

AUGUSTUS, THE POETS, AND THE *SPOLIA OPIMA**

In memoriam Elizabeth Rawson

The winning of the ultimate military honour of *spolia opima*, spoils taken personally from an enemy commander killed by a Roman commander, traditionally occurred only three times in Roman history, the winners being Romulus in the legendary period, A. Cornelius Cossus in either 437 or 426 and M. Claudius Marcellus in 222 B.C.¹ The dedication-place of these special spoils was the temple of Jupiter Feretrius on the Capitol, traditionally founded by Romulus for the purpose, and considered the oldest temple in Rome (Livy 1.10.7): the god was said to draw his name either from the fact that the *spolia opima* were carried (*ferre*) up to the Capitol by the victorious general in person, or from the fact that the general had to strike down (*ferire*) his opposite number before such spoils could be won.²

After Marcellus, there is no recorded interest in the winning or dedication of *spolia opima* until the dictatorship of Caesar. This is comprehensible enough, for in the increasingly sophisticated and large-scale wars of the second and first centuries B.C., two generals were less likely to meet each other in hand-to-hand combat, the only opportunity for the winning of the honour, than they had been in earlier campaigns.³ This practical situation is recognized when the issue of the *spolia opima* crops up in the last year of Caesar's life. Amongst the honours recorded by Cassius Dio as accepted by Caesar after his return from Spain (45/44 B.C.) is the privilege of 'dedicating *spolia opima* in the shrine of Jupiter Feretrius just as if he had slain a general of the enemy with his own hand' (Dio 44.4.3): the assumption seems to be that such a slaying is highly unlikely under prevailing conditions of warfare, and that the rules need to be relaxed to award the honour even to the greatest general of the day. This honour, and the entire list of honours given by Dio, our sole source on this matter, has been questioned by many, most prominently by Syme, who sees the mention of *spolia opima* under Caesar as an anachronism, asserting that it was the then Octavian who first turned the honour into a political issue (in the case of Crassus, to be discussed shortly).⁴ However, there seems little reason to doubt Dio's evidence here: the honours listed eminently suit Caesar rather than Augustus, and the right to dedicate *spolia opima* coheres as an ultimate award for valour with Caesar's other privileges of permanently wearing the triumphal token of the laurel-wreath (attested by Suetonius, *Div. Jul.* 45.2, as well as by Dio) and of wearing the *toga picta* of the *triumphator* at all public festivals.⁵ In this as in other matters Caesar may have

* My thanks to Professor R. G. M. Nisbet for his comments on an earlier draft, and to the referee for *CQ* for some helpful remarks. This article is dedicated to the memory of Elizabeth Rawson, Corpus colleague and friend, in *qua multum nuper amisimus*; she showed a lively interest in it, and gave characteristically generous aid.

¹ cf. Ogilvie on Livy 4.20.5–11 and H. Mensching, *MH* 24 (1967), 12ff.

² cf. Propertius 4.10.45–8, and the introductory note of Butler and Barber on that poem (cf. also n. 11 below).

³ But cf. S. P. Oakley, *CQ* n.s. 35 (1985), 392–410, who convincingly shows that there were more single combats between commanders than commonly believed, even in the Late Republic.

⁴ R. Syme, *HSCPh* 64 (1959), 43–7 (= *Roman Papers*, 1 [Oxford, 1979], pp. 418–21).

⁵ This privilege of wearing triumphal dress in Rome had in 61 been granted to Pompey (Cicero, *Att.* 1.18.6, Dio 37.21.4, Velleius 2.40.4); the grant of the same to Caesar is surely a case of one dynast emulating another.

consciously looked to the model of Romulus, the first dedicator of *spolia opima* and a similar holder of supreme power at Rome by valour.⁶

Caesar had little time to make use of the privileges awarded to him in the last year of his life: there is no record of his dedicating *spolia opima*, and subsequent accounts still regard Marcellus in 222 B.C. as the last honorand. The temple of Jupiter Feretrius continued to decay, its most important function in disuse; by the late thirties B.C. it had lost its roof.⁷ However, the privilege awarded to Caesar of dedicating *spolia opima* without the usual rigorous conditions was clearly not lost on Caesar's heir: keen to arrogate to himself all possible military prestige in emulation of his adoptive father, Octavian was unlikely to pass over the supreme martial honour, recently placed once more on the political agenda, especially as he too liked to be associated with Romulus.⁸ In the late 30s Octavian rebuilt the temple of Jupiter Feretrius: Nepos (*Atticus* 20.3) tells us that this was done at the prompting of Atticus, who died in 32, and the rebuilding is usually dated to 31.⁹ The date might be pushed back to 32 to coincide with another renewal by Octavian of an ancient tradition which was of direct political use. In that year he revived the priestly college of the *fetiales* to declare war on Cleopatra as a foreign enemy, a clear propaganda exercise;¹⁰ at least some of the regalia of the *fetiales*, the *sceptrum* on which they swore their oath and the flint-stone which they used in their sacrifices, were kept in the temple of Jupiter Feretrius,¹¹ and the restoration of the fetial college might well have provided some impetus for restoring a temple with which it was closely linked.

It must have thus been a considerable shock to Octavian when in 29 B.C. M. Licinius Crassus, proconsul of Macedonia and grandson of the triumvir, following his killing in battle of a king of the Bastarnae, marauders from across the Danube, claimed the right to deposit *spolia opima*. A descendant of Caesar's rival was claiming by legal right the honour which Caesar had been extraordinarily awarded and which Octavian would naturally have coveted, an honour indissolubly linked with a temple which Octavian himself had just restored. The claim was a clear danger to Octavian's own military and political prestige, and he defeated it on a dubious technicality, pointing out that strictly speaking Crassus as pro-consul was not fighting under his own auspices.¹² Octavian's insistence on the rules seems to have been particularly necessary. Though the rigorous conditions for dedicating the *spolia opima* were

⁶ On Caesar and Romulus cf. the evidence collected by S. Weinstock, *Divus Iulius* (Oxford, 1971), pp. 175–84.

⁷ cf. Nepos, *Atticus* 20.3, 'cum aedis Iovis Feretrii Capitolio, ab Romulo constituta, vetustate atque incuria detecta prolaberetur.'

⁸ The constant association of Augustus and Romulus in contemporary literature and art is surely a token of this: cf. Vergil, *G.* 3.27, Horace *C.* 3.3.15ff., *Ep.* 2.1.5ff., Weinstock, op. cit. (n. 6), p. 190, P. Zanker, *Forum Augustum: Das Bildprogramm* (Tübingen, n.d.), pp. 17–21; so is the mooring of 'Quirinus' or 'Romulus' as a possible alternative to 'Augustus' in 27 B.C. (Suetonius, *Aug.* 7.2, Cassius Dio 53.16.7). This association may go back some way in the *princeps'* self-presentation; there is a story, possibly from Augustus' *De Vita Sua* (in 13 books, describing his life up to 25 B.C. – Suetonius, *Div. Aug.* 85.1), that as he took the auspices in his first consulship (43 B.C.) twelve vultures appeared to him as they had to Romulus in founding Rome (Suetonius, *Div. Aug.* 95).

⁹ S. B. Platner and T. Ashby, *A Topographical Dictionary of Ancient Rome* (Oxford, 1929), p. 293.

¹⁰ *Fetiales* revived in 32: Dio 50.4.4 (cf. T. Wiedemann, *CQ* n.s. 36 [1986], 482–3).

¹¹ Paul. exc. Fest. p. 81.16ff. Lindsay: 'Feretrius Iuppiter a ferendo quod pacem ferre putaretur: ex cuius templo sumebant sceptrum per quod iurarent, et lapidem silicem quo foedus ferrent.'

¹² cf. Dio 51.24.4, a brief narrative; the details may be extracted from Livy – cf. Syme, loc. cit. (n. 4) and H. Dessau, *Hermes* 41 (1906), 141–51.

clearly understood to pertain when Caesar was awarded the privilege of having them waived, the point was not uncontroversial. The inexhaustible Varro, very likely in his *Antiquitates Rerum Humanarum et Divinarum* of 47 B.C.,¹³ seems at least to have countenanced the view that *spolia opima* could even be won by a private soldier if he slew the enemy commander with his own hand (though nothing is said about the more politically significant act of public dedication), according to Festus, p. 204.4ff.:

M. Varro ait opima spolia esse, etiam si manipularis miles detraxerit, dummodo duci hostium ...

M. Varro says that *spolia opima* can be such, even if a common soldier has stripped them off, provided it is from the enemy commander ...

When such views could be held by serious and recent antiquarians, it is not surprising that Octavian went to some lengths, even adducing antiquarian evidence himself in the form of the supposed corslet dedicated by Cossus, the second winner, to establish his case against Crassus; Cossus, he asserted, was no precedent for Crassus since he had been consul at the time. Octavian's concern, as Dessau and Syme have argued,¹⁴ is clearly reflected in Livy's correction to his account of Cossus' achievement (4.20.5–11), which is in effect a discussion of the Crassus case without mentioning it.

A closer look at Livy's narrative reveals his consciousness of the high politics involved, and his concern to produce a version acceptable to the *princeps*. In his account of the Cossus story (4.19.1–20.4), Livy calls Cossus a 'tribunus militum', a subordinate position analogous in terms of the rules for the *spolia opima* to that of Crassus in 29; but in an immediately subsequent passage which is clearly added as a later correction (4.20.5–11),¹⁵ Livy presents the view of the *princeps* (by then 'Augustus'), backed up by a reference to the evidence of the corslet (above), that Cossus was consul at the time and therefore supreme commander, fully entitled to *spolia opima* under the narrow requirements of the rules. Some have found Livy's self-correction ironic or evasive, since it claims that it would be 'almost a sacrilege' (4.20.7) not to believe the evidence of the *princeps*, the restorer of the temple of Jupiter Feretrius. Yet the end of the passage, correctly interpreted, seems to make a genuine appeal to the greater historical probability of Cossus' being consul – other views are mere talk, while Cossus as the dedicator knew the truth, and was unlikely to perjure himself through a false inscription in the solemn sight of the gods' statues (4.20.11):

Ea libera coniectura est, sed, ut ego opinor, vana. Versare in omnes opiniones licet, cum auctor pugnae, recentibus spoliis in sacra sede positus, Iovem prope ipsum, cui vota erant, Romulumque intuens, haud spernendos falsi tituli testes, se A. Cornelium Cossum consulem scripserit?¹⁶

This kind of conjecture may freely be made, but to my mind in vain. Can one turn the matter through all kinds of opinion, when the principal in the fight, having placed his fresh spoils in the sacred temple, gazing from close by at Jupiter himself, to whom his prayers were offered, and at Romulus, not to be taken lightly as witnesses to a false inscription, inscribed himself as 'A. Cornelius Cossus, consul'?

¹³ This passage of Festus is not mentioned in B. Cardauns' edition of Varro's *Antiquitates Rerum Divinarum* (Wiesbaden, 1976). In this work of religious antiquarianism Varro is surely very likely to have discussed the cult of Jupiter Feretrius and the rules for dedicating the *spolia opima*, especially perhaps in Books 30–2, which gave an account of the sacred buildings of Rome (Augustine, *CD* 6.3).

¹⁴ References in n. 4 and n. 12 (above).

¹⁵ cf. Ogilvie's commentary ad loc. and T. J. Luce, *TAPA* 96 (1965), 211–18.

¹⁶ I have put in the question-mark after 'scripserit', which seems the only way of making sense of the passage without resorting to conjecture: the emphatic 'ea libera ... vana' seems to dismiss other versions, so 'licet' cannot be a statement, and 'opiniones' seem to be unfavourably contrasted with the historical fact of Cossus' inscription. Any interpretation which takes 'cum' as concessive (cf. Ogilvie ad loc.) thus seems improbable. For the construction 'versare in' with accusative ('rem' *vel sim.* is understood as object) cf. Livy 1.58.3, Vergil, *Aeneid* 4.630, 8.21.

Though Livy does not alter his previous account in the text, perhaps because the first five books of his history had been composed for some time by 29 B.C.,¹⁷ his inserted revision makes clear that he is anxious to conform to the Augustan version of the rules for dedicating the *spolia opima*. The evidence of Augustus seems to have been obtained by Livy at second hand (4.20.7 'audissem legisse'), perhaps through an appropriate go-between, and whether or not Augustus initiated an approach to the historian, there seems little doubt of Livy's intention to please the *princeps* here; otherwise this fulsome page of correction, amending the version found by Livy in all his written sources (4.20.5), need never have been written.

It is in the light of this propaganda crisis that we should consider Propertius' elegy on the cult of Jupiter Feretrius (4.10); there is no conclusive internal evidence for dating the poem, but its appearance in Book 4 makes it certain that it post-dates the claim of Crassus, probably by some ten years.¹⁸ It is certain that the poet, like Livy, knew he was dealing with a politically sensitive area;¹⁹ there seems little doubt, too, that Propertius' aetiology, as in the similar aetiology of the Palatine temple of Apollo which forms the centrepiece of the same book, was intended (unlike some of Propertius' earlier poetry) to give the *princeps* the version he wanted to hear.²⁰ The opening of the poem states its theme (1-2):

nunc Iovis incipiam causas aperire Feretri
armaque de ducibus trina recepta tribus.

Now I shall begin to unfold the reasons for Jupiter Feretrius, and the three sets of arms received from three commanders.

This opening is echoed in the penultimate couplet (45-6):

nunc spolia in templo tria condita: causa Feretri,
omine quod certo dux ferit ense duces.

Now there are three sets of spoils laid in the temple: the reason for 'Feretrius' is that commander struck commander with sword under sure omen.

What strikes the reader is the fixity of the number of three, which is treated as canonical and repeated at both the beginning and end of the poem: Propertius speaks as if no addition to the *spolia opima* had been contemplated since Marcellus in 222 B.C., and the whole thing is treated as an antiquarian matter. One suspects already that the Augustan line is being followed: the account is closed, and no addition is envisaged – not even from Augustus himself, the new Romulus, and certainly not from any other general.

This Augustan view is confirmed not only by the general shape of the poem, which simply gives accounts of the three dedications of *spolia opima* in chronological order, but also by the details of the penultimate couplet, already cited above. The cryptic 'omine...certo' (46) has caused some difficulty for commentators, who generally

¹⁷ cf. A. J. Woodman, *Rhetoric in Classical Historiography* (London, 1988), pp. 134-40, who regards the first five books as composed before Actium.

¹⁸ On the dating of the fourth book of Propertius (published after 16 B.C.), cf. W. A. Camps, *Propertius Elegies Book 4* (Cambridge, 1965), p. 1.

¹⁹ cf. M. Hubbard, *Propertius* (London, 1974), p. 131 (she takes a less positively Augustan view of the poem).

²⁰ I wholly disagree with the view advanced by W. R. Johnson, *CSCA* 6 (1973), 151-80, that Propertius 4.6 is in any way anti-Augustan, and with that of J. P. Sullivan, *Propertius* (Cambridge, 1976), pp. 145-7, that it is a playful parody of court-poetry; it is a sincere attempt to hymn Actium in the Callimachean style – cf. Hubbard, op. cit. (n. 19), pp. 134-6, F. Cairns in A. J. Woodman and D. A. West (ed.), *Politics and Poetry in the Age of Augustus* (Cambridge, 1984), pp. 131-3.

refer it somewhat unsatisfactorily to the 'sure omen' of the favour of Jupiter Feretrius: the Roman general is supposed to have vowed before the duel that he will dedicate the *spolia opima* to Jupiter if successful, and thus fights with the support of the god, who is given an interest in the outcome.²¹ If we consider the details of the Crassus case, and especially of the passage of Livy mentioned above, the phrase assumes a new significance. In Livy we find what appear to be the full conditions for dedicating the *spolia opima* on which Augustus successfully based his opposition to Crassus (4.20.6):

Ea rite opima spolia habentur, quae dux duci detraxit, nec ducem novimus nisi cuius auspicio bellum geritur.

Those spoils are duly held to be *spolia opima* which a general takes from another general, and we know no general except the man under whose auspices war is waged.

The rule may well go back to a statute hopefully cited as a *Lex Numae* in the *libri pontificales* by Festus but likely to belong to the Republic – cf. Festus, p. 204.12ff. Lindsay:

...esse etiam Pompili regis legem opimorum spoliolum talem: 'Cuius auspicio classe procincta opima spolia capiuntur, Iovi Feretrio dari oporteat ...'

... (it says) that there is a law of *spolia opima* of King Numa as follows: '[by him] under whose auspices with army in battle-order the *spolia opima* are taken, they should be given to Jupiter Feretrius ...'

The problematic material about first, second and third *spolia* which follows in Festus' account of this 'Lex Numae' does not alter the strong emphasis in its first words. There the right of dedicating *spolia opima* applies only to the general who wages war with the auspices, the crucial point in the Crassus case. Note the polyptoton 'dux duci' in Livy's version of the rule: this is picked up again in Propertius' 'dux ... ducem', and also in another passage of Festus, which may well recall another part of the so-called *Lex Numae* (Festus, p. 202.23ff. Lindsay), defining the *spolia opima* as 'spolia ... quae dux populi Romani duci hostium detraxit'.²²

Whatever the details, the crucial aspect of the rule for the *spolia opima* for Augustus was that they could be properly claimed only by a general under whose auspices the relevant war was being fought. Livy mentions this explicitly, but it is also more poetically alluded to in 'certo ... omine' in Propertius. The auspices, normally taken at the start of a magistrate's tenure and functioning formally as a sign of *imperium*, could also be taken for simple divination before individual battles, at least in the early Republic,²³ and could be referred to as 'omen' or 'omina';²⁴ Propertius' 'sure omen' can therefore be that of well-omened auspices taken before the battle, predicting a certain victory, and he can here be seen endorsing the official Augustan line, given by Livy, against the claims of Crassus – *spolia opima* are only allowable if the claimant was under his own auspices at the time.

Confirmation that this is the version of the *spolia opima* encouraged by Augustus in the poets is found in Vergil. The canonical number of three dedications is found

²¹ So M. Rothstein (*Die Elegien des Sextus Propertius II*, 2nd ed. [Berlin, 1924], p. 342, D. R. Shackleton Bailey, *Propertiana* [Cambridge, 1956], p. 263; Camps, op. cit. (n. 18), p. 153) paraphrases 'omine ... certo' as 'a sign not to be mistaken of heaven's (or the god's) favour'.

²² Also shared by Festus and Livy is the verb 'detraxit', another element which suggests that both depend on an earlier formula.

²³ For pre-battle auspices, regularly taken until the second century B.C., cf. Livy 5.21.1, 6.12.7, 41.18.7–8 and J. Linderski, *ANRW* II.16.3 (1974), 2173.

²⁴ cf. *TLL* 9.2.574.51ff., and esp. Vergil, *Aen.* 11.589 'infausto committitur omine pugna'.

in his description of M. Claudius Marcellus, the second dedicator, who is introduced into the 'Show of Heroes' in the *Aeneid* both for his own historical importance as a great Roman general and as ancestor of Augustus' son-in-law and adopted heir (*Aeneid* 6.858–9):

sternet Poenos Gallumque rebellem,
tertiaque arma patri suspendet capta Quirino.

He will lay low the Carthaginians and the rebel Gauls, and will hang up the third set of arms captured to father Quirinus.

It would seem that Vergil gives a different version of the dedication-place of the *spolia opima*;²⁵ 'patri... Quirino' suggests the temple of Romulus/Quirinus, not that of Jupiter Feretrius. Such confusion is possible, but there could be another explanation: Livy's account of Cossus' dedication (4.20.11, quoted above) makes it clear that the temple of Jupiter Feretrius also contained a statue of Romulus as first dedicator, and the poet may have chosen in the 'Show of Heroes' to stress the heroic founder of Rome, who has already appeared prominently in the same catalogue (6.777–80), rather than Jupiter Feretrius, while still intending to indicate that the temple of the latter god is the place of dedication. Whatever we make of this detail, the strong suggestion in Vergil's account of the elder Marcellus is once more that the canon of three dedications is now completed and will not be supplemented: the fixed number appeals to a fact known by all and remaining immutable. Vergil's passage was certainly written after the Crassus affair, for it can be dated to 23 or after by its link with the following lament for the death of the young Marcellus in that year.

Further and less obvious evidence reflecting the Augustan line can be found in the treatment of the young Pallas in the *Aeneid*. At 10.449–50 Pallas sees himself as having a chance of the *spolia opima* if he kills and spoils the opposing general Turnus:

aut spoliis ego raptis laudabor opimis,
aut leto insigni...

I shall be praised either for taking the *spolia opima*, or for a noble death...

Commentators have objected that this is not a strict reference to the *spolia opima* on two-fold grounds: it would be an anachronism, and Pallas is anyway not an independent commander. On the point of anachronism, Vergil imports many elements of his own day back to the heroic world of the *Aeneid*;²⁶ on the point of independence of command, he seems to have allowed carefully for this in *Aeneid* 8. There Evander sends forces to war with Aeneas, who will be accompanied by Pallas (8.518–19):

Arcadas huic equites bis centum, robora pubis
lecta dabo, totidemque suo tibi nomine Pallas.

I shall give him [i.e. Pallas] two hundred Arcadian cavalry, the choice strength of our youth, and Pallas will provide the same number for you in his own name.

The detail that Pallas' forces are presented under his own name ('suo... nomine') and not merely as a subset of Evander's is surely put in to anticipate his hopes for the *spolia opima* as an independent commander; there is otherwise little point to it in the context, which generally stresses the fact that Pallas is to perform his military apprenticeship as the *contubernalis* of Aeneas (8.513–17).²⁷ Here there is no specific political reference, but Vergil does seem to reflect the renewed interest in the *spolia*

²⁵ cf. Austin's commentary ad loc.

²⁶ cf. F. H. Sandbach, *PVS* 5 (1965–6), 26–38, N. M. Horsfall in *Enciclopedia Virgiliana* s.v. 'anacronismi'.

²⁷ cf. R. G. M. Nisbet, *PVS* 17 (1978–80), 57.

opima and in the strict conditions for claiming them, asserted by Augustus in the Crassus case.

The example of the *spolia opima* is one of many instances in which the poets of the Augustan period incorporated material of contemporary political importance to Augustus into their poetry. This does not mean that they wrote to order;²⁸ but there were some significant issues which poets and historians simply had to get right in this era, and sometimes (as perhaps in the case of Livy) a reminder was necessary to obtain the 'correct' result. The clearest example of 'Augustan history' is the account of the battle of Actium, with its melodramatic exaggeration of Cleopatra as a foreign enemy and playing-down of Antony and the many Romans fighting with him.²⁹ The rules for dedicating the *spolia opima* were in a similar category; a dispute concerning them had recently constituted a grave danger to the all-important *dignitas* of the *princeps*, and that in the military field which he was concerned to dominate, and it is surely no surprise that poets (as well as historians) show awareness of it as a political issue, and confirm the Augustan view and version of the rules.

Corpus Christi College, Oxford

S. J. HARRISON

²⁸ cf. J. Griffin in *Caesar Augustus: Seven Aspects*, ed. F. Millar and E. Segal (Oxford, 1984), pp. 189–218.

²⁹ cf. R. Syme, *The Roman Revolution* (Oxford, 1939), pp. 297–8, J. Griffin, *Latin Poets and Roman Life* (London, 1985), pp. 32–3.