter of itself — and, indeed, imagines it offering its own (self-) interpretation (‘that games have been desecrated’).<sup>48</sup>

Just a few lines later, he goes further in explicitly identifying the prodigy with what it was supposed to portend. Still on the subject of the disruption of the Megalesian Games by Clodius’ slave gangs, he likens them to a swarm of bees invading the stage:

In fact, if it were perhaps a case of a swarm of bees, the *haruspices* would warn us, on the basis of their Etruscan books, to beware our slave population. So, supposing we were to take precautions against something that is indicated by a distinct and separate prodigy — surely we are terrified when the portent is itself what it portends, and when the danger lies in the very thing by which it is heralded (*id cum ipsum sibi monstrum est, et cum in eo ipso periculum est ex quo periculum portenditur, non pertimescemus*).<sup>49</sup>

Cicero’s basic point here is that the gravest prodigies transcend the system of signification implied by the standard forms of interpretation (in which, as he puts it, a swarm of bees might be taken to portend a slave invasion). Here the invasion of the slaves is presented simultaneously as a prodigy and as the very danger of which the prodigy warned. Gildenhard rightly sees this as a closure of ‘the vital temporal gap between “alarm” and “disaster”, which afforded the Roman community a decisive window of opportunity to re-establish proper relations with the gods’.<sup>50</sup> But it goes beyond that, for it amounts to a total collapse of the prodigy into its interpretation, and vice versa. This is more than just a clever Ciceronian rhetorical conceit. In fact, it gestures — significantly in my view — to a kind of self-referentiality which is found elsewhere in Roman religious discourse and practice (and which, one might argue, is part of what makes religious claims distinctively ‘religious’). So, for example, a similar self-referential logic underlay the interpretation of the entrails of sacrificial victims: the animal was both an offering to the gods, and simultaneously the interpretative device through which the success — or otherwise — of

<sup>46</sup> *Har.* 20. Later (*Har.* 56) he similarly appears to dispense with the intermediary rôle of the *haruspices*, suggesting that, grateful as they must be for the warning given, the *populus Romanus* has already taken action against Clodius ‘sua sponte’; though contrast *Har.* 61, where the warnings of *haruspices* supplement or replace human debate.

<sup>47</sup> Corbeill, *op. cit.* (n. 5), 151; Gildenhard, *op. cit.* (n. 5), 338.

<sup>48</sup> *Har.* 23; my argument here is indebted to Corbeill, *op. cit.* (n. 5), 152.

<sup>49</sup> *Har.* 25–6

<sup>50</sup> Gildenhard, *op. cit.* (n. 5), 327.

that offering was judged. Or, as Jorg Rüpke has aptly observed, 'the sacrificial victim, itself already a medium of "vertical communication" <sc. with the gods>, was re-staged as a meta-indication of the success or failure of the initial transaction'.<sup>51</sup>

The question of these disrupted Games highlights yet further paradoxes — of time, chronology and the principles of cause and effect — embedded in the processes of prodigy interpretation. The question of how far, or in what aspects, Roman divination in general was a medium of prediction and prophecy has long been controversial. Some scholars have stressed insistently that most official practices of divination at Rome were not concerned with the future (but strictly with establishing the present will of the gods). Others have argued, equally insistently, for a predictive element in at least some forms of divination; David Engels, for example, included *Zukunftsbezug* as one of his five aspects of a general definition of a prodigy.<sup>52</sup> *De Haruspicum Responso* could be used to support both sides of this debate. Certainly many of Cicero's quotations from the response itself are firmly backward-looking, interpreting the prodigy as referring to past disruptions of the *pax deorum*. But it does also include predictive warnings — much on the lines of Cicero's imaginary haruspical interpretation of the swarm of bees, as a prediction of future slave disturbances. This ambivalence, along with the apparent temporal illogicality of some parts of *De Haruspicum Responso*, may help us to transcend the simple, 'common-sense' opposition between the predictive and non-predictive, and to recognize that the system of prodigies was founded on different principles of temporality and causation.

We get a hint of the complex intertwining of cause and effect in the passage I have just quoted, in which Cicero treats this slave riot at the Megalesia as both a prodigy and its referent. In the headline logic of what was going on in 56 B.C., it was neither. In fact, on Cicero's interpretation of the haruspical response, the riot was the disturbance to which the 'rumbling and clattering' — the prodigy that was under investigation — pointed. But in the hypothetical world of multiple interpretations conjured up by the speech, we must imagine a complex set of overlapping relationships between prodigies and their referents: the riot is both a prodigy which signals itself, and is the disruption of the *pax deorum* signalled by the prodigious noise in the *ager Latiensis*.

There are, however, other more intriguing disjunctions in Cicero's treatment of the Megalesian Games. I noted earlier that the simplest chronology of prodigy and interpretation would demand that the haruspical response and the rumbling itself both followed the Games, since on Cicero's interpretation they referred *back* — as the past tense of the quoted response echoes — to the riots supposedly orchestrated by Clodius. But the way in which Cicero refers to the temporalities of these events does not always fit easily with that simple chronology. One passage has been particularly controversial:

But to return to these responses of the *haruspices*, of which the first one is about the games, who is there who would not admit that it is a prediction and an interpretation (*praedictum et responsum*) which refers entirely to his games.<sup>53</sup>

<sup>51</sup> J. Rüpke, *Religion of the Romans* (2007), 228.

<sup>52</sup> Engels, op. cit. (n. 6), 43–7. On different sides of this complex debate, see (e.g.): Rosenberger, op. cit. (n. 11, 2011), 296 ('Prodigies did not foretell future disaster'); likewise Scheid, op. cit. (n. 24), 127 (on Cicero's intention (at *Div.* 2.71ff.) 'de montrer que les auspices ne servent pas à prédire l'avenir'); conversely, J. Linderski, 'Cicero and Roman divination', *La Parola del Passato* 37 (1982–83), 12–38, repr. in Linderski, *Roman Questions* (1995), 458–84 (*auspicia* as 'qualified prediction'); for Levene, op. cit. (n. 16), 4–5 'the events they <sc. prodigies> foretold were only conditional' — though he sees the prodigy discussed in *Har.* as an exception, alluding 'to an inevitable future'. A. Wallace-Hadrill, *Rome's Cultural Revolution* (2008), 251–2 succinctly summarizes the argument that predictive elements became more important in the first century B.C.; but see the careful qualifications of North, op. cit. (n. 6, 2000). For ancient discussion, note Cicero's definition of divination at *Div.* 1.5.9 as *praedictio atque praesensio* 'of those things which are thought to happen by chance' (apparently equating Roman divination with Greek *mantikê*); and Festus 254L.

<sup>53</sup> *Har.* 29.

As Lenaghan summed it up, ‘*praedictum*: this is troublesome’.<sup>54</sup> For how could the *haruspices* have made a ‘prediction’ about the Megalesian Games, if they had taken place before the haruspical response? There have been various drastic ways of explaining this problem away. For earlier generations the glaring illogicality provided yet another indication that the speech was not genuine. How could Cicero himself have made such a howler? Or, as F. A. Wolf put it, you could not *predict* events that were ‘non *futura sed facta* dudum’.<sup>55</sup> More recently the chronological awkwardness has been sufficient reason for some critics to emend the text. Ted Courtney, for example, thought it ‘obvious to alter to *praedicatum*’ (from *praedicare*, ‘to proclaim’, rather than *praedicere*, ‘to predict’).<sup>56</sup> But there are other, more persuasive ways of thinking through this problem. One is to return to the issue of the detailed historical chronology behind the speech and to the possible tendentiousness of Cicero’s interpretation. The prestige of Cicero, combined with the simple fact that his speech has survived (whereas Clodius’ has not), lends his interpretation plausibility — perhaps more than it deserves. But it is not impossible that he was flying a kite; that he was so keen to link Clodius to the ‘desecrated games’ that he homed in on the Megalesian Games despite the fact that they had been held *after* the noise had been heard and, perhaps, after the haruspical interpretation was given.<sup>57</sup> Maybe, for that reason, he contrived an intentional blurring between future prediction and past events, and fudged the causal connections between prodigy and referent. We cannot possibly know.

But in *De Haruspicum Responso* we are not merely dealing with a single self-serving disruption in logical and chronological order. In my view, the more important factor underlying Cicero’s repeated shifts and inconsistencies is the distinctive temporality of divinatory time. In the conclusion of her recent study of prodigies in Republican Rome, Susanne Rasmussen briefly reflected on the relationship between the theory and practice of Roman prodigy handling and ideas of time. Attempting to move beyond the old puzzle of how far it was, or was not, an institutionalized method of prediction, she argued that part of the function of the divinatory process was ‘melding the past, present and future into one continuous entity’. ‘In this particular context’, she went on, ‘the equation “past = present = future” characterizes the unique temporal perception in the religious sphere surrounding Roman observation and interpretation of portents.’<sup>58</sup> She does not refer directly to *De Haruspicum Responso* at this point, but Cicero’s words in the speech certainly point in a similar direction, encouraging us — by their very inconsistencies — to recognize, and reflect on, the peculiar chronologies of divinatory time, which do not obey the temporal rules of the day-to-day human world. His apparently puzzling treatment of (especially) the Megalesian Games suggests that prodigy interpretation could, paradoxically, amount to exactly what Wolf deemed impossible: a *prediction of the past*. It is a paradox matched by that self-referential religious logic which enabled a prodigy to refer *to itself*.

#### V POLITICAL SPEECH, DIVINATORY SPEECH

In the course of the lengthy introduction to the speech, before he has broached the issue of the prodigy and the haruspical response, Cicero attacks two of the main associates of

<sup>54</sup> Lenaghan, *Har.*, 139

<sup>55</sup> *M. Tulli Ciceronis quae vulgo feruntur Orationes Quattuor* (1801), 349.

<sup>56</sup> E. Courtney, ‘Notes on Cicero’, *Classical Review* ns 10 (1960), 95–9, at 97.

<sup>57</sup> This is the implication of, for example, Wiseman’s chronology of events in 56 B.C., *op. cit.* (n. 10).

<sup>58</sup> Rasmussen, *op. cit.* (n. 6), 241–4 (quote, p. 244).

Clodius: Piso and Gabinius. After a lurid account of the destruction they had wreaked in the city (notably on Cicero's house), he continues:

With these furies and firebrands, with these — yes — deathly prodigies (*exitiosis prodigiis*), with these plagues — you might almost say — upon this empire of ours, I insist I have undertaken an unexpiable war (*bellum ... inexpiabile*).<sup>59</sup>

We are accustomed to think of such phrases — 'exitiosa prodigia' or 'bellum inexpiabile' (whatever *exactly* that means) — as political metaphors, perhaps merely the highly coloured rhetoric of invective. And indeed they occur often enough in Cicero's speeches, notably to refer to this pair of 'monsters', Piso and Gabinius, who had colluded with Clodius in the exile of Cicero.<sup>60</sup> That is true, up to a point. But here those 'metaphors' are being used in a particularly loaded context. For in this case Piso and Gabinius are being cast as prodigies (presumably, like the slaves at the Megalesia, prodigies of *themselves*) in a speech that is principally concerned with the interpretation of a prodigy; and Cicero's war against them is presented as being *inexpiabile* in a speech whose ultimate aim is the expiation of the prodigy under discussion.

One way of explaining this — rather than explaining it *away* as metaphor — is to see it as an aspect of that overlap between Roman religion and politics on which every modern handbook now insists. These expressions, in other words, are a typical instance of the presentation of Roman politics in religious terms (or vice versa). Again that must be partly true. But it still overlooks the consistently divinatory frame that structures the whole of this speech and determines the language of even those parts which are not specifically concerned with the prodigy and its interpretation. In fact throughout *De Haruspicum Responso* we find a slippage between divination (as a discursive form as well as a religious practice) and other areas of the Roman political and cultural economy. And the question of the voice of the gods and the problems of its interpretation point also to crucial questions about public, political speech in Rome more generally. It is in part, I suspect, because most modern readers of *De Haruspicum Responso* have failed to spot this, or to give it enough weight, that they have found the speech in general so unengaging.

*De Haruspicum Responso*, as I have already observed, repeatedly returns to questions of voice (*vox*): the voice of the gods, the voice of the *haruspices* — and the voice of Cicero, the orator. Time and again, Cicero parades his own rôle as the voice of the speech in the Senate, sometimes contrasting the power of his own spoken words to the silence or incomprehensibility of Clodius ('... just as yesterday, when I was on my feet and he threatened me silently (*tacens*), with my words (*voce*) I cowed him, in my first reference to the laws and the court'<sup>61</sup>). But even more than that, he repeatedly uses the prodigy, along with haruspical speech and its interpretation, as a model for the spoken voices to be heard in the Senate, and in political discussions more generally. One clear example of this is a description of what seems, at first sight, a fairly standard session of senatorial banter.<sup>62</sup> Taking us back to the Senate's meeting on the previous day, Cicero refers to someone muttering under their breath ('vidi enim hesterno die quendam murmurantem'), and to the to-ing and fro-ing of question and answer that followed. What was the man saying? What did it really mean? What was the appropriate response? A typical vignette of senatorial hurly burly, it may be. But at the same time, its themes and language insistently echo the haruspical procedures that are the context

<sup>59</sup> *Har.* 4.

<sup>60</sup> See, e.g., Cicero, *Prov. Cons* 2; *Sest.* 38.

<sup>61</sup> *Har.* 7. The noun *vox* occurs fifteen times in the course of this short speech.

<sup>62</sup> *Har.* 17–18.



of the speech as a whole. Cicero starts here from an indistinct noise (*murmur/fremitus*), and moves into a string of possible interpretations, repeatedly seen in terms of 'response'. And as if to underline the echo between divinatory practice and senatorial debate, he uses the verb *respondere* six times in the course of this description of senatorial goings-on — and picks it up again in the very next paragraph, which returns explicitly to 'the importance of the religious prodigy and the solemnity of the *haruspical response*' ('magnitudine ostenti et gravitate responsi'). Enigmas, answers, responses and interpretations are, he suggests, at the centre of *both* political *and* religious discussion.

These echoes are even more striking, however, in the opening paragraphs of the speech. This opening has, I suspect, a good deal to do with the general unpopularity of the text as a whole for modern readers. For we start *in media re* with a reference to yesterday's debate on some dispute about tax-farming. This hardly seems to have anything to do with the main issue of the speech — the prodigy and its response — which is not introduced for another several pages of the printed text:

Yesterday, gentlemen, since both the dignity of the senate and group of Roman knights whom you were allowing into your presence had so greatly moved me (*commosset*), I considered it my duty to stamp on the shameless impudence of Publius Clodius. For he was holding up the business about the tax-farmers with a series of frivolous questions, he was weighing in on behalf of that Syrian, Publius Tullio, and under your very eyes he was displaying his wares to the man he had sold himself to, body and soul. So I stopped this man in his tracks, ranting and raving as he was, by threatening him with legal action. In fact, I had only spoken two words (*duobus inceptis verbis*) when I checked the whole mad outburst of that gladiator. But, nonetheless, unaware of the character of our consuls, pale and seething, he suddenly threw himself out of the senate house, with some broken and empty threats (*fractis iam atque inanibus minis*) as he went, calling down upon us the terrors of the regime of Piso and Gabinius. When I had started to follow him as he left, I was immensely gratified to see you all rising from your seats and the tax-farmers escorting me. But suddenly, quite beside himself, without that usual look of his, pale and speechless (*sine voce*) he stepped in his tracks.<sup>63</sup>

Unappealing as this opening might seem at first sight, it dramatically introduces several of the key themes of the oration as a whole. For Cicero's emphasis straightaway is on issues of speech (and silence), of comprehensibility and interpretation. He himself, he claims, needs only two words to silence his rival; Clodius jabbars incomprehensibly (as incomprehensibly as a prodigy, one might imagine), until he ends up silent (*sine voce*). This is a war of the spoken word, a war of voices — which is precisely what *De Haruspicum Responso*, in a number of different ways, is all about. Most loaded of all perhaps is the single term *commosset*, which Cicero uses at the very start for the persuasive force of the Senate and of the group of *equites* who have obviously been invited to the senatorial proceedings. We discover only later what a significant term that is in the speech as a whole. For *commovere* is the key word used for the compelling, persuasive effect of the *haruspical response* — as for example, towards the end of Cicero's peroration:

My words have perhaps been too many; but the opinions (*sententiae*) they express are those of the *haruspices* to whom reported prodigies should not be referred at all unless we are prepared to accept the obligation to be moved (*commoveri*) by their responses.<sup>64</sup>

These few lines look back briefly to many of the complex issues that have already been raised in the course of the speech, including the unfathomable question of the

<sup>63</sup> *Har.* 1–2.

<sup>64</sup> *Har.* 61; for *commovere* or *movere*, in the context of the response, see also *Har.* 18; 25; 31.

relationship between Cicero's interpretation and the message of the *haruspices* (whose *sententiae* are we actually hearing? Cicero's, the *haruspices*', or the gods'?). But perhaps even more important the speech ends as it began by reflecting on persuasion, and on what has the capacity to influence (*commovere*) political action — from the words of the *haruspices*' interpretation to the dignity of the Senate.

*De Haruspicum Responso* does more than illustrate the close interrelationship of religion and politics. It presents the principles and practices of divination as a way of understanding and modelling political speech and behaviour.

#### VI CODA: DISCOURSE AND DEBATE IN ROMAN PRODIGIES

Only just below the surface of his blustering attack on Clodius, we find Cicero raising crucial questions about the nature of divine communication in the human world. Is it direct or coded? Who has the authority or capacity to interpret the divine voice? Is interpretation necessary? And what, as Cicero broaches at one point,<sup>65</sup> is the relationship between the signs from the divine and the voice of their human interpreters? In fact, do gods have a voice, and, if so, where does it come from?

Whatever differences there are in rhetorical style between public oration and philosophical dialogue, these questions about divination overlap closely with those insistently raised in Cicero's *De Divinatione*. The guiding issue in that dialogue is not, as John Scheid has rightly stressed, whether divination 'exists', but how far it is a merely human practice in which the gods themselves have no rôle to play.<sup>66</sup> And in the course of his staged debate, Cicero focuses on several of the same problems of interpretation — on, for example, the difference between prophecy and human conjecture, and on the contested nature of the divine voice (including Aius Locutius and Juno Moneta).<sup>67</sup> Far from being concerned with entirely different issues, from an entirely different standpoint (with all the questions about Ciceronian scepticism and sincerity which that entails), in this case speech and dialogue in fact share a broadly similar intellectual agenda. In many ways, modern scholars (myself included) have been too keen to seek out, and to explain, the divergences between the religious content of Cicero's speeches and of his philosophical works, rather than looking for the significant areas of overlap.<sup>68</sup>

The celebration of just that overlap has been one major achievement of Ingo Gildenhard's recent book *Creative Eloquence*. He has exposed the radically intellectual and Hellenizing themes that run through Cicero's corpus of speeches, including *De Haruspicum Responso* (where he points to, among other aspects, the self-consciously

<sup>65</sup> *Har.* 18.

<sup>66</sup> *op. cit.* (n. 24), 128; this point is broadly reflected by D. Lehoux, *What Did the Romans Know? An Inquiry into Science and Worldmaking* (2012), 37.

<sup>67</sup> e.g. *Div.* 2.12 (prophecy vs conjecture); 2.54 (the necessity of interpretation of divine warnings).

<sup>68</sup> I am referring here even to some of the most sophisticated recent studies. For example, D. Feeney's stress on 'brain-balkanization' — in *Literature and Religion at Rome: Cultures, Contexts and Beliefs* (1998), drawing on P. Veyne's discussion of 'balkanisation des cerveaux' in *Les Grecs ont-ils cru à leurs mythes?* (1983) — has been very influential; and usefully so. But, with its stress, as Feeney puts it (p. 14), on the Greek and Roman capacity 'to entertain different kinds of assent and criteria of judgement in different contexts, in ways that strike the modern observer as mutually contradictory', this approach necessarily focuses on what appears *different* between Roman philosophical and other discursive practices — at the expense of what they share. I now regret that in 'Cicero and divination: the formation of a Latin discourse', *Journal of Roman Studies* 76 (1986), 33–46, I was so concerned to challenge the view of Cicero's out-and-out philosophical scepticism that I did not also explicitly challenge the radical separation that is taken for granted between Cicero's philosophical and his more 'public' work (though as Lehoux, *op. cit.* (n. 66), 35 detects, some of my suspicions of that separation are occasionally visible under the surface). I still believe that my main challenge in that article was timely and well-made; but it would have been all the more powerful if it had explored in greater detail the important intellectual links between *De Divinatione* and the speeches.

'tragic' portrayal of the deranged Clodius, and Cicero's emphasis on the philosophical as well as traditional roots of religious knowledge<sup>69</sup>). But this raises at least one further important question: was Cicero *unusually* 'creative' in this respect? Gildenhard tends to imply that he was, writing of Cicero's 'supreme ability in the realms of language, literature, and thought', and how 'his way with words ... helped him to reconfigure Roman realities according to his own specifications'. Only rarely does Cicero appear in *Creative Eloquence* as 'a man of his times'.<sup>70</sup> But — for all Cicero's obviously rare gifts — it is worth wondering whether his intellectual approaches were in fact much more typical of (and embedded in) élite thought, discourse and practice of the late Republic. More specifically, are we to imagine that the reflections on prodigies and divination that we find in *De Haruspicum Responso* were widely shared among, at least, Roman senators of the period? And if so, what are the implications of that?

The typicality of Cicero is a question that dogs our understanding of the first century B.C. How do we deal with such a dominant figure in the literary evidence, when there is so little contemporary material to act as a 'control'? How confidently can we extrapolate from his writing — or behaviour — to the views and standard conduct of his contemporaries? To take a simple example, when we learn that Cicero wrote (as he claims) to all but two members of the Senate urging them to vote for his *supplicatio*, after his minor victories in Cilicia, do we imagine that he was unusual — the victim of his own extraordinary ambition, combined with excessive anxiety? Or do we imagine that such a mail-shot was relatively standard procedure for a successful general looking for a positive endorsement by the Senate?<sup>71</sup> We cannot hope to know for certain.

In general, recent historians have been cautious about generalizing from Cicero and his writing. Mindful, no doubt, of what Keith Hopkins once nicely termed 'the Everest fallacy' ('a tendency to illustrate a category by an example which is exceptional ... Mount Everest is a "typical" mountain, Cicero is a "typical" new man ...'<sup>72</sup>), we have tended to stress just how unrepresentative of the average Roman senator — new or not — Cicero was. But perhaps we have been a little too cautious. In this case there are strong reasons to suppose that the sophisticated reflections about divine communication and its interpretation that we find in *De Haruspicum Responso* were more widely shared among the Roman élite and more typical of Roman discussion in general than we might imagine.

That is partly because this was a public speech aimed at *persuading* its audience (whether at the time of delivery, or in written form later): no effective orator baffles his readers or listeners with intellectualizing arguments that will go over their heads. And, as we have seen, several issues raised by Cicero here (on the nature of the divine voice, for example) were mirrored also in well-known stories of early Roman myth-history. But no less fundamental are the procedures of prodigy-handling in the Republic. Sketchy as their precise details are, improvised as they may have been, it is absolutely clear that they involved repeated debates and discussions, in the Senate and other public meetings. These must have stimulated constructive reflection on divination, at least among the élite. Despite some distinguished recent work that takes seriously Roman intellectual achievements (particularly from the first century B.C. on),<sup>73</sup> modern historians have often been slow to recognize the institutional frameworks within which the Romans learned to scrutinize their own behaviour, their religious codes and values (dazzled as we still tend to be by the classical Athenian model). But the processes of prodigy-handling,

<sup>69</sup> op. cit. (n. 5), 326–43.

<sup>70</sup> op. cit. (n. 5), 384, 389.

<sup>71</sup> *Ad Att.* 7.1.8; M. Beard, *The Roman Triumph* (2007), 191.

<sup>72</sup> *Death and Renewal* (1983), 41.

<sup>73</sup> Especially notable contributions include C. Moatti, *La Raison à Rome: naissance de l'esprit critique à la fin de la République* (1997) and Wallace-Hadrill, op. cit. (n. 52).

founded on contest, dialectic and argument, must offer one such framework.<sup>74</sup> And this may take us further back in Roman intellectual history, before the first century B.C.

To be sure, *De Haruspicum Responso* apart, we have little clue about what was actually said during any of those sessions of the Senate at which reported events were accepted as prodigies or not, or during those debates in which priestly advice on the expiation of prodigies was discussed. It almost goes without saying that the precise terms in which all those issues were debated in (say) the fourth century B.C. must have been significantly different from the first century B.C. — in the midst of Rome's cultural and intellectual 'revolution', with all the reconfigurations of cultural authority which that entailed. Some of the intellectual and rhetorical tricks of the debate between Cicero and Clodius would have been quite unknown three hundred years earlier. All the same, we must not forget that, behind the institutionalized brevity of Livy and Obsequens, the Roman élite had for centuries been used to arguing about prodigies; they had for centuries discussed what counted as a sign from the gods, they had provided arguments for and against, and they had adjudicated on rival interpretations. It is this old tradition (as well as whatever new methods of analysis and inquiry were offered by the Hellenizing 'philosophical turn') that lies behind what Cicero has to say.

This makes *De Haruspicum Responso* an even more important speech for us. It does not only give us a precious glimpse into a senatorial debate on one particular prodigy. More generally it offers a glimpse into one arena within which the Roman élite had long learnt to debate religion — with, I imagine, all the power, sharpness and intellectual dexterity they could muster.

Newnham College, Cambridge  
mb127@cam.ac.uk

<sup>74</sup> Lehoux, *op. cit.* (n. 66), seems to be moving in a similar direction to my own, albeit from a different intellectual starting point. I am struck by his emphasis on Roman dealing with the gods as an important aspect (and driver) of Roman 'science' (p. 12), and by his emphasis on the discursive intersections between Roman discussions of politics, law and nature (pp. 18, 21).