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BIBULUS AND THE *HIEROMENIA* (ἱερομηνία) OF 59 BC

JYRI VAAHTERA

The use of Greek sources for characteristically Roman matters – such as religion and government – can sometimes be very challenging. Nor is it always simply a question of language and translating culture-specific terminology. An excellent demonstration of this can be found in the intriguing episode from Cassius Dio’s account of the events of 59 BC – events that are highly interesting both from the politico-historical and constitutional points of view. I have dealt with the episode already some twenty years ago,¹ but at that time I did not have the opportunity to give it a more thorough treatment. However, since the studies dealing with the events of 59 BC keep rehearsing the same, and to my mind, erroneous views, I decided to take up Dio’s account for a more detailed analysis.

Notoriously, we are dealing with the year of Caesar’s first consulship, with Marcus Calpurnius Bibulus as his colleague. Our main Greek – and also our fullest – source for its events is Cassius Dio.² We learn that the year kicked off with a heated political struggle concerning an agrarian law proposed by Caesar with the support of Pompey and Crassus,³ and adamantly opposed by Cato, supported by the *optimates* including his son-in-law Bibulus. The treatment of the bill in the Senate was obstructed by Catonian filibuster with the consequence that Caesar ended up taking it directly to the people. According to Cassius Dio, Bibulus now tried to hinder the enactment of the law with the support of three tribunes of the plebs; but finally, having run out of other means of delay, he

¹ See Vaahtera 2001, 157–160.

² The text dealt with here is Cass. Dio 38,6,1–5. The most important other sources for this episode are Plut. *Caes.* 14,9; Plut. *Pomp.* 48,1 ff.; App. *BCiv.* 2,11; Vell. 2,44,4–5; Suet. *Iul.* 20,1. Dio’s importance as a source for this year is most recently pointed out by Morstein-Marx 2021, 124 n. 25.

³ The coalition between Caesar, Pompey and Crassus known as the First Triumvirate had been made in secrecy at some time in 60 BC, and we first hear of it in December of that year from Cic. *Att.* 2,3,3.

“declared a sacred period (*hieromenia*) for all the remaining days of the year during which the people could not legally meet”.

Caesar, undaunted by the opposition, fixed a day for the passage of his law. On the day of the assembly, Bibulus with his escort forced his way to the platform through the crowded Forum in order to speak against the bill.⁴ He failed miserably, and both he and his escort were thrust down the platform and assailed. The next day, Bibulus made an attempt to have the law annulled by the Senate, with no success.⁵ After this Bibulus thought it best to retire to his home and not to appear in public for the rest of the year. But “whenever Caesar proposed any innovation”, Dio writes, “Bibulus sent formal notice to him through his attendants that it was a *hieromenia* and that by the laws he could rightfully take no action during it”.

In this account we meet the word *ἱερομηνία* twice, and it is by no means certain what Dio in this case meant by it. In the Greek world, the word normally referred to the ‘sacred month’ which was declared for great panhellenic festivals such as the Olympic games during which hostilities were suspended. As for Dio’s wording, it has been variously interpreted to mean that Bibulus sent edicts declaring a thanksgiving (*supplicatio*), a public holiday (*feriae*), adverse omens (i.e. making an *obnuntiatio*), or his mere intention to *servare de caelo*. Through a detailed analysis of Dio’s use of *hieromenia*, his propensities, our other sources, and the Roman religion and constitution I shall show that none of these interpretations can be correct.

Obnuntiatio / de caelo servare

While there is no doubt that Bibulus’ attempts to obstruct Caesarian legislation included *obnuntiatio*,⁶ I find this common explanation for Dio’s *hieromenia* the

⁴ It should be noted that the surviving references to this episode (see above n. 2) vary in their details. According to Suetonius’ much shorter version, Caesar *obnuntiantem collegam armis foro expulit*, while in Dio’s version Bibulus’ purpose was to speak against Caesar’s bill (*ἀντιλέγειν ἐπιφάτο*), not to announce adverse omens. According to de Libero (1992, 40) Bibulus tried a collegial veto against the reading out of the *rogatio*.

⁵ On this attempt to annul the law, see Heikkilä 1993, 139–141.

⁶ See esp. Cic. *har. resp.* 48: *producebat* (Clodius) *fortissimum virum M. Bibulum, quaerebat ex eo C. Caesare leges ferente de caelo semperne servasset. semper se ille servasse dicebat*. For the augural theory

least plausible for a number of reasons.⁷ To begin with, it seems inconsistent with Dio's own narrative according to which Bibulus had recourse to declaring 'a sacred period' only after he had run out of any other 'excuse for adjournment' (σκηψις ἀναβολῆς) which would most naturally refer to Bibulus' *obnuntiationes* and tribunician veto. Moreover, *obnuntiatio* affected only the day of the assembly,⁸ but Dio's wording (ἱερομηνίαν ... προηγόρευσε and ἐνετέλλετο ... ὅτι ἱερομηνία εἶη) seems to suggest that he was referring to a longer period of time: first Bibulus declared the 'sacred period', and afterwards sent reminders to Caesar that he could lawfully take no action 'because it was a sacred period'.

Second, the alleged connection of *hieromenia* with *obnuntiatio* – or, as others think, the mere announcement by an edict that Bibulus would *servare de caelo* – is based on Suetonius who writes that Bibulus *domo abditus nihil aliud quam per edicta obnuntiaret*.⁹ As far as I know the reliability of Suetonius' statement has never been challenged.¹⁰ It is, however, difficult to see him use

of *obnuntiatio* and *de caelo servare* see Linderski 1965, 425–428, and also Vaahtera 2001, 144–145 and 151–154.

⁷ This is, however, perhaps the most common explanation and the list of these studies is too long to be given here; see e.g. Lintott, 1968, 144–145 and 1997, 2522; Bleicken 1975, 455–456; de Libero 1992, 62–63; Wiseman 1992, 369–371; Richardson 1998, 310; Tatum 1999, 129–130 and 2008, 72–73; Pina Polo 2011, 276; Morrell 2018, 195; Driediger-Murphy 2019, 144. According to Morstein-Marx 2021, 136 n. 75 “by ἱερομηνία he [Dio] means *servatio* = “watching the skies”. In this context, it should be mentioned that Driediger-Murphy (2019, 132) presents the idea “that holding an assembly whilst a magistrate was still in the process of watching the skies about it counted as another way of acting *inauspicato*, and thus was thought to cause *vitium*.” This is a strange idea; since the presiding magistrate took the auspices before holding the assembly, he acted *auspicato*. As for magistrate's announcement *servasse de caelo* (note the tense), it does not simply mean that he “has watched the sky”, but that he has “received the sign from the sky”. Since these *signa de caelo* were bad signs for an assembly, their official announcement was an *obnuntiatio* which had to be made before the assembly began.

⁸ This of course is due to the fact that the announced adverse omens (*auspicia*) concerned only the day on which they were observed; for this well-known augural principle, see esp. Linderski 1986, 2205.

⁹ Suet. *Iul.* 20,1. Taylor (1968, 177 n. 11) correctly thought that “the watching for signs and the ἱερομηνία were two different measures tried by Bibulus”.

¹⁰ Unfortunately, this passage is the only place where Suetonius employs the word *obnuntiare*. Closest to being critical are Jerzy Linderski (1965, 425) and Loretana de Libero (1992, 63 n. 51) who consider Suetonius' use of *obnuntiatio* as “incorrect” or “ungenau”. However, they do not question the connection between Bibulus' edicts and the watching of heavens.

the word *obnuntiatio* in its proper augural sense, since Bibulus could not have correctly “watched the heavens” without leaving his house: *obnuntiatio* was based on the appearance of a sign *de caelo* during the ritual consultation of impetrative auspices¹¹ which took place *in templo*¹² – that is a permanent *locus inauguratus* by an augur – which certainly could not be in anyone’s private house. This obvious fact would have frustrated any threat of skywatching and pending *obnuntiatio* by Bibulus – not to mention that his failure to serve the notice in person would have made such “*obnuntiationes*” invalid from the standpoint of augural law.¹³ Consequently, it is hard to see how anyone let alone a Roman consul would have resorted to such patently ineffective means of obstruction.¹⁴

¹¹ The *auspicia oblativa* and *auspicia impetrativa* are often mixed up in the case of *obnuntiatio*; most recently e.g. Görne 2020, 12, 50 n. 58 and 226. The idea that *de caelo servare* refers to the observation of oblativ signs is patently mistaken; see esp. Linderski 1971, 453: “Und schon mit Rücksicht auf das von den Konsuln erlassene Verbot des “de caelo servare” wäre die zuletzt von BLEICKEN verfochtene These von der Verbindlichkeit jeder magistratischen Obnuntiation auf Grund der oblativen Blitzzeichen unannehmbar: denn hatte jeder magistratus minor durch Wahrnehmung oder Erfindung des Blitzes die Komitien in jedem Moment verhindern können, wäre das Verbot, die auspicia impetrativa einzuholen, ganz sinnlos gewesen”. Also Linderski 1986, 2198: “the magisterial *nuntiatio* was exclusively based on impetrative auspices...”; recently also Driediger-Murphy 2019, 134–136.

¹² Pace the explicit statements of e.g. Lintott 1968, 144 and n. 2 (Bibulus’ basic form of obstruction after the agrarian law was continuous *servatio* from his house), de Libero 1992, 79–80; Rasmussen 2003, 165–166 and Grillo 2015, 287. See in particular the *Commentariolum vetus anquisitionis* cited by Varro *ling.* 6,91 *auspicio operam des et in templo auspices*; also 6,86 *ubi noctu in templo censor auspicaverit atque de caelo nuntium erit*. A consul could in his edict prohibit minor magistrates (but clearly not his colleague) from watching the skies on the day he was about to hold an assembly (Gell. 13,15,1 *in edicto consulum, quo edicunt quis dies comitiis centuriatis futurus sit, scribitur ex vetere forma perpetua: “ne quis magistratus minor de caelo servasse velit.”*). Also, Linderski 1986, 2278: “the magistrates used permanent *templa* for their observation”; it goes without saying that a *templum* could not be at someone’s private home. One fragment from Cato the Elder’s speech *De sacrificio commisso* (Fest. p. 268L; ORF 73) talks about *domi cum auspicamus*, but this deals with private auspication (see e.g. Catalano 1960, 431 n. 147; Astin 1978, 82; Scheid 1981, 125–126).

¹³ See Valetton 1891, 101; Linderski 1965, 73–74.

¹⁴ This is of course not a very strong argument as such, and my anonymous referee comments that “it is quite possible that this is Bibulus’ innovation – that he is trying to extend consular action normally conducted in person”. However, in view of what I have stated above, and what I shall say later of Cicero’s total silence, this does not seem probable.

Moreover, I must point out that Dio was clearly well-informed about how the religious obstruction worked in Rome, and he was usually also very careful in his use of terminology.¹⁵ In a similar context, when dealing with the *lex Clodia* of 58 BC, he used two most revealing and appropriate turns of phrase προεπηγγελλον ὡς καὶ ἐκ τοῦ οὐρανοῦ τὴν ἡμέραν ἐκείνην μαντευσόμενοι ('announced beforehand that they would look for omens from the sky that day') and ἐσήνεγκε μηδένα τῶν ἀρχόντων ... τὰ ἐκ τοῦ οὐρανοῦ γιγνόμενα παρατηρεῖν ('he introduced a measure that none of the magistrates should observe the signs from heaven').¹⁶ No mention of any *hieromenia*.

Bibulus' retirement

The chronology of the events of 59 BC, and especially the dates of the enactment of Caesar's land laws are in dispute. Since this question has bearing on the subject at hand we need first to establish some essential chronological points, above all: when did Bibulus shut himself in his house? The surviving ancient (and consequently also the modern) accounts on Caesar's agrarian legislation all carry evidence that the reports of the events in connection with the two laws (i.e. the first *lex Iulia agraria* and the later *lex Iulia agraria Campana*) are somehow confused, and many sources know of only one law.¹⁷ Also Dio merges the two laws as he finishes his account of the first agrarian law with the remark "so the law was passed, and in addition the land of Campania was given to those having three or more children" (ὁ τε οὖν νόμος οὕτως ἐκυρώθη, καὶ προσέτι καὶ

¹⁵ As observed already by Vrind 1923, 17. Cf. also Bellemore 2005, 249 n. 55 who notes that Dio understood the process of *obnuntiatio*; however, according to her Dio intended Bibulus to have proclaimed a *iustitium* for the rest of 59 which is quite unlikely.

¹⁶ Cass. Dio 38,13,5 and 38,13,6.

¹⁷ Velleius (2,44,4–5) mentions only the *lex Campana*, Plutarch in his *Life of Cato the Younger* mentions both land laws (32,1–33,2), while in his *Life of Pompey* (48,2) and *Life of Caesar* (14,1–6) he mentions only one (cf. also his brief mention in *Luc.* 42); Appian (*BCiv.* 2,10–11) seems to know only the *lex Campana*, gives a very confused report of the events and ends it speaking of the laws vaguely in the plural (τοὺς νόμους ὁ Καῖσαρ ἐκύρωσε). In Livy *perioch.* 103 we find the plural form *leges agrariae*. Suetonius mentions explicitly only the first law but refers also to the dividing of the Campanian territory (*Iul.* 20,3). For these, see Taylor 1968.

ἡ τῶν Καμπανῶν γῆ τοῖς τρία τε πλείω τε τέκνα ἔχουσιν ἐδόθη).¹⁸ According to the *communis opinio* Bibulus' self-incarceration occurred after Caesar's first land law,¹⁹ but there are forceful arguments to support the view that it took place later, most likely in connection with the second agrarian law:²⁰ Velleius Paterculus (2,44,4) states explicitly that Bibulus *maiore parte anni domi se tenuit* after Caesar had passed his *lex Campana*, and according to Plutarch (*Pomp.* 48), Bibulus stayed in his house for eight months.²¹ This squares with the fact that the *lex Campana* was promulgated in the last days of April, and passed probably in late May.²²

Accepting this view makes us see the information that Bibulus had been watching the heavens when Caesar passed his laws in a new light: we have no reason to doubt these reports. They mention nothing out of the ordinary about Bibulus' activity.²³ A letter from Cicero to Atticus (2,16,2) written in the end of April suggests that Bibulus was still very active in March when Caesar passed his laws *de rege Alexandrino* and *de publicanis Asiae*:²⁴ in connection with the first law, Bibulus is mentioned to have been watching the heavens (*Bibulus de caelum servasset*), and with the latter, he is said to have gone down to the Forum

¹⁸ For Dio's tendency to base his composition on theme rather than chronology, see esp. Lintott 1997, 2503–2508; cf. Taylor 1968, 175.

¹⁹ See e.g. Taylor 1951, 257 and 1968, 174; Meier 1961, 73 n. 19; Heikkilä 1993, 140; Wiseman 1994, 371; Lintott 1968, 144 and 2008, 167.

²⁰ As far as I know, this was first brought forward by Shackleton Bailey 1965, 406–408 (Appendix: Points concerning Caesar's Legislation in 59 B.C.). For a later date, see also Richardson 1998, 308–310 and Morstein-Marx 2021, 143.

²¹ If the retirement had taken place already in connection with the first land law, the period would have been longer – how much, depends on when the first law was passed: Taylor 1968 (and many following her) believed that the first *lex agraria* was passed on the 29th of January, according to Meier 1961, 69 n. 2 not before 18 February, and Chrissanthos 2019, 130–133 argues for 4 April.

²² See Cic. *Att.* 2,16,1 *Cenato mihi et iam dormitanti pridie K. Maias epistula est illa reddita, in qua de agro Campano scribis.*

²³ See especially the two *contiones* (in 58 and 57 BC) mentioned by Cicero in his speech *De domo* 40: *tu [Clodius] M. Bibulum in contionem, tu augures produxisti; tibi interroganti augures responderunt, cum de caelo servatum sit, cum populo agi non posse; tibi M. Bibulus quaerenti se de caelo servasse respondit, idemque in contione dixit, ab Appio tuo fratre productus, te omnino, quod contra auspicia adoptatus esses, tribunum non fuisse.* Also *har. resp.* 48 cited above in n. 6.

²⁴ These two laws were enacted between the first and second land laws; for the chronology, see Taylor 1951 and Rowland 1966, 218–219.

(*si Bibulus tum in forum descendisset*) – no doubt in order to obstruct Caesar’s legislation – apparently with some unpleasant consequences.²⁵ Thus the violence was not restricted to the passing of the first agrarian law, which finds support in Plutarch’s mention that Bibulus and Cato were *often* (πολλάκις) in danger of being killed in the Forum.²⁶ By and large it is certainly more reasonable to think that Bibulus did not withdraw to his house after his failure with Caesar’s first law, but only when the attempts to obstruct Caesar’s legislation by reports of adverse omens and tribunician vetoes were constantly met with violence. All this makes one doubt the reliability of Suetonius’ mention of Bibulus issuing edicts announcing adverse omens. Lastly, and importantly, Cicero’s complete silence is telling: although he mentions Bibulus’ edicts in his letters, he does not connect these with obnuntiations.²⁷

Supplicatio / feriae

There is a long scholarly tradition according to which Suetonius was right and Dio was mistaken, and confused the *obnuntiatio* with *indictio feriarum*.²⁸ In this view *hieromenia* stands for Latin *feriae*. To use moveable public holidays to obstruct legislation would not have been a novelty, since apparently the consuls of 88 BC Sulla and Pompeius had declared *feriae Latinae* in order to prevent the tribune of the plebs Sulpicius carry his laws.²⁹ And also later we read how in 56

²⁵ Although this interpretation is grammatically somewhat problematic (see Lintott 2008, 170 n. 19), I must agree with Shackleton Bailey (1965, 407) that this remark does not make sense unless Bibulus really did go down to the forum. Besides, the remark would be odd, if Bibulus had already withdrawn from public. See also Driediger-Murphy 2019, 146 n. 67.

²⁶ Plut. *Caes.* 14,9 πολλάκις ἐκινδύνευε μετὰ Κάτωνος ἐπὶ τῆς ἀγορᾶς ἀποθανεῖν.

²⁷ On Cicero’s correspondence and the events of the year 59 BC, see Pina Polo 2017 and Lintott 2008, 167–175.

²⁸ See e.g. Mommsen, *Römisches Staatsrecht* 3, 1888, 1058 n. 2; Valeton 1891, 106 n. 1; Linderski 1965, 425 n. 15; and the comment *ad loc.* (p. 53 n. 21) by Lachenaud and Coudry: “ιερομηνία ne désigne pas l’observation des signes célestes (*de caelo servare*), procédure que Dion décrit plus loin à propos des lois de Clodius (13,3–5), mais des jours de fêtes (*feriae*), que les consules peuvent fixer, ce qui modifie le caractère des jours, et empêche la tenue des comices... Dion est le seul auteur à mentionner cette forme d’obstruction qui consiste à manipuler le calendrier.”

²⁹ Our sources for this are Greek and also in this case the language causes problems: Appian (*BCiv.*

BC the consul Cn. Lentulus Marcellinus *dies comitiales eximit omnis; nam etiam Latinae instaurantur, nec tamen deerant supplicationes. sic legibus perniciosissimis obsistitur*.³⁰ In both of these cases, however, the consuls acted in agreement, which makes the situation quite different.³¹

It is a fact that in the Roman context *ἱερομηνία* usually stands for *supplicationes* in which case it normally appears in the plural; this is the common interpretation found in dictionaries and various studies.³² In the surviving text of Dio, word *ἱερομηνία* appears no less than 21 times,³³ and in most cases it appears in the plural unmistakably referring to *supplicationes*. Besides the word *hieromenia*, Dio also occasionally employs a sacrificial word (θύω, θυσία, βουθυτέω) in reference to the ceremony of *supplicatio*.³⁴ This of course may be explained by the fact that sacrifices were an essential part of the ceremony.³⁵ In two cases Dio's *hieromenia* in the plural seems to refer to *feriae*. This is most explicit in the case where he mentions that the *hieromenia* in question is called *Augustalia*, which was a public festival added to the official religious calendar.³⁶ The other exception is found in Dio's mention of emperor Claudius' attempts to reduce the number of *feriae* in ad 43.³⁷

1,55) uses the word ἀργία, Plutarch (*Sull.* 8,6) ἀπραξία, and these have often been interpreted to refer to Latin *iustitium*, but *feriae* is more likely; see Heikkilä 1993, 138.

³⁰ Cic. *ad Q.fr.* 2,4,4.

³¹ See Taylor 1968, 177–178; also Weinrib 1970, 400.

³² See e.g. *LSJ* s.v. *ἱερομηνία*; Wannowski 1846, 251; Freyburger 1977, 288–289.

³³ These are 37,36,3; 38,6,1–2; 38,6,5; 39,53,2; 43,42,2; 43,44,6; 45,7,2; 46,39,3; 47,18,4; 48,3,2; 48,33,3; 48,41,5; 49,15,1; 49,21,1; 51,19,2; 51,19,5; 54,10,3–4; 54,34,7; 59,20,1; 60,17,1; 63,18,3.

³⁴ Cass. Dio 39,5,1 (ἐψηφίσαντο πεντεκαίδεκα ἐπ' αὐτοῖς ἡμέρας θῦσαι), 40,50,4 (ἐξήκονθ' ἡμέρας θῦσαι ἐπ' αὐτοῖς ψηφίσασθαι), 43,44,6 (ἱερομηνίαν τε ἐξαίρετον ὁσάκις ἂν νίκη τέ τις συμβῆ καὶ θυσία), 45,7,2 (καὶ ἱερομηνίας τισὶν ἐπινικίους ἰδίαν ἡμέραν ἐπὶ τῷ ὀνόματι αὐτοῦ ἐβουθύτησαν), 47,2,2 (θυσία ἐπ' αὐτοῖς ὡς καὶ ἐπ' εὐτυχήμασι τισὶν ἐψηφίσθησαν).

³⁵ See e.g. Liv. 37,47,5 *vicenis maioribus hostis in singulas supplicationes sacrificare consul est iussus*; also Liv. 37,52,2; 40,53,3; 41,9,7; 41,17,4; 41,19,2; 42,20,6; 43,13,7 and 45,2,8. Twice, too, Dio mentions both θυσία and *ἱερομηνία*: 37,36,3 and 43,44,6.

³⁶ 54,10,3–4 καὶ τὴν ἡμέραν ἦν ἀφίξειτο ἐν τε ταῖς ἱερομηνίαις ἀριθμῆσθαι καὶ Αὐγουστάλια ὀνομάζεσθαι. For the *Augustalia*, see e.g. *R. Gest. div. Aug.* 11.

³⁷ 60,17,1 μετὰ δὲ τοῦτο ὁ Κλαύδιος ὑπατεύσας αὐτὸς τὸ τρίτον πολλὰς μὲν θυσίας πολλὰς δὲ καὶ ἱερομηνίας ἔπαυσε· τὸ γὰρ πλεῖστον τοῦ ἔτους ἐς αὐτὰς ἀνηλίσκετο, καὶ τῷ δημοσίῳ ζημία οὐκ ἐλαχίστη ἐγίνετο.

In the remaining (8) cases Dio uses the word in the singular. Five of these appear in the list of honours voted to Caesar or Augustus by the Senate, and they are linked to some particular day, i.e. celebrations of birthdays and military victories, which probably explains the use of the singular.³⁸ Also in these cases the ἱερομηνία could be interpreted either as a *feriae* or as a *supplicatio*. Since the celebration of *feriae* ‘holidays’ often included a ceremony of *supplicatio*, it is quite impossible to decide by the evidence we have which one is meant by Dio. For instance in the case of Augustus’ birthday on 23rd September we have plenty of epigraphic evidence that it was classified as *feriae*, see e.g. *F(eriae) ex s(enatus) c(onsulto) q(uod) e(o) d(ie) Imp(erator) Caesar Aug(ustus) pont(ifex) / ma[x(imus)] natus est. Marti Neptuno in campo / Apo[l]lini ad theatrum Marcelli*.³⁹ On the other hand the text of the *Feriale Cumanum* shows that the annual birthday celebrations of the members of the imperial family included a *supplicatio*; see e.g. *[VIII] K(alendas) Octobr(es) n[atalis] Caesaris immolatio Caesari hostia supp[li]catio [Vestae]*.⁴⁰ As regards Dio 43,44,6 and 47,18,4 we are on a more secure ground: the passages deal with the peculiar situation where Caesar was honoured with a ἱερομηνία – in this case clearly a *supplicatio* – even for victories with which he had nothing to do; and in the latter case, even when he was already dead! Cicero in his *Philippicae* also makes mention of Antonius’ proposal in the Senate according to which an extra day (*addendo diem*) in honour of a dead man (i.e. Caesar) was to be added to all future *supplicationes*.⁴¹

The last mention of ἱερομηνία (apart from the two cases of Bibulus) we meet is in connection of the Catilinarian conspiracy of 63 BC. Dio writes that the conspirators were punished by the decision of the majority of the Senate, and that a sacrifice and a *hieromenia* on their account was decreed, which had never before happened from any such cause, i.e. for the suppression of a conspiracy and not for a victory over an enemy. This incident is unsurprisingly referred to

³⁸ These are 43,44,6; 47,18,4; 49,15,1; 51,19,2 and 59,20,1.

³⁹ Degrassi 1963, 512.

⁴⁰ *CIL* 10,8375; *ILS* 108; for this document see Beard – North – Price 1998, 70–71.

⁴¹ Cic. *Phil.* 1,13 *an me censetis, patres conscripti, quod vos inviti secuti estis, decreturum fuisse, ut Parentalia cum supplicationibus miscerentur, ut inexpiabiles religiones in rem publicam inducerentur, ut decernerentur supplicationes mortuo?* See Ramsey 2003,110 who also notes on Cicero’s use of the pl. here to be due to reference to all future thanksgivings.

several times by Cicero, since this unprecedented *supplicatio* was in his honour – a fact that Dio fails to mention.⁴²

On the basis of the majority of occurrences it would indeed seem likely that Bibulus declared a *supplicatio* or a *feriae*. The problem is, however, that Bibulus had declared this *hieromenia* for all the remaining days of the year. This would mean most of the year, since as we saw above, the *lex agraria Campana* was passed in May. This makes it impossible that Dio would have meant *supplicationes* / *feriae*, since there simply were not enough moveable festivals to remove all the remaining approximately 130 *dies comitiales* of that year. The one and only *supplicatio* we know of from this year was voted by the Senate to Pomptinus for his victory over the Allobroges – and even this is considered to have taken place before early April, which, if I am correct, was before Bibulus' declaration of *hieromenia*.⁴³ Besides, a normal thanksgiving could not have lasted many days: even though the number of days of this ceremony started rapidly to increase from 63 BC on when a ten day thanksgiving was decreed for Pompey, this was at the time exceptional.⁴⁴ And again, Cicero does not mention any unusual thanksgivings or festivals, which he would certainly have done as he did in the above mentioned case of the consul Cn. Lentulus Marcellinus in 56 BC.

In fact, I strongly believe that the key to solving our problem should be found in Cicero's letters. When the validity of Caesar's laws were later discussed, they were said to be enacted *adversus auspicia legesque et intercessiones*.⁴⁵ So far we have discussed the matters that have to do with the *auspices* and the *intercessiones*, but what were the laws against which Caesar is said to have offended?

⁴² Cass. Dio 37,36,3; Cic. *Cat.* 3,15 *supplicatio dis immortalibus pro singulari eorum merito meo nomine decreta est, quod mihi primum post hanc urbem conditam togato contigit. quae supplicatio si cum ceteris supplicationibus conferatur, hoc interest, quod ceterae bene gesta, haec una conservata re publica constituta est.* Cic. *Phil.* 14,24 *Nam mihi consuli supplicatio nullis armis sumptis non ob caedem hostium, sed ob conservationem civium novo et inaudito genere decreta est.* See also Cic. *Cat.* 4,5; 4,20; *Phil.* 2,13; 14,24; *Pis.* 6.

⁴³ On the date of Pomptinus' *supplicatio* see Taylor 1968, 186–187.

⁴⁴ A good summarizing account on the development of *supplicatio* is Weinstock 1971, 62–64; see also Freyburger 1978, 1422 and Van Haepere 2021.

⁴⁵ Suet. *Iul.* 30,3. For the later attacks on Caesar's legislation, see Taylor 1968, 183–185.

The solution

There is one detail that makes these Dio's two mentions of *hieromenia* declared by Bibulus stand out from all the others: in both cases Dio has attached a paraphrase explaining what he meant by his 'sacred period'. This seems to indicate that he did not use the word in its normal meaning.

(1) ἱερομηνίαν ἐς πάσας ὁμοίως τὰς λοιπὰς τοῦ ἔτους ἡμέρας, ἐν αἷς οὐδ' ἐς ἐκκλησίαν ὁ δῆμος ἐκ τῶν νόμων συνελθεῖν ἐδύνατο.

...sacred period for all the remaining days of the year during which the people could not legally meet.

(2) ὅτι ἱερομηνία τε εἴη καὶ οὐδὲν ὁσίως ἐκ τῶν νόμων ἐν αὐτῇ δύνατο δρᾶσθαι.

...that it was a sacred period and that by the laws he could rightfully take no action during it.

In both cases Dio explicitly states that the interdiction was based on laws (ἐκ τῶν νόμων) that contained provisions concerning the time when the magistrate could lawfully call the people into an assembly (i.e. *agere cum populo*). This points to the two laws from the middle of the second century BC which were *de iure et de tempore legum rogandarum*, namely the *leges Aelia et Fufia*.⁴⁶ We know very few facts about these two laws that are normally mentioned together, but we happen to know that they (the *lex Fufia* to be more exact) forbade to submit any bills to the people in the election period, i.e. between the announcement and the holding of the elections.⁴⁷

If we combine this information with what we learn about Bibulus' edicts from Cicero's letters, the pieces of information start falling into place. In a letter to Atticus, dated between April 24 and 29, we read that Bibulus had postponed

⁴⁶ The phrase is from Cic. *Sest.* 56.

⁴⁷ Schol. Bob. 148 St. *non sinebant prius aliqua de re ad populum ferri quam comitia haberentur ad designandos magistratus*. Of the several attempts to make sense of the Aelian Fufian laws perhaps the most successful is Sumner 1963.

the elections.⁴⁸ Now, he could not have postponed the elections before he had first set the time for them;⁴⁹ and it was much too early to announce, not to mention postpone, the elections in April since in the post-Sullan period the elections were normally held in July.⁵⁰ But this makes perfect sense in Bibulus' situation: since his *obnuntiationes* and the *intercessiones* of the tribunes were prevented by violence, what Bibulus could do is to remove the *dies comitiales* (i.e. the days when the *comitia* might lawfully meet) from the calendar by a simple edict in which he set the date for the elections. As a result, from that time on, Caesar could not legally propose his laws for the popular assembly to vote upon until the elections were held. At the end of April Bibulus postponed the elections (probably to July), and then repeated this in mid-July postponing the elections to the 18 October.⁵¹

Cicero's letters show how Bibulus is growing in popularity and is even praised as if he were "the man who single-handed saved the state by delaying" – Cicero is citing the famous line from Ennius' *Annales* referring to the dictator Fabius Cunctator.⁵² Caesar seems to be at loss because of Bibulus manoeuvre.⁵³ We do not know when Bibulus made his original announcement of the elections, but I would guess this was at the beginning of April. The *lex Caecilia Didia* of 98 BC had prescribed that there had to be at least a period of *trinum nundinum* between the announcement and the holding of the elective and legislative *comitia*.⁵⁴ But when Bibulus postponed the elections for nearly three months, and then repeated this, this must have raised the question of whether the clause

⁴⁸ Cic. Att. 2,15,2 *Bibuli autem ista magnitudo animi in comitiorum dilatione quid habet nisi ipsius iudicium sine ulla correctione rei publicae?*

⁴⁹ The expression *comitia differre*, and the fact that it was Bibulus' prerogative to preside at the elections have been established beyond any doubt by Linderski 1965; see also Taylor 1968, 188.

⁵⁰ Since we have no evidence of any election for a vacant magistracy in this year, it is reasonable to think that Cicero is talking about the ordinary elections for the year 58 BC.

⁵¹ Cic. Att. 2,20,6 *comitia Bibulus cum Archilochio edicto in a.d. XV Kal. Nov. distulit.*

⁵² Cic. Att. 2,19,2 *Bibulus in caelo est, nec, quare, scio, sed ita laudatur, quasi "unus homo nobis cunctando restituit rem"* (Enn. ann. 363 Skutsch); and Att. 2,20,3 *Bibulus hominum admiration et benevolentia in caelo est.*

⁵³ As indicated by Cic. Att. 2,21,5 where Cicero tells how Caesar tries to induce the crowds to attack Bibulus but fails miserably.

⁵⁴ Schol. Cic. Bob. p. 140 St. *Caecilia est autem et Didia quae iubebant in promulgandis legibus trinundinum tempus observari.*

prohibiting legislation was still in force throughout these months. I would answer in the affirmative mainly for three considerations. Firstly, Bibulus would hardly have continued his postponement, if this had been considered ineffective.⁵⁵ Secondly, the purpose of the prohibition was to remove *celeritas* from legislation. Besides, normally the period between the announcement and the holding of the *comitia* must perforce have been more than the *trinundinum*, since the actual length of the period depended on how the *dies comitiales* happened to fall in the calendar.

My third consideration has also to do with the calendar. Setting the date for the elections meant that all the *dies comitiales* (C) between the announcement and the elections were turned into *dies fasti* (F) on which it was not permitted to hold *comitia*⁵⁶. The following year the tribune of the plebs Clodius enacted a law (*lex Clodia*) allowing legislation on all *dies fasti*: *ut omnibus fastis diebus legem ferri liceret*. This was clearly a reaction to Bibulus' dilatory tactics and designed to prevent the same to happen again in the future.⁵⁷

As for Dio's *hieromenia* i.e. "a sacred month during which the people were not allowed to meet in an assembly", it starts to sound like a fitting Greek expression for the period between the announcement and the elections, which in normal circumstances would refer to the *trinundinum*. Bibulus' *obnuntiationes per edicta* on the other hand is a myth.

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⁵⁵ Pace Linderski (1965, 440) who assumed that the Fufian law forbade proposing and voting on laws only in the period of 24 consecutive days immediately preceding the election day.

⁵⁶ See Michels 1967, 52.

⁵⁷ See Cic. *Sest.* 33. This does not exclude the possibility that Clodius' law could have also applied to *obnuntiatio*; see e.g. Baldson 1957 and Mitchell 1986.

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