Malevolent Gods and Promethean Birds: Contesting Augury in Augustus's Rome*

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SUMMARY: The well-known mythological basis for augury (by which I mean in this paper the specialist consultation of various antics of birds in flight) is that there exists a positive interaction between gods and birds, whereby beneficent gods send reliable signs to expert mortals by means of certain birds, which act as the gods' messengers.

The aim of this paper will be to demonstrate that Augustan writers (Livy, Vergil, and Ovid) engage in a lively debate about the hallowed mythological underpinning for augury, a debate which is all the more surprising (and potentially contentious) in light of the Emperor's own promotion of this most ancient religious institution.

AUGURY—BY WHICH I MEAN IN THIS PAPER THE SPECIALIST CONSULTATION OF various antics of birds in flight¹—is the oldest and one of the most prestigious forms of religious practice at Rome. It forms an integral part of the very foundation myth of Rome, and was considered worthy of its own special "college" in the Roman religious establishment.² The mythological underpinning for this practice—whether or not it is specifically expressed—is that there exists a positive interaction between gods and birds, whereby beneficent gods send

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¹ The number and type of birds, the direction and height of their flight, their speed, noise, and individual antics could all be important factors in augury; see esp. Bouché-Leclercq 1963: 4.199–203. Consultation of bird flight was (for the most part) superseded, from the third century B.C.E. onwards, by a practice of observing the eating and behavioral patterns of fowl; see esp. Bouché-Leclercq 1963: 4.184–87, 199–208; Linderski 1986: 2226–41.

² See Bouché-Leclercq 1963: 4.262–85; Linderski 1986: 2151–90.

reliable signs to expert mortals by means of certain birds, which act as the gods' messengers (see n32 below).

Read modern scholarship on Roman augury, and one gets the impression that this mythological interpretation was only seriously challenged by certain "intellectual" members of the leisured elite, particularly in the late Republic: these men, especially those from Epicurean and Academic schools of thought, would dismiss mythical/divine interpretations of augury while at the same time insisting on the political benefits of maintaining an institution that was respected by the gullible masses.³

But is this the whole story? The aim of this paper will be to demonstrate that the terms of augural debate are in fact much more dynamic than previous scholars have given them credit for. Focusing on the Augustan era, I will attempt to show that there is lively debate and contention within the mythological sphere itself, in that the author/narrator figure in Vergil's Aeneid and Ovid's Fasti—to whom I will hereafter refer as "Vergil" and "Ovid" for simplicity—accept the notion of interaction between gods and augural birds but question the very nature of this relationship and cast doubt on its overall beneficence. 4 This debate is all the more interesting, I will argue, in light of the fact that: 1) Augustus was consciously attempting to (re-)emphasize the positive attributes of Roman religion, augury included, as part of his programme of cultural revival, and; 2) the works in question, a national epic and a poem based around the Roman religious calendar, might be expected to act as the most fitting ambassadors for these new Augustan emphases. Whether the diverse views on augury found in these works are to be treated as antagonistic (but essentially harmless) play, or serious, subversive critical debate, is hard to recover. Nevertheless, for a society whose religion is not based on any one orthodox text, we should not underestimate the capacity of literature to act as a primary articulator of religious debate, a situation which inevitably pulls against any Augustan desire for religious conformity.5

³ The Epicurean denial of divine involvement in the lives of mankind naturally entails skepticism towards augury; cf. e.g. Lucr. 2.1090–92. For Academic skepticism, cf. Cic. *Div.* 2.70–83. See further Rawson 1985: 298–316.

⁴ It is, of course, not unusual for *internal characters* within a narrative work to cast doubt on the efficacy of divination, especially in tragedy, where unscrupulous individuals are typically set up for a fall; cf. e.g. Jocasta's outburst in Soph. *OT* 707–25. But the "authorial"—or at least "chief narratorial"—weight given to such contentious mythological views by Vergil and Ovid is something quite novel.

⁵ Barchiesi 1997: 10–11 rightly reminds us that poetry, more than any other mode of communicating political discourse, "has greater potential for conflict and dissent, as well as less stability." For the importance of literature in articulating religious debate and change at Rome, see especially: Beard 1987; Scheid 1992; Feeney 1998: 1–11.

1. AUGURY IN 1ST CENTURY B.C.E. AND AUGUSTAN ROME

Before we look at Augustan texts, we need first to establish the Augustan religious backdrop for any literary treatment of augury. For centuries, it would seem, augury enjoyed positive status in Rome, a city famously founded on the consultation of birds. In fact, during the Late Republic, when Roman scholars for the first time set about trying to define and explain their own religion, it was popular to categorize it in terms of three "core" areas of activity covered by different priesthoods: rituals (*sacra*); auspices/augury, the major axis of communication between gods and mortals and the means of assigning sacred status to places and moments in time; prodigies and portents, the signs of divine intervention. Augury was felt to be particularly important, with augural symbols appearing regularly on Late Republican coinage.⁶

Octavian/Augustus did not advertise augury as a potent symbol of religious revival in as overt a manner as he did with, for example, animal sacrifice (for which see Green 2008). Nonetheless, there is plenty of evidence to suggest that Rome's first Emperor found it beneficial to maintain the ancient prestige and mythical interpretation attached to the practice, in order to extend the sense of religious revival under the Principate and forge additional links between himself, his famous ancestors, and the gods. On taking the auspices at his first consulship in 43 B.C.E., Octavian is said to have spotted the favorable omen of twelve vultures, an event which was no doubt exploited (invented?) to stress positive links between Octavian and Rome's founder, Romulus.⁷ A year later, in the manner of his father Julius Caesar, Octavian assumed the augurate, a position in which he expressed pride.8 He is duly depicted as augur, carrying the customary staff (lituus), on the Altar of the Lares (see Zanker 1988: 121, 125). In this capacity, he actually revived one augural procedure, the so-called "Augury of Safety" (augurium Salutis), whereby the new consuls coming into office would take the auspices before offering a prayer to Salus. 9 Most famously,

⁶ For Late Republican attempts to categorize religion into core areas, and the importance attached to augury, cf. e.g. Cic. *N. D.* 3.2.5 (Romulus established augury, Numa established *sacra*), *Leg.* 2.8.20, 12.30–31; see further Gordon 1990: 179–83.

 $^{^7}$ Cf. Suet. Aug. 95, Dio 46.46.2 (six vultures followed by a further twelve), App. B.C. 3.94.

⁸ Octavian became augur in 42 B.C.E. and was keen to advertise this position, along with every other major priestly office he held, in *Res Gestae* (7): "pontifex maximus, augur, quindecimvirum sacris faciundis, septemvirum epulonum, frater arvalis, sodalis Titius, fetialis fui."

⁹ Cf. Suet. *Aug.* 31; cf. also Dio 37.24 (after Pompey's victories in 63 B.C.E.). As the practice could only be conducted during times of peace, the revival of the *augurium Salutis* afforded yet another opportunity to advertise the *pax Augusta*.

in 27 B.C.E., Octavian decided to take the title "Augustus"—a name with strong sacral connotations etymologically linked with augury—in preference to other suggestions including "Romulus" (see discussion below, pp. 164–65). Taking these political gestures together allows us, with some confidence, to reconstruct a certain Augustan discourse on augury. Most importantly for our purposes, it is a discourse which is underpinned by the notion of benevolent interaction between special, (self)-appointed mortals, gods and their special avian messengers.

2. TESTING THE SKIES: AUGURY IN LIVY

Before analyzing the Augustan poets' approach to augury, it is important to look to Livy, who might be considered the first "Augustan writer" to treat the topic in any detail. The most famous augury in Livy is that conducted by Romulus and Remus to decide the founder of the new city, and I cite the text in full here (Livy 1.6.3–1.7.3): 11

ita Numitori Albana re permissa Romulum Remumque cupido cepit in iis locis ubi expositi ubique educati erant urbis condendae. et supererat multitudo Albanorum Latinorumque; ad id pastores quoque accesserant, qui omnes facile spem facerent parvam Albam, parvum Lavinium prae ea urbe quae conderetur fore. intervenit deinde his cogitationibus avitum malum, regni cupido, atque inde foedum certamen coortum a satis miti principio. quoniam gemini essent nec aetatis verecundia discrimen facere posset, ut di quorum tutelae ea loca essent auguriis legerent qui nomen novae urbi daret, qui conditam imperio regeret, Palatium Romulus, Remus Aventinum ad inaugurandum templa capiunt.

priori Remo augurium venisse fertur, sex voltures; iamque nuntiato augurio cum duplex numerus Romulo se ostendisset, utrumque regem sua multitudo consalutaverat: tempore illi praecepto, at hi numero avium regnum trahebant. inde cum altercatione congressi certamine irarum ad caedem vertuntur; ibi in turba ictus Remus cecidit. volgatior fama est ludibrio fratris Remum novos transiluisse muros; inde ab irato Romulo, cum verbis quoque increpitans

¹⁰ It is now generally held that Livy may have started work on the first pentad before the battle of Actium in 31 B.C.E., and that he finished it no later than 25 B.C.E.; see Luce 1965. For our purposes, Livy can be considered "Augustan" in the sense that he is writing (and the reader is reading) in full awareness of Augustus's attempt to associate himself positively with augury; after all, his sighting of twelve vultures at his first consulship and his assumption of the position of augur (mentioned above) occurred at least ten years previous (43 B.C.E. and 42 B.C.E. respectively).

¹¹The text of Livy is taken from the OCT of R.M. Ogilvie 1974. For the sake of consistency throughout this paper, however, I have used 'v' for consonantal 'u'. All translations are my own.

adiecisset, "Sic deinde, quicumque alius transiliet moenia mea," interfectum. ita solus potitus imperio Romulus; condita urbs conditoris nomine appellata. Palatium primum, in quo ipse erat educatus, muniit.

Now that the Alban government had been entrusted to Numitor, a desire took hold of Romulus and Remus to found a city in those places where they had been exposed and brought up. Moreover, the population of Albans and Latins was too large; to these were also added the shepherds. All of these people easily entertained the hope that Alba would be small, that Lavinium would be small in comparison to the city which was to be built. These deliberations were subsequently interrupted by an ancestral/age-old evil, a desire for kingship, and then a shameful quarrel which arose from innocent enough beginnings. Since they were twins, and respect for their age could not make any distinction between them, Romulus and Remus decided to let the gods, under whose guardianship those regions were, choose by augury which one of them should give his name to the new city, and which one of them should rule it with sovereignty once it has been founded. Accordingly, Romulus took the Palatine, and Remus the Aventine as their quarters of the sky to take the auspices.

An augural sign is said to have come first to Remus: six vultures. The augury had just been announced when double the number revealed themselves to Romulus. Each man was saluted as king by his own followers: one side based their claim on the grounds of priority of time, the other on the number of birds. Then, having met with altercation owing to the conflict of their heated passions, they turned to bloodshed: there, in the melee, Remus was struck down and killed. The more common rumor is that Remus, in mockery of his brother, jumped over the newly-formed walls; at that point, he was killed by an enraged Romulus, who added these words in anger, "In this way, then, let anyone else perish who jumps over my walls." Thus did Romulus gain sole power and the city, once founded, was named after the founder. He first fortified the Palatine, the hill on which he had been brought up.

Any idealistic view of the foundation augury as a story which confirms divine sanction for the founding of the city, establishes Romulus as the rightful founder, and marks augury as the oldest and most revered form of divination, is found wanting in Livy's treatment. Scholars have effectively drawn attention to the ambiguities in this section (see in general Miles 1995: 90, 147–48; Levene 1993: 129–31).

Livy's general strategy is to downplay divine elements, and rational or altruistic motives from the mortal protagonists, in favor of an earthly tale of human passion and self-sufficiency (see esp. Miles 1995: 137–54). The twins' reasons for constructing a new city in the first place are attributed to desire (1.6.3 *cupido*) and personal sentiment, in that they choose a location that holds special significance for them (1.6.3 *ubi expositi ubique educati erant*, duly

followed up by the successful protagonist at 1.7.3 *in quo ipse erat educatus*). ¹² The augural contest itself produces controversy, in that each participant receives omens that may be significant, dependent on whether priority of time or number of signs is considered more important. ¹³ In attempting to resolve the issue, neither contestant is able to appeal to any religious authority; on the contrary, it is the mortal followers of each who contend in championing their individual: 1.7.1 "utrumque regem sua multitudo consalutaverat." Human anger resolves the issue (1.7.2 *certamine irarum* . . . *ab irato Romulo* . . . *increpitans*), as Romulus is declared founder only when the other contender has been murdered. ¹⁴ The augury, then, acquires its "supernatural" significance only after decisive human action has occurred. As Miles (1995: 147) summarizes, "divine will is ambiguous: it is human action that is decisive . . . this episode confirms the characterization of Romulus as one who makes his own destiny."

Livy's critical summary of the event occurs, in fact, just before his narration of the story (1.6.4). Both Romulus and Remus act from a *regni cupido* "desire for kingship," a phrase which, though influenced by Ennius's version (*Ann.* 72–73 Sk. *cupientes/regni*), carries rather more negative connotations for a late-1st century B.C.E. audience, for whom *regnum* has become a political byword for tyranny. Moreover, Romulus is playing out an *avitum malum* "an ancestral/age-old evil," a clever phrase which looks both ways: back in time to his uncle Amulius's usurpation of Numitor and attempted murder of the young twins, and forward in time as the seed of later kindred strife among Romans, especially during the Civil Wars (see esp. Hor. *Epod.* 7.17–20).

¹² Note the way in which the increase in population is conceded almost as a secondary reason for founding a new city; cf. 1.6.3: "et supererat multitudo Albanorum Latinorumque." Romulus's selfish reasoning here is in marked contrast to Cic. *Rep.* 2.3–6, where the king is portrayed as a wise and rational man who chose the location because of its geography: far from the sea and rich in natural defenses.

¹³ Bouché-Leclercq 1963: 4.218–19 notes that, to prevent controversy caused by competing augural signs, there needed to be prior agreement as to which omens would be deemed superior in the event of such a conflict; as such, the scenario presented here by Livy is not resolvable under augural law. There is no such dilemma in Ennius's famous version of the story (*Ann.* 72–91 Sk.), where it is only Romulus who receives signs.

¹⁴ In spite of his guise as discerning historiographer, it is noticeable how Livy manages to draw attention to the most sinister, fratricide tradition of Remus's death, even though it is only labeled as popular rumor (1.7.2 *volgatior fama*). Cf. the suppression of the fratricide tradition in Dion. Hal. 1.87.

¹⁵ See Wirszubski 1950: 62–64, 121–22. Moreover, *cupido/cupiditas* regularly denotes in Livy an appetite for the inappropriate, immoral or illegitimate; see Feldherr 1997n123. The collocation is reminiscent of *imperi cupido*, judged by Sallust to be one of the roots of evil in the late Republic (*Cat.* 10.3).

What Livy initiates, in effect, is an exploration of a critical point of Augustan discourse, the result of which feels more in line with the skeptical intellectuals of the late Republic than with the Emperor. Far from a means of reliable communication between gods and specially-appointed mortals, augury, Livy intimates, is essentially a tool to be manipulated by powerful individuals: Romulus wins through force of personality, rather than divine right. This may provide a more general critique of Octavian/ Augustus, as a man who constructs divine sanction and uses the supernatural to legitimize his actions (see now Sailor 2006).

3. THE LUCK OF THE GODS: AUGURY IN VERGIL'S AENEID

One must not, of course, overlook generic reasons for Livy's downplaying of the divine and supernatural in his work: while it may be appropriate in historiography to speculate (with caution) on the machinations of the gods, it is inappropriate to venture further. Wergil and Ovid, however, are under no such generic restrictions: on the contrary, poetry invites a thorough investigation into the interaction of gods with mortals and the motives behind these interactions. Our two poets, then, are in an ideal position to confirm the divine benevolence of augury advocated by Augustus. It is noticeable, then, that both choose instead to develop the sort of antagonistic possibilities raised by Livy's earlier treatment. 18

Vergil's national epic is, of course, inextricably connected with Augustan Rome and its institutions. At first glance, it might appear that *Aeneid* will adopt a consistently positive stance towards Augustan religious revival: Aeneas, the proto-type Augustus, is a man famously endowed with the ultimate religious quality, *pietas*, and regularly shows himself to be concerned with the proper observance of religious practice.¹⁹

Things are not, however, quite as straightforward when it comes to augury. Vergil frames his epic poem with two important augural scenes, both involving

¹⁶ Livy informs us (*Praef.* 6–8) that he will note—but not elaborate on—divine and supernatural incidents in his narration of early Rome, because the records themselves are a mixture of history with myth; these mythological stories are justified insofar as they lend dignity to the origins of the city and are "plausible" with hindsight, when one considers the might of the great nation. See further Miles 1995: 8–74.

¹⁷ Note, in particular, Ovid's famous comment that gods are the creation of poetry (*Pont.* 4.8.55–56).

¹⁸ This is not to argue for or against the view that Vergil and Livy were familiar with each other's works. Cf. e.g. Ogilvie 1965: 3, who suggests that interaction between the two was "in the highest degree improbable."

¹⁹ This is particularly apparent in the many sacrifices Aeneas performs in the poem; see in general, Camps 1969: 24–25.

a swan and an eagle.²⁰ A comparison of these two scenes suggests that the poet is engaging critically with, rather than representing passively, the traditional—and now "Augustan"—mythological interpretation of augury.

Swan and Eagle, Part 1

The first augural scene,²¹ and indeed the first omen of the poem, occurs early in Book 1. Aeneas has reached the shores of Libya and is making his way to Carthage, when his mother Venus, disguised as a local huntress, meets the distressed hero and points out a favorable avian omen to the Trojan leader (*Aen.* 1.393–400):²²

aspice bis senos laetantis agmine cycnos,
aetheria quos lapsa plaga Iovis ales aperto
turbabat caelo; nunc stellas²³ ordine longo 395
aut capere aut captas iam despectare videntur:
ut reduces illi ludunt stridentibus alis
et coetu cinxere polum cantusque dedere,
haud aliter puppesque tuae pubesque tuorum
aut portum tenet aut pleno subit ostia velo. 400

Look at the twelve joyful swans in formation. The eagle of Jupiter, having swooped down on them from the heights of heaven, was scattering them over the open sky: but now, in their long column, they are either reaching the stars, or else they have already reached the stars and are now gazing down upon them. Just as they, returning, are playing with whirring wings, circling the sky

²⁰ For previous comparisons of these two augural scenes, see especially Anderson 1971: 49–58; Block 1981: 174–91. For discussions of the augural scene in Book 12, see also O'Hara 1990: 85–87. Though Anderson 1971: 52–53 briefly argues for contemporary political resonances in these scenes, no one has yet analyzed these scenes against the backdrop of Augustus's religious discourse.

²¹ It is appropriate to treat this scene as an augury, even though a deity (Venus in disguise) takes the place of the traditional mortal augur: both Vergil (*Aen.* 1.392) and Servius (ad *Aen.* 1.397) refer to the scene specifically as *augurium*. Moreover, even though augury had become by at least the third century B.C.E. simply a means of ensuring divine approval or disapproval for mortal decisions, ancient commentators suggest that this replaced an earlier system—like the one we have in the mythical times of Vergil's epic—whereby augury offered more varied predictions about the future; cf. Cic. *Leg.* 2.33, *Div.* 2.70.

 22 The text of *Aeneid* is taken from the OCT of R.A.B. Mynors 1969 unless otherwise indicated. All translations are my own.

²³ Most editors read *terras* at Verg. *Aen.* 1.395—which has the swans reach land after their escape from the eagle—but this reading creates additional textual difficulties in its context. Much better is the Housman emendation, *stellas*; for a convincing case for *stellas*, see Hardie 1987 and discussion below.

in company and giving song, in just the same way your ships and warriors are either already in port or drawing near to its mouth in full sail.

This first augural scene, then, involves twelve swans which, having been put to flight by the eagle, are now back on their correct path towards the stars. Venus not only draws Aeneas's attention to the omen but also offers him an interpretation: the swans, she suggests, represent Aeneas's men at sea/ships, ²⁴ in that they too have found, or are close to finding, safety (after the great storm). It should be noted that Venus's interpretation, which involves a fairly simple correlation between the antics of birds and humans, is only one of a number of viable interpretations. In his commentary on this section, Austin argues (1971: 141) for a more subtle interpretation: that the victory of Venus's birds (swans) over that of Jupiter (eagle) "suggests [Venus's] triumph over Iuppiter's hostility," harks back to the previous divine episode in which Venus could be said to triumph over Jupiter by getting the father of the gods to aid Aeneas (1.227–96). Hardie 1987 puts forward a very interesting argument for a multi-layered approach to the significance of the augury: this is not only an omen about the present safety of Aeneas's men, but is also symbolic of the future destiny of Aeneas and the Roman race, who will "reach the stars," metaphorically, in terms of Aeneas's apotheosis and Rome's undying fame.²⁵ These different interpretations do, of course, depend on the viewer: the interpretations of Austin and Hardie are accessible to the reader, but not to the limited, earthly viewpoint of Aeneas. Venus's interpretation of the omen to her son is, therefore, both positive and appropriate to his vantage point. It is also accurate, in the sense that Aeneas is indeed reunited with many of his lost comrades in Carthage (1.509-19).

At the beginning of the epic, then, the reader is presented with augury as a reliable (albeit multi-faceted) means of communication between beneficent gods and man, which is, in general terms, consistent with Augustan discourse

Swan and Eagle, Part 2

The second augural scene, in the epic's last book, is quite different. In the midst of battle between Latins and Trojans, the Latins receive the following avian sign (*Aen.* 12.244–60):

²⁴ Servius (ad *Aen.* 1.393) informs us that signs from swans were particularly favored by sailors, as both swans and sailors wish to keep themselves above water level.

²⁵ Thus backing up the words of Jupiter's prophecy a little earlier (*Aen.* 1.286–87 *Troianus . . . Caesar . . . famam qui terminet astris*).

his aliud maius Iuturna adiungit et alto	
dat signum caelo, quo non praesentius ullum	245
turbavit mentes Italas monstroque fefellit.	
namque volans rubra fulvus Iovis ales in aethra	
litoreas agitabat avis turbamque sonantem	
agminis aligeri, subito cum lapsus ad undas	
cyncum excellentem pedibus rapit improbus uncis.	250
arrexere animos Itali, cunctaeque volucres	
convertunt clamore fugam (mirabile visu),	
aetheraque obscurant pennis hostemque per auras	
facta nube premunt, donec vi victus et ipso	
pondere defecit praedamque ex unguibus ales	255
proiecit fluvio, penitusque in nubila fugit.	
Tum vero augurium Rutuli clamore salutant	
expediuntque manus, primusque Tolumnius augur	
"hoc erat, hoc votis" inquit "quod saepe petivi.	
accipio agnoscoque deos."	260

To these things Juturna adds another, mightier impulse and shows a sign high in the sky, than which none was more powerful to confuse the minds of the Italians and deceive them with its miracle. For, flying in the purple sky, the tawny eagle of Jupiter was putting to flight the shore birds and noisy troop of the winged column, when he suddenly swooped down to the waves and pitilessly seized a noble swan in his talons. The men of Italy thrilled at the sight. The birds wheeled in their flight, shrieking (a wonder to behold), darkened the heavens with their wings and, having formed a cloud, drove their enemy high in the air until, exhausted by their attacks and the weight of his prey, he gave way, dropped it out of his talons into the river below and took flight far away from the clouds.

The Rutulians greeted the augury with a shout and spread out their hands to fight. Their augur Tolumnius was the first to speak: "This was it!" he cried, "This was what I have so often sought in my prayers. I accept it and acknowledge the gods."

The Latins see birds²⁶ retaliating against an eagle that has captured a swan; the eagle eventually drops its prey and flees. Though there are general thematic similarities between this sign and the one in Book 1, a crucial difference here is that this augural sign is destined to deceive its recipients, the Latins, as Vergil is keen to stress even before he narrates the sign itself (12.244–46). With the help of their augur, Tolumnius, the Latins interpret the eagle as the rebel

 $^{^{26}}$ It is not clear from the generic *volucres* (12.251) whether or not all the birds are swans.

invader Aeneas, and see in the swans' victory hope of their own imminent victory in Italy (12.257–65).

This eventuality, of course, does not come to pass, and the optimistic Tolumnius is himself killed shortly afterwards (12.460–61). The key question is where the breakdown in the augural system has occurred here. We might, at first, be tempted to rescue augury's integrity by taking the view that the sign was indeed reliable, but that the Latins interpreted it incorrectly by attaching the wrong significance to the eagle and swans: they should have seen Turnus as the eagle and the victorious swans as the Trojans. But any attempt to rescue the integrity of augury in this way would be quite wrong. Servius (ad *Aen*. 12.246) backs up Vergil's own comment about the deliberately deceptive nature of the sign by asserting that the problem with this augural sign is that it is *false*, rather than *misinterpreted*: the sign is not freely given (*oblativus*) nor obtained by vows (*impetrativus*), and it is being administered by a lesser deity, namely the water-nymph Juturna.

Servius's comment brings the issue into clearer focus for us. The crucial point is that it is not Jupiter, recognized god of augury (see n32 below), who is sending the sign, but the water-nymph Juturna, who, playing on the Italians' sense of pity for their leader and cowardice at not entering battle, is acting from a personal agenda to save Turnus, who is after all her brother.²⁷ But how are the Latins to know this? They just see the birds, and interpret the sign in the best way they can, given that, unlike Aeneas in Book 1, they receive very little trustworthy divine guidance throughout the poem (This point is made effectively by Thomas 1998: 291–97). In light of their ignorance of the divine machinations working against them, the Latins' interpretation of the sign would appear to be perfectly logical, and their reaction to it admirably pious—all of which adds to their tragic status.²⁸

Vergil, then, presents no consistent view of augury, but instead criticizes the traditional interpretation by drawing attention to the potential malevolence of the gods. It is true that some readers might draw comfort from the fact that in both scenes the gods work (intentionally or otherwise) for the benefit

²⁷ She may be acting under the instruction of Juno, but it is far from clear here: Juturna's intervention is perhaps most logically understood in the immediate context as part of her continuing efforts to inspire the Latins to fight with added passion and save her brother from single combat with Aeneas (12.216–37).

²⁸ For the verbal links between Vergil's description of the sign (12.247–56) and Tolumnius's interpretation (12.259–65), all of which makes the augur's interpretation appear even more justifiable, see Block 1981: 188; Williams 1983: 34. Adding to the tragedy, Tolumnius believes that the augury is valid, as an *augurium impetrativum*, in that it has come in answer to his own private prayers (12.259–60).

of future Rome; but this does not cover up Vergil's deliberate emphasis on divine deception. Whereas *Aeneid* 1 presents us with a very positive image of augury as a reliable and beneficent mode of communication between god and man, *Aeneid* 12 complicates the picture dramatically by drawing attention to augury's potential to deceive; to the arbitrary level of guidance offered to different mortals to make reliable interpretations; and, most worryingly, to the opportunity for the manipulation of augury by different agents of power acting from their own personal agendas.²⁹

4. SHOOTING THE MESSENGER: AUGURY IN OVID'S FASTI

If Vergil's critical engagement with the practice of augury is subtle, Ovid is much more direct as he extends the discussion into new mythological territory in his ostensibly religious poem, *Fasti*. But whereas Vergil takes issue with the gods, Ovid concentrates on the "morality" of the birds. Ovid deals with augury specifically when, at the end of the section charting the history of live sacrifice (1.349–456), he turns his attention to the plight of birds (1.441–56):³⁰

intactae fueratis aves, solacia ruris, adsuetum silvis innocuumque genus, quae facitis nidos et plumis ova fovetis. et facili dulces editis ore modos: sed nihil ista iuvant, quia linguae crimen habetis, 445 dique putant mentes vos aperire suas. (nec tamen hoc falsum: nam, dis ut proxima quaeque, nunc pinna veras, nunc datis ore notas.) tuta diu volucrum proles tum denique caesa est, iuveruntque deos indicis exta sui. 450 ergo saepe suo coniunx abducta marito uritur in calidis alba columba focis. nec defensa iuvant Capitolia, quo minus anser det iecur in lances, Inachi lauta, tuas. nocte deae Nocti cristatus caeditur ales. 455 quod tepidum vigili provocet ore diem.31

Unviolated you were in former times, o birds, solace of the countryside, a race harmless and native to the woods, who make your nests and nurture your eggs

²⁹ Looking more widely, Vergil's divergent comments on augury may be felt to contribute to a general sense of religious disorder and despondency that was detected in the poem (especially Book 12) some years ago by Johnson 1976: 114–34, 141–49.

³⁰ The text of *Fasti* is taken from the Teubner edition of E. Alton, D. Wormell and E. Courtney 1978 unless otherwise indicated. All translations are my own.

³¹ For the cases for *in calidis* (452) and *Inachi lauta* (454), see Green 2004 ad loc.

under your feathers, and issue forth sweet strains from your versatile mouth. But those qualities help you not one bit, because you are open to accusation on the grounds of your tongue, in that the gods think that you reveal their minds. Nor indeed is this untrue: for, as each one of you is nearest to the gods, you offer signs now with your wings, now with your voice. Safe for a long time, the race of birds was then ultimately slaughtered, and gods enjoyed the entrails of their tale-telling informants. For that reason, the white dove burns upon hot hearths, the wife often torn away from her husband. Nor does their defense of the Capitol prevent the goose from offering its liver on your platters, o sumptuous daughter of Inachus. At night the crested cock is slaughtered to the goddess Night, because it summons the warm day with its wakeful voice.

In this section, Ovid tells us that birds have many endearing qualities, listed affectionately in the opening lines, and yet they too, like those animals dealt with earlier (1.349–440), turn out to be sacrificial victims. Particularly noticeable in this passage is the very deliberate and logical way in which Ovid articulates his thoughts. As soon as we learn that the birds are no longer exempt from sacrifice, we are given the gods' reasoning for this so as to justify their decision (introduced by *quia*, 445); the poet continues by appearing to endorse the gods' reasoning (*nec tamen hoc falsum*, 447); we are then offered three examples of bird sacrifice which, given the connective *ergo* (451), we are invited to read as a logical consequence of this divine reasoning.

I would argue, however, that the logical structure here only acts as a foil for a most illogical train of thoughts. The logic of this section effectively collapses in lines 445–46, when Ovid suggests that the gods punish birds for revealing their thoughts. This is an extraordinary and unparalleled statement for Ovid to make, and its implications have so far not been explored. Every reader, modern and ancient, ought to be astonished here, precisely because the established mythological view was that it was the *gods themselves* who sanctioned this purpose in birds—far from working against divine interests, augural birds were regarded as the gods' messengers to mankind.³² What Ovid does instead

³² For the general acknowledgment that augural birds are directed by the gods, cf. Xen. *Mem.* 1.1.3; Cic. *Div.* 1.120 with Pease ad loc.; *N.D.* 2.12, 160 (Balbus); Plut. *De Sollert. Animal.* 22 (975a–b); Amm. Marc. 21.1.9. For the more specific view that it is Jupiter who controls augural birds, which act as his "intermediaries" or "messengers," cf. Cic. *Leg.* 2.20, 3.43; *Phil.* 13.12; *Div.* 1.12, 1.106, 2.72–73, 2.78; Liv. 1.12.4, 1.18.9; Stat. *Theb.* 3.471ff.; Bouché-Leclercq 1963: 4.186; Linderski 1986: 2226–27. Ovid's sentiments here are evidently an embarrassment to the established view of augury, as scholarly works on the practice either have nothing to say about this passage or ignore the problem in these lines entirely; see Linderski 1986: 2227n316, where this passage is wrongly referred to as yet further evidence of the idea that birds act as messengers of the gods.

here is to cast augural birds in the role of treacherous informants or even, as I like to think, as Promethean figures, stealing knowledge for mankind which ought to have been kept with the gods.

From the outrageous statement in lines 445–46, the "logic" of this section effectively collapses. Consider nec tamen hoc falsum (447). At face value, Ovid seems to be endorsing the reasoning of the gods. But this is not the case. All Ovid does in lines 447–48 is to lend support to the widely-held view that birds reveal the will of the gods (and in differing ways). The poet's endorsement of such a well-established belief is therefore quite unremarkable, and does nothing to remove the surprise that the birds are being *punished* for this: why have their actions suddenly amounted to impiety? We are then offered three examples of bird sacrifice—the dove (to Venus), the goose to Isis and the cock to the goddess Night. These examples follow on very awkwardly from what has preceded, despite what the connective ergo (451) might have us believe. First, it is not clear that all three birds were strictly augural (see Green 2004 ad loc). More strikingly, though, Ovid articulates his sentiments in a way that seems to draw attention to the *inappropriateness* of bird sacrifice. This is particularly apparent in the first example concerning the sacrifice of the dove (451–52). Ovid here humanizes the relationship between the doves by referring to them as husband and wife (coniunx . . . marito, 451). Given that this is a sacrifice to Venus (cf. eg. Prop 4.5.65-66; Juv. 6.548-50), the humanization of the victim is a provocatively ironic touch: despite Venus's role of bringing lovers together, the sacrifice to her is described in terms of the splitting up of a loving married couple. The two further examples add to this sense of injustice towards bird sacrifice. In the case of the goose (453–54), Ovid undermines the validity of the sacrifice both by reminding us of the historical service which the animal performed for Rome while alive, and by his choice of divine recipient—Isis, who was, at least on an official level, a deity despised in the Augustan age.³³ Even in the case of the cock (455–56), beneficial to mankind in matters of time-keeping, there is every reason to suggest that this sacrifice to Nox, a chthonic deity worshipped by witches, would have been met with disgust (see further Green 2004 ad loc).

How, then, are we to interpret Ovid's extraordinary new twist to augury, that the gods do not sanction augural birds after all? There are, in short, two options. The first option—and evidently the most popular so far—is to dismiss Ovid's statement as incorrect and contrary to established "truth." There may be a good case for suggesting that this section is primarily a piece of (amus-

³³ Cf. e.g. Dio 53.2.4; Witt 1971: 222–23; Beard, North, and Price, 230–31; see further Green 2004 ad loc.

ing) mock-rationalization. For one thing, it should be noted that the whole section amounts to a bizarre blurring of distinctions between sacrifice, augury and haruspicine (*exta*, 450). For another, Ovid does appear to be acting quite disingenuously in this section when he treats the gods as a monolith (note the generalized *di*, 446): though sources often refer to the gods in general as instigators of augury, it is nevertheless very difficult to believe that a foreign deity (Isis) and chthonic deity (Nox) would have been conceptualized as part of this divine grouping. A deliberate strategy of mock-rationalization might serve the purpose of highlighting the lack of logic underpinning the gods' own thinking and thus show how ridiculous it is to punish birds for something they originally sanctioned. This would fit Ovid's general tactic in 1.349–456 of exposing the unjust role of gods in determining which animals are sacrificed (see Green 2004: 164–66).

The second, thus far unexplored option is to see Ovid here as attempting to "correct" other sources. It is just possible that Ovid is tapping into an existing debate on augury, just as he taps into anti-sacrifice traditions in the poem (see Green 2004: 164–66). The paucity of evidence makes this difficult to prove either way. What we do know is that there were a great number of works on augury and augural law in the Late Republic. The sheer number, and general forum of intellectual debate of the late-Republic, strongly suggests that there was no standardized approach to the practice (just as with the other technical arts). It is conceivable, though unlikely, that Ovid is here giving (inappropriate) voice to a contemporary but marginalized view of augury. It

However we interpret these initial comments on augury, it is important that we as readers make a firm decision here. The *Fasti* is usually a polyphonic work that offers multiple interpretations of customs, rituals and names, and ultimately refuses to be pinned down on any issue. But that is not the case with augury. It is striking that Ovid nowhere in the poem straightforwardly tempers his comments in Book 1 with the more traditional mythological interpretation of augury. The closest he comes is at 6.765–66: "sint tibi

³⁴ Individuals who are reputed to have written works on augury in the late Republic include Appius Claudius Pulcher, Lucius Caesar, Gaius Marcellus, Marcus Messala, Cicero, Veranius, Ennius (the grammarian), Varro, and Nigidius Figulus; see further Bouché-Leclercq 1963: 4.180; Rawson 1985: 302.

³⁵ For debate between augurs and their augural books, cf. e.g. Cic. Leg. 2.32.

³⁶ Finding no precedent in extant augural thought, the contention envisaged here between god and rebelling bird bears a passing resemblance to Aristophanes' *Birds*. In this play, Peisetaerus puts forward a proposal to the birds to cease contact with the gods, and thus cut off communication between gods and man, a situation which would involve an end to traditional augury (*Av.* 188–93, 554–59).

Flaminius Trasimenaque litora testes / per volucres aequos multa monere deos" (Let Flaminius and the Transimenian shores be your witnesses that fair gods give many warnings by means of birds). At first glance, this looks like a confirmation of the traditional view of birds as faithful messengers of the gods. But we should be cautious. First, the story of Flaminius, found only in Coelius Antipater fr. 20 P. (= Cic. Div. 1.77), involves a human taking signs from birds (chickens) feeding, rather than flying. If this was the traditional account, then this sentiment from Fasti 6 does not stand in direct opposition to Ovid's critique on flying augural birds in the opening book. Secondly, this apparently straightforward couplet contains potential verbal ambiguities. What is the force of *aequos*? If it is strong, Ovid may be intimating, in much the same way as his predecessor Vergil, that only fair gods—as opposed to unfair gods—offer reliable augural signs. Moreover, though it is more natural to take aeauos with deos, given the traditional word-ordering of noun and adjective in the classical pentameter, and the fact that *volucris* is predominantly treated as a feminine noun, it is certainly possible for the reader to take *aeauos* with the juxtaposed *volucres*. ³⁷ The meaning of the pentameter would then be radically different: "that the gods give many warnings by means of fair birds." This sentiment might then, in fact, be complicit with the earlier section on god-defying augural birds in encouraging us to understand two categories of avian messenger, the "fair" ones (which presumably play by the rules and give signs at the bidding of the gods) and "unfair" ones (which, as suggested in Book 1, operate in direct violation of the gods).

Far from being just one of a number of views on augury in the poem, Ovid's comments in Book 1 form part of a wider strategy to marginalize congenial ties between gods and birds in general, and to give emphasis to a more disturbing system of treachery and feuding between the members. This is perhaps most directly seen in Ovid's star myth about the Raven, Snake and Bowl (2.243–66). Apollo bids his raven to go and fetch spring water for sacred rites, but the raven is distracted by some juicy figs, which cause him to delay until the fruit has ripened; on returning to Apollo without the water, the raven lies about the reason for his delay; Apollo punishes the mendacious bird by denying him water for a fixed period of time. The tale, therefore, articulates the same tensions between god and bird that we find in the earlier section on augury: a bird, placed in a position of trust in close relationship with the

³⁷ For *volucris* as a masculine noun, cf. Cic. *Div.* 2.64; for the masculine noun *volucer* "bird," cf. Luc. 9.902.

³⁸ For rare, passing references to cordial relationships between gods and birds, cf. 3.807–8 (Jupiter and kite), 5.732 (Jupiter and eagle).

divine, defies the will of the gods and is duly punished.³⁹ Moreover, in the context of Ovid's comments on augury, it is particularly disturbing to learn that birds may have the capacity to deceive and lie if they so wish.⁴⁰

Ovid, then, sets out a new and disturbing type of augural system in Book 1 which is not directly confronted elsewhere in the poem: he does not deny that the birds may give true signs; he does not deny that some mortals may be able to interpret these signs correctly; but the crucial difference now is that the birds may be operating against divine wishes. The reader, I would argue, is invited to accept Ovid's modifications to the traditional system of augury early in the first book of the poem. If the bait is taken, the reader may see that there are some worrying ramifications. Ovid, in effect, initiates a fracture in traditional religious thinking, and it is a fracture that threatens to run from the very foundation of Rome to the present day Emperor who bears the title "Augustus."

Obscuring the Divine: Ovid's Foundation of Rome (4.807–62)

Under his entry for the Parilia on 21st April, Ovid offers his version of the foundation of Rome by augury, a story that inevitably invites comparison with Livy. In some ways, Ovid's account of the event is far more clear-cut than Livy's, in that there is no earthly dispute as to the implications of the augural signs: though both contestants see birds, Romulus is unquestionably hailed as the founder, and the decision is accepted by Remus.⁴¹ However, while Ovid appears

³⁹ In fact, the raven acts in a doubly impious manner: it not only lies to its divine master but also fails to do its duty in fetching water for *sacred* rites—*pia sacra* (2.249).

⁴⁰This is in stark contrast to the "doublet" story of Apollo and raven in *Metamorphoses* 2.542–632, where the unfortunate bird is punished for telling Apollo a piece of truth (his girlfriend's infidelity) that he did not wish to hear. For a more general sense of tension between god and bird elsewhere in *Fasti*, consider also Ovid's address, in the guise of Master of Ceremony at the Festival of Sowing, to the pests that threaten the growing crop; cf. 1.683–86 "neve graves cultis Cerialia rura, cavete,/ agmine laesuro depopulentur aves. / vos quoque, formicae, subiectis parcite granis:/ post messem praedae copia maior erit" (Beware lest the birds, noxious to the tilled land, ravage the fields of Ceres (i.e. corn) in a column intent on causing harm. You too, o ants, spare the sown/subjugated grain: there will be a greater supply of booty after the harvest). Note, in particular, the way in which the birds' antics are described in terms of sacrilege against a deity: the metonymical phrase *Cerialia rura*, along with the military language employed (*agmine*... *depopulentur*), creates the impression that the birds' presence amounts to a military incursion into the realm of a deity.

⁴¹ In fact, Romulus's initial words in 4.813—"nil opus est . . . certamine . . . ullo"—might be read intertextually as a "correction" of Livy's insistence on a *foedum certamen* (1.6.4).

to remove the sort of controversy that we find in Livy, he opens it up in a new area. One important stylistic feature of Ovid's poetic account in 4.807–62 is that, ironically, much like Livy, there is no mention of gods at all: the whole event is narrated from an earthly and mortal perspective.⁴² Ovid's reticence in the area of divine involvement in Rome's foundation might not present us with any problems, were it not for his earlier discussion on augury in Book 1, in which he suggests that the gods *disapprove* of birds giving signs.

If we take on board these comments from Book 1, how are we to read the (invisible) gods of Ovid's foundation story? Though Ovid does not directly question the reliability of augury in *Fasti*, the removal of divine sanction from the event is potentially problematic and opens up new channels of enquiry for the subversive reader: Romulus may be the right founder, but has he been proclaimed founder at the correct time, or were the gods waiting for a (future) time to make their announcement official? Though the birds may be faithfully reporting what they have heard from the gods, how can we be sure. without divine sanction, that they are reporting the *full* story, and in its proper context? Particularly ironic are Romulus's initial words when proposing to consult the birds (4.813–14): "nil opus est" dixit "certamine" Romulus "ullo: / magna fides avium est: experiamur aves" ("There is no need for any contest," said Romulus, "Great trust is put in birds: let us put birds to the test). This is a fair enough comment from Romulus's perspective: he is not in a position to youch for any divine machinations behind augural birds. But are we, the readers, in any better position to judge? Great trust may well be put in birds, as Romulus remarks, but the reader of Fasti may well be right to question whether that trust is ultimately misplaced.

The Emperor's New Name: A "Hallowed" Choice? (1.593–616)

If the previous example amounts to a very subtle undermining of augury, tensions are more apparent in the section which explains the reason for the title "Augustus," where the breakdown in relations between god and bird can

⁴²This is a consistent feature of the stories of Rome's foundation in *Fasti*, cf. 5.151–52, "huic Remus institerat frustra, quo tempore fratri / prima Palatinae signa dedistis aves," (On the hill Remus had taken his stand in vain, at the time when, o birds of the Palatine, you gave the first signs to his brother), 5.461–62, "qui modo, si volucres habuissem regna iubentes, / in populo potui maximus esse meo." (A little while ago, if I had received birds which ordained the kingdom for me, I could have been the greatest of my people) In both examples, it is strictly speaking the birds, not the gods, that give the signs. It is far more common for Ovid to specify divine involvement in his myths and legends; see Murgatroyd 2005: 172–73 (although Murgatroyd does not spot the absence of the divine from the foundation story).

be seen to have a direct effect on Rome's first Emperor. In accordance with other sources, Ovid alludes to the fact that the title "Augustus" was chosen for the Emperor in 27 B.C.E. above other suggestions because of its associations with the divine (1.607–12; cf. Suet. *Aug.* 7.2; Dio 53.16.8):

sed tamen humanis celebrantur honoribus omnes, hic socium summo cum Iove nomen habet. sancta vocant augusta patres, augusta vocantur templa sacerdotum rite dicata manu: huius et augurium dependet origine verbi et quodcumque sua Iuppiter auget ope.

All these people, however, are made famous by honors that are human: this one (i.e., the Emperor) has a name which is allied to Jupiter on high. The fathers call sacred things "august," "august" are called the temples duly dedicated by the hand of priests. From the root of this word also comes "augury," and all such augmentation as Jupiter grants with his power (i.e., *auctoritas*).

The first part of this section in particular works to flatter the Emperor. Octavian is said to have a title that is closely "allied" (*socium*, 608) to that of Jupiter, a flattering allusion to the conceit that Jupiter and Octavian are ruling counterparts, in heaven and on earth respectively.⁴³ Ovid also highlights the religious sanctity of the new title (609–10) and its etymological association with an *auctoritas* (authority, gravity) granted by the king of the gods (612; see Green 2004 ad loc). This sense of closeness to the gods, however, is subtly undercut in 611, where a link is forged between the title and augury. In light of Ovid's earlier comments on augury, the reader would be justified in thinking that this flattery has now turned a little sour, as the Emperor's new name is intrinsically connected to a practice involving actions that go *against* divine sanction.

5. CONCLUSION

The integrity of augury naturally hangs on a sense of harmony between gods and birds, whereby benevolent gods send true signs by means of compliant messenger birds. As we have seen, the skeptical intellectuals of the late Republic are keen to preserve this fiction for the purpose of controlling the masses, and Augustus is keen to (re)emphasize this harmonious message during his lifetime and, at the same time, use augury as another means of forging positive links between himself and the gods. The two most prominent

⁴³ For the popular conceit, cf. e.g. 2.131–32, *Met.* 15.858–60, Hor. *Carm.* 3.5.1–3; see further Green 2004 ad loc.

Augustan poets, Vergil and Ovid, however, complicate Augustus's clear-cut mythological rhetoric on augury. In their own contrasting ways, both poets take the practice's traditional mythological underpinning to task by questioning the morality of each party in the relationship. Vergil draws attention to the gods' absolute power in their ability both to help and deceive mortals through augury. Ovid, on the other hand, questions the authority of the birds themselves, which may be acting independently of divine will; this in turn has implications for the sacred status of both the city and its first Emperor. Whether we call this religious debate or (subversive) play, it is apparent that poets have now replaced philosophers as the critical voice on religion in the Augustan age. While Augustus may be in control of his own religious discourse, the Augustan poets view him as just another voice in the crowd.

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