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The Classical Review / Volume 7 / Issue 05 / May 1893, pp 193 - 195

DOI: 10.1017/S0009840X00197501, Published online: 27 October 2009

Link to this article: http://journals.cambridge.org/abstract_S0009840X00197501

How to cite this article:

W. W. Fowler (1893). The Strange History of a Flamen Dialis. The Classical Review, 7, pp 193-195 doi:10.1017/S0009840X00197501

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The Classical Review

MAY 1893.

THE STRANGE HISTORY OF A FLAMEN DIALIS.

(NOTE ON LIVY XXVII. 8.)

THIS chapter of Livy has been frequently quoted in connexion with the *Curio Maximus* as well as with the *Flamen Dialis*: but both historians and antiquarians seem to have let another matter of real interest escape their notice. This is a singular bit of family history, which seems to me to deserve attention as illustrating the Roman life and manners of the age as well as the decay of a once important Roman priesthood.

Livy here interrupts his narrative of the war with Hannibal, before proceeding to the events which led to the battle of the Metaurus, to record one or two events of minor importance which might very well in the Augustan age have had a real interest for some of his readers, including, as we may conjecture, Augustus himself. His information came no doubt, directly or indirectly, from the books of the pontifices, and may be taken as representing the facts accurately so far as the priesthoods are concerned. It may indeed have been supplemented from the work of Valerius Antias, as the family prominent in the story is that of the Valerii Flacci; but Livy had by this time learnt to distrust Antias, and the singularity of the story itself and the fact that it is not entirely to the credit of that eminent family lead me to think it in any case worthy of belief. And, as we shall see, it is incidentally confirmed by subsequent events which cannot be called in question.

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After briefly narrating the first election of a plebeian to the office of *Curio Maximus*, Livy goes on to tell us that at this same time, at the beginning of 209 B.C., a young man, C. Valerius Flaccus by name, was compelled by the Pontifex Maximus against his will to be inaugurated as Flamen Dialis. The inauguration was the final ceremony in the process of appointment, and it was here apparently that the unwilling youth made some kind of struggle to escape. He had been previously 'captus a pontifice maximo,' i.e. selected out of a certain number of persons nominated (Tac. *Ann.* iv. 16), and brought by a kind of *mancipatio* under the *potestas* of the Pontifex. The coercive power of the head of the Roman religion,—a power which at one time must have belonged to the Rex,—is now brought to bear on the reluctant one to compel him to be inaugurated.

One can understand that a young man may have been unwilling to fill a priesthood which brought him no political advantages, and in fact placed him under many disabilities which in our eyes at least are highly ludicrous; but it is not so easy to see why he should have been forced into it against his will. Livy however supplies us with the explanation, and a most extraordinary one it is; so strange in fact that he says he would have preferred to suppress it, 'ni ex mala fama in bonam vertisset'; words in which we may perhaps see a kind of apology to Augustus for mentioning a circumstance

which would naturally give pain to that rigid moralist, now engaged in resuscitating this as well as other ancient sacrificial priesthoods. This young man was selected by the Pontifex on account of his loose life,—‘ob adulescentiam negligentem luxuriosamque.’

This is sufficiently puzzling; but fortunately Livy adds a few words which seem to me to let us into the whole secret, words of which no one seems to have caught the full meaning. At the end of the sentence we are told the youth was ‘L. Flacco fratri germano cognatisque aliis ob eadem vitia invisus.’ In other words, he was the black sheep of a great Roman family of the best type; for this brother was no less a person than the friend and discoverer of M. Porcius Cato, who afterwards had that still more eminent man as his colleague in both consulship and censorship.¹ It was a disgrace to such a family that at a time of great public peril and anxiety any of its members should be indulging in idle and luxurious habits, even if there were nothing worse to be laid to his charge. Clearly he was not fit for a public career, and must be prevented from embarking on it. His elder brother therefore and the rest of the family conspired to shut him away in the monastic life of the Flamen Dialis, where he could not very well do any harm, and might conceivably come to some good.

The extraordinary series of taboos which were placed upon the holder of this priesthood are familiar to scholars, and I need not detail them here: the more so as Mr. Frazer has done full justice to them in *The Golden Bough*, while explaining their original object and meaning.² One restriction however he has not mentioned, which is of importance to us in trying to understand this strange case of Flaccus. *The Flamen Dialis was not allowed to leave his house for a single night during the year.*³ He was so precious a personage, in early times at least, that he had to be most carefully guarded and looked after; and when as time went on the real meaning of all his disabilities had vanished, the outward forms of them survived and made the post a very uncomfortable one to hold. For further explanations I must refer the curious to Mr. Frazer; but I have said enough to show why Flaccus was disposed to kick, and why his family were so anxious to circumvent him. It is not im-

possible that this priesthood had already been used for the same purpose; for Livy a few lines further on mentions the fact that the ‘indignitas’ of recent flamines had deprived them of the privilege of attending meetings of the senate, which had formerly attached to the office. And here one naturally thinks of the story told by Velleius and Suetonius, that Julius Caesar when very young was destined by his friends to be Flamen Dialis, which would chime in well enough with a certain saying of Sulla’s about him, if we were to explain it in the same way in which Livy explains the fate of Flaccus. On the other hand, it may be that the rigid rules for the life of the Flamen had by that time become so much relaxed as to destroy its monastic character. It was certainly at that time possible to hold it together with a magistracy.⁴

This strange story shows that there was no necessary connexion between religious office at Rome and a good or decent life, at the time of the Hannibalic war. But the sequel, which is almost as strange, also seems to show that the *religio* of the Romans might not be without its influence on life even at so late a date as this. Livy goes on to say that this young reprobate, when once his mind came to be occupied with the ‘cura sacrorum et caerimoniarum,’ speedily became repentant. He put off his former evil ways, and took a leading place for virtue among the youth of his day, being highly approved of by the weightiest men in the Senate,—and not only by those of his own kin. Encouraged by the confidence placed in him, he even ventured to claim the old privilege of admission to the Senate. Here however he met with a rebuff: the presiding Praetor (the consuls being apparently outside the city with their troops) turned him out of the Curia. With a common sense worthy of a Roman and a praetor, yet a little surprising in those days, he argued ‘non exoletis vetustate exemplis stare ius’; words from which we may infer that the priesthood had even then long begun to sink into insignificance. Flaccus at once called on the Tribunes to support him, and here the Tribunate accurately represents the popular feeling of what was due to so signal an example of repentance. Amid the applause of Senate and people they brought him back to the Senate-house, and the Praetor himself offered no further opposition.

We are able to trace the history of this

¹ This is proved by Livy xxxi. 49 and 50; cf. xxxiii. 42.

² *Golden Bough*, vol. i. ch. 2, section 1.

³ Livy v. 52, 13. Even after Augustus’ revival, the restriction was almost as severe; Tac. *Ann.* iii. 71.

⁴ Caesar’s predecessor in the priesthood, Merula, had been also consul; see Drumann, iii. 130.

man for a quarter of a century after the events recorded in this chapter. He seems to have retained his character for 'sanctitas vitae,' for in the year 200 B.C. he was elected curule aedile. On this occasion a difficulty occurred. One of the taboos on the Flamen was that he might not take an oath; but every magistrate must 'iurare in leges' within five days of his entering on office.² The way in which the difficulty was overcome is very characteristic of the harmonious working of the constitution at that time. Flaccus asked the Senate to absolve him from the law; and the Senate resolved that if he could find some one to take the oath for him, the Consuls should be commissioned to use their influence with the Tribunes to get the matter submitted to the plebs. The same elder brother, now *praetor designatus*, who had nine years earlier been instrumental in forcing him into the priesthood, now took the oath for him; and the plebs sanctioned the whole transaction, which may be compared with familiar instances of legal fictions. Sixteen years later Flaccus was a candidate for a praetorship accidentally vacant, and narrowly missed election.³ Several points of interest suggest themselves in connexion with this story; I must be content with noticing two.

First the words 'cura sacrorum et caerimoniarum' exactly represent the true character of the old Roman *religio*. For the agricultural and fighting Roman of early times, this *cura* was the one force daily binding his conscience. By the time of the second Punic war the bond had already become relaxed among the higher classes of Roman society; but this incident exactly marks a time when it was still possible, by enforcing attention to ceremonial of an exaggerated kind, to renew the old conscientiousness. No wonder it was seized on by Livy at the time of Augustan religious revival, or that it was copied from Livy by Valerius Maximus,⁴ and so no doubt became a popular story. It was exactly this *cura* that Augustus wished to resuscitate in men's minds; and though among the educated it could have done little more than the revival of mediaeval ritual can do with men of to-day, with the masses his skilful adaptation of it to the circumstances

of his age may for a time have partially succeeded.

Secondly, a word about the history of this priesthood. In writing on the Vestals for the new edition of the *Dictionary of Antiquities*, I hinted that as the Vestals may be now regarded as originally the daughters of the king or chief, so the Flamines may have been his sons. Of the other 'kindlers' we know very little, but in the case of the *Dialis* the analogy with the Vestals is too strong to be disregarded. The method of selection is the same in each case, and so also is the subjection to the *potestas* of the Pontifex Maximus (here supplying the place of the Rex); the rigidity of rule, the secluded life, and the inability to take an oath, are likewise characteristic of both priesthoods.⁵ The immense importance of the Flamen *Dialis* to the State in the earliest times has been effectually proved by Mr. Frazer in his examination of 'royal and priestly taboos'; and it would be quite natural that such a priesthood should be held by a member of the kingly family. In one sense indeed it always remained a royal priesthood; for from this chapter of Livy we learn that the Flamen *Dialis* had not only the *toga praetexta* but also the *sella curulis*,⁶ like those magistrates whose power descended directly from the Rex. But the good sense of the Romans gradually disentangled their political forms from the fossilizing influences of primitive superstition; and it was perhaps one of the first steps in this direction when the Rex was empowered to choose as priest of Jupiter some person outside his family. Such a person must however be still in the safe keeping of the Rex, and absolutely devoted to the service of the god, or the community might meet with serious disaster; hence the use of the *ius coercionis*, and the subjection to the *potestas* of the king, and afterwards to that of the Pontifex Maximus. These forms survived long after their meaning had vanished from men's minds; and we can still faintly trace their decay under the later Republic, as for instance in the claim to appeal to the people against the coercive power of the Pontifex,—an appeal which in one case at least seems to have been successful.⁷

W. W. FOWLER.

¹ Livy xxxi. 50.

² See also the *Lex incerta reperta Bantiae*, lines 16, 17.

³ Livy xxxix. 39; a chapter worth attentive study for other reasons. The identity of the C. Valerius Flaccus here mentioned seems to be established; Livy expressly says that he was Flamen *Dialis*.

⁴ Val. Max. vi. 9, 2.

⁵ For full details, see Marquardt, *Staatsverwaltung* (ed. Wissowa), iii. 328, 336 foll.

⁶ Cf. Plutarch, *Quaest. Rom.* 113.

⁷ Livy xl. 42; on this occasion the tribes decided in favour of the Pontifex Maximus. A mutilated passage in Festus (p. 343) seems to show that the appeal might be successful. See Mommsen, *Staatsrecht*, i. 2², 30 note.