

THE PRINCEPS AS THE *PONTIFEX MAXIMUS*. THE CASE OF TIBERIUS

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Abstract: The Roman emperor accumulated political and religious power, which in republican tradition was divided between magistrates and priests. This does not mean, however, that the boundary between these authorities has been erased, which also confirms the manner in which the individual ruler held the *pontifex maximus* function. This article concerns two cases of Tiberius' interventions as the *pontifex maximus* recorded by Tacitus. The first event is connected with the choosing of a new Vestal, and the next is related to the *flamen Dialis*' (S. Cornelius Maluginensis) requests for governorship of the province. In both situations, the emperor appeared before the Senate in a dual role; he presented the pontiffs' opinion as *pontifex maximus*, and as the princeps he made a decisions on its basis.

Key words: Roman religion, princeps, Augustus, Tiberius, pontifex maximus.

In republican Rome, religious authority was divided unevenly among the Senate, magistrates, and priests. Magistrates (mainly consuls) played the key role; they were not only administrators of cults but also the main celebrants of public religious rituals. Priests assisted magistrates as experts, but did not directly preside over cults. Changes introduced under the Principate had little impact on the everyday functioning of public Roman religion, although this was expanded to include the new phenomenon of imperial cult. The fundamental change followed from the accumulation of power in the hands of the emperor, who combined the religious authority of traditional Republican offices and priestly authority, previously divided among the *amplissima collegia*. From the time of Augustus onwards, the princeps belonged to all the main colleges; apart from the obvious prestige, this also gave him an influence on the composition of the colleges and the decisions they made. The princeps' religious authority reached its highest point in the high pontificate, which Octavian took in 12 BC after the death of M. Aemilius Lepidus and included among the imperial titles.¹ From that point onward it was the emperor who upheld the *pax deorum* and represented the Roman people before the state's protective

¹ Beard/North/Price 1998, 188–192; Scheid 2007; Pina Polo 2011.

deities. On behalf of the people, he officiated and dedicated sacrifices, offered vows, and consulted the opinion of the Senate and priestly colleges. The right to take the auspices was a powerful tool for shaping the political reality and the main privilege of Republican magistrates with *imperio*. The princeps, as the sole ruler of the empire, also brought the system of auspices under his full control.²

For many contemporary scholars, the high pontificate is a symbol of the centralisation of religious power in Rome. The *pontifex maximus* is sometimes perceived (unjustly, as John Scheid noted) “as a sort of pope of the Roman Religion” or “as the religious patriarch of Roman citizens,”³ or more neutrally as the “head of the state religion,”⁴ or the “ministre des affaires religieuses.”⁵ However, these comparisons, although attractive, are misleading for several reasons. The princeps’ religious authority was connected with the office of *pontifex maximus* to a smaller extent; his religious power was mainly based on the *imperium*; however, there are two more important questions.

Firstly, the *pontifex maximus* was the head of the pontifical college, which controlled only some of the ceremonies of public religion practised in Rome and observed by Roman citizens. The practices overseen by the augurs and the *quindecimviri* did not fall under the pontiffs’ supervision.

Secondly, the activities of the *pontifex maximus* as the head of the pontifical college and the senate’s expert on religious matters were connected with Rome and had no influence on the religious life in the provinces. When he was away from Rome, the *pontifex maximus* could not perform his duties, which led to procedural problems in the Imperial period, especially from the 2nd century AD onward, when the rulers’ absences grew increasingly long. In these circumstances, the importance of the promagistrate, who acted as an intermediary between the pontiffs in Rome and the emperor, increased. I share the opinion of Françoise Van Haepelen that for Christian emperors the high pontificate was not an overly troublesome function, since in the 4th century the emperor’s presence in Rome was extremely rare, and he had very few opportunities to encounter pontifical duties.⁶

What did the duties involve? During the Republican era, the tasks of the high pontiff can be (roughly) divided into two categories. The first is connected with the activities inside the college, and the second with external activities as the college representative. Unfortunately, since we have no information on the decision-making procedure of the pontifical college, we can only deduce the activities of the high pontiff as the head of the college by analogy with other priestly colleges. He probably called meetings, set the agenda, and presided over the proceedings, although it can be assumed that one of the other *pontifices* frequently replaced him in this role. The *pontifex maximus* had authority over the *flamines*, the Vestals, and the *rex sacrorum*; he settled matters related to priests

² Hurllet 2001; Jacques/Scheid 1990, 120

³ Scheid 2011, 536.

⁴ Beard 1990; Levick 1999, 102.

⁵ Veyne 2007, 102.

⁶ Inscriptions record only two names of promagistrates of the pontifical college: *P. Iuventius Fidus* (CIL VI 2120 = ILS 8380; Rüpke 2005, 1006) and *L. Fulvius Gavius Numisius Petronius Aemilianus* (Rüpke 2005, 1087; Várhelyi 2010, 103–110); Haepelen 2002, 197–201.

breaking the law and he was fully independent in this regard.⁷ He also played the key role in the procedure of electing other priests.

Outside of the college, the *pontifex maximus* presented the college's expert opinions on sacral law to the senate and *comitia*, or informed the senate about infringements of religious procedures. The *pontifex maximus* was expected to be active in state matters; in lesser matters (of which there was a majority), the opinion of one pontiff was sufficient. In each case, opinions were formulated *pro collegio*. The *pontifex maximus*, like the *pontifices*, participated in the celebration of regular public festivals and extraordinary rituals connected, for instance, with expiations or consecrating temples.⁸ It should be kept in mind that *pontifices* prepared their opinions on the request of the senate, magistrates, or other priests, who did not have to follow them when making their decisions.⁹ It follows from this brief review that apart from the election of the *flamines*, the *Vestales*, and the *rex sacrorum*, the college of pontiffs could have functioned without the participation of the *pontifex maximus*. It is also difficult to name public religious rituals which could not have been performed without the presence of the *pontifex maximus*. This is confirmed by the actions of Octavian, who had no intention of turning to Lepidus on any matter, for obvious reasons, but depriving him of the office would have been against the tradition to which the princeps declared his devotion. However, it turned out that although Lepidus's isolation led to some procedural problems, it did not disturb religious life in Rome. If everything went according to the rules, consulting the *pontifices* was not necessary. The most important task which the princeps could not complete without the *pontifex maximus* was the election of Jupiter's flamen.¹⁰

Historians rarely ask about the way in which the successive emperors fulfilled their duties connected with the office of the *pontifex maximus* and what solutions they opted for in specific cases.¹¹ In the literature on the subject, the term "religious innovations"

⁷ The legal aspect of the duties of the *pontifex maximus* is strongly present in the sources: Paulus-Festus 113 L: *Maximus pontifex dicitur, quod maximus rerum, quae ad sacra et religiones pertinent, iudex sit uindexque contumaciae priuatorum magistratuumque*; 200 L: *pontifex maximus, quod iudex atque arbiter habet rerum divinarum humanarumque*. Cf. Magdelain 1990, 313–339.

⁸ The powers of the *pontifex maximus* are usually analysed in the context of the college of pontiffs: Haepereen 2002, 72–77.

⁹ There are some traces of conflicts between the *pontifex maximus* and magistrates in the sources; Liv. 40; 42, 8–11; Liv. *Per.* 47; Val. Max. 1.1.2.

¹⁰ Scheid 1999; Scheid 2005.

¹¹ Since Mommsen's times, historians have focused mainly on two issues: recruitment to the college of pontiffs, and the procedure of taking the *pontifex maximus* by the *princeps*. In this regard, research carried out in the late 20th century resulted in some very interesting findings. Among others, scholars verified the belief, prevalent in older literature on the subject, that in the Imperial era the emperor chose priests at will. For a discussion of the process of recruitment to the college, see Haepereen 2002, 111–114; for the election: 120–32; for the emperor's accession: 132–150; for the election of the *pontifex maximus* during the early Empire (until the Severan dynasty): 150–156; for the steps of the procedure of choosing priests for *amplissima collegia* and the princeps' actual role, see Scheid 1990, 201–214, based on the protocols of the *fratres Arvales* which are the only source confirming the process of cooption to priestly colleges during the empire. The *nominatio* from the Imperial period differed from the one from the Republican era. The emperor, as a member of the colleges, nominated candidates, but the *creatio*, which had been in the hands of the *comitia* during the Republican era, lay in the hands of the Senate from Tiberius' time onward. The *comitia* merely formally approved the Senate's choice. The last step was the cooption of new priests to colleges (*uocatio ad sacra*, a term from the protocols of the *fratres Arvales*).

is often used in reference to the emperors' activities, but the majority of these innovations were not directly connected with their function as the *pontifex maximus*. However, an analysis of specific cases recorded in the sources enables us to get a better grasp of the changes in the way the *pontifex maximus* was held by emperors, from Augustus to Gratian.¹²

In this paper, I would like to focus on two cases of Tiberius' interventions as the *pontifex maximus* recorded by ancient writers, of which Tacitus makes three mentions in the *Annals*. The first mention is connected with choosing a new Vestal in AD 19, and the next two are related to the events of AD 22 and 23 respectively, and to the figure of S. Cornelius Maluginensis, the *flamen Dialis*.

Tiberius, like Augustus, became the *pontifex maximus* following the traditional procedure. His *creatio* is confirmed by two epigraphic calendars which reveal that the pontifical *comitia* were held on 10 March 15 AD, i.e. seven months after Tiberius' formal ascendancy to power (19 August 14).¹³ According to Tacitus, a candidate who was to replace a deceased Vestal was presented to the Senate by the emperor in the same year. According to the Roman historian's account, two senators offered their daughters, for which the emperor thanked them. Tiberius chose a girl whose parents were still married, but he awarded the other one a considerable dowry.¹⁴

This short piece of information from the *Annals* requires a few words of commentary, since Tacitus' description differs from the procedure of selecting Vestals known from other sources and recorded by Gellius citing the *lex Papia*.¹⁵ The *Pontifex Maximus* chose 20 girls of appropriate age and from suitable families, out of whom the future priestess was chosen by lot during a gathering. Later, the high pontiff performed *pro populo Romano* the symbolic act of taking the girl from under her father's authority. Gellius' account suggests that there was no need to observe this law if a citizen of appropriate status approached the *pontifex maximus* and agreed to sacrifice his daughter to the goddess. Tiberius' decision recorded by Tacitus is the first confirmation of applying this solution in practice.

It cannot be ruled out that it had been used by Augustus in order to solve the crisis caused by a lack of candidates for the college of the Vestals. Suetonius, listing Augustus' activities after taking the office of *pontifex maximus*, mentions that the princeps made an effort to boost the prestige of the priests, and the Vestals in particular. Augustus accused the *nobiles* of, when the time came to induct a new Vestal in place of a deceased one, trying to protect their daughters from the drawing. He also reportedly stated that if he had had any granddaughters of appropriate age, he would have gladly offered them. The change in the selection procedure and the privileges given to the Vestals by Augustus and

¹² Haeperen 2003; Rüpke 2006; Cameron 2007; Benoist 2009.

¹³ *Fasti Praenestini*, I. I. XIII 2. 121: *Feriae ex s(enatus) c(onsulto), q(uod) [e(o) d(ie)] Ti. Caesar pontifex max(imus) fac(tus) est Druso et/Norbano [co(n)s(ulibus)]* and *CIL XI 3303 = ILS 154: (...)* VI idus Martias, qua die Ti. Caesar pontif(ex) maximus felicissime est creatus; Haeperen 2002, 150–153.

¹⁴ Tacit. *Ann.* 2. 86. 1–2: *Post quae rettulit Caesar capiendam uirginem in locum Occiae, (...); egitque grates Fonteio Agrippae et Domitio Pollioni quod offerendo filias de officio in rem publicam certarent. Praelata est Pollionis filia, non ob aliud quqm quod mater eius in eodem coniugio manebat; nam Agrippa discido domum immuerat. Et Caesar quamuis posthabitam decies sestertii dote solatus est.*

¹⁵ Gell. 1. 12–14. On the dating of the *lex Papia*: Mekacher/Haeperen 2003.

Tiberius probably had the desired result and brought renewed interest in the priesthood of Vesta.¹⁶

In a commentary on Tacitus' account, Nina Mekacher and Françoise Van Haepere point out that in the early Principate, apart from simplifying the procedure and moving it from the *comitia* to the senate, the role of the *pontifex maximus* in the selection of new Vestals also decreased, since Tiberius no longer selected candidates, but presented those offered by their fathers to the senate.¹⁷

In AD 22, the *flamen Dialis*, S. Cornelius Maluginensis, turned to the senate to request the governorship of the prestigious province of Asia. This case, described by Tacitus, is quite frequently commented on in the literature on the subject, but rarely in the context of discussing the activities of the princeps as the *pontifex maximus*. This is indirectly caused by the lack of scholarly interest in the problems of religion in Tacitus' *Annales*, as Andrea Balbo noted in his recent text.¹⁸ The request of Jupiter's *flamen* was surprising, since men who held this office were not allowed to leave Rome.¹⁹ However, Maluginensis questioned the legal validity of this custom, pointing out that it is not confirmed either in resolutions of assemblies or in books. He also cited the example of the priests of Mars and Quirinus, who did not have such restrictions imposed on them. He then recalled that the office of the high priest of Jupiter had remained vacant for many years and yet the religious ceremonies had continued without obstacle, so his year-long absence would pose even less risk. Maluginensis implied that the ban on holding offices in the provinces resulted from a rivalry between the priests of Jupiter and the *pontifices maximi*, but now everything had changed because the greatest of priests (*summus pontifex*) was the greatest of men (*summus homo*) and above such feelings as jealousy or hatred. The senate ruled that the opinion of the *pontifex maximus* was needed in this matter, but Tiberius postponed the decision to a later date.²⁰

A few chapters later, Tacitus returns to the topic in his account of the discussion on the choice of the temple of Fortuna, in which the *equites* were to offer sacrifices for the health of the emperor's mother. Tiberius, taking advantage of the fact that religious matters were being discussed, presented his response (*responsum*) to Servius Maluginensis to the senate.²¹ Justifying his rejection of the request, Tiberius read out a decree of the college of pontiffs (*decretum pontificum*) which said that in the case of illness, the *flamen Dialis* may be absent (with the permission of the *pontifex maximus*) for no longer than two nights, providing that they were not days of state sacrifices (*sacra publica*), and that it did not happen more often than twice a year. The decree, according to Tacitus, had been issued by Augustus and was a sufficient explanation for why a year-long absence of the *flamen* due to the governorship of a province was impossible to accept. It cannot be ruled out (Tacitus writes ambiguously, *memorabatur*) that the read text included, for

¹⁶ Suet. *Aug.* 44; Tacit. *Ann.* 4, 16, 4.

¹⁷ Mekacher/Haepere 2003.

¹⁸ Balbo 2008.

¹⁹ Tacit., *Ann.* 3, 58–59.

²⁰ Balbo 2008.

²¹ Tacit. *Ann.* 3, 71, 2: *Et quoniam de religionibus tractabatur, dilatatum nuper responsum adversus Servium Maluginentum, flaminem Dialem, prompsit Caesar recitavitque decretum pontificum, quotiens valitudo adversa flaminem Dialem incessisset, ut pontificis maximi arbitrio (...).*

example, a reference to the *pontifex maximus* L. Metellus, who had forbidden the *flamen* A. Postumius from leaving Rome.²²

The cited example is an interesting illustration of the dual role in which Tiberius appeared before the Senate; as the *pontifex maximus* he presented the opinion of the *pontifices*, and as the princeps he made a decision on this basis. The interval between the two Senate sessions indicates that Tiberius probably sought consultation, although it cannot be said with certainty what the consultation involved. Two forms were possible; either Tiberius called a meeting of the pontifical college, during which the *responsum* based on Augustus' regulations was drawn up; or the emperor read out a document kept in the archives from Augustan times.

The Senate returned to the discussion about the restrictions imposed on priests of Jupiter a year later, in connection with the need to elect a new *flamen Dialis* following Mauginensis' death. Tiberius again spoke on the matter.²³ As was the case with the Vestals, there was also a shortage of candidates for this honourable but troublesome function. One of the reasons for this was the requirement that the candidate's parents had to be married according to the traditional ritual in the presence of the *pontifex maximus* (*confarreatio*). According to Tacitus, the custom was dying out, however, because it gave the husband too much authority over the wife. In the end, nothing was changed in the status of the *flamen Dialis*, but it was decided that the *flaminica* would fall under the authority of her husband only in matters related to the cult (*sacrorum causa*), while in all other matters she would have the same rights as other women. Tacitus does not mention that there were consultations with the pontifical college in this case, which is unsurprising since this is a continuation of a case from the previous year.

What is puzzling in this matter is Tiberius' clear reluctance to introduce any deeper reforms of the flamine. One indirect clue as to the reasons of the emperor's attitude may be Tacitus' mention that he followed the decisions of Augustus.²⁴ Octavian had adapted many strict customs to the new times but, as we see from the decision cited earlier, he did not change the status of the *flamen Dialis*, even though he had a good opportunity to do so, when (having taken the magistrature of *pontifex maximus*) he restored the priesthood of Jupiter in 11 BC after 75 years of vacancy.²⁵

There is no doubt that Augustus added new meaning to the office of *pontifex maximus*, and his activities in this regard were a result of a well-thought-out strategy of adapting traditional Roman religion to the needs of the new system.²⁶ We should also read Augustus' decisions made after 12 BC in this context; they were an important step towards the sacralisation of the princeps' authority. I am referring to the transformation of a part of Augustus' house on the Palatine into a public space and its dedication to the

²² 242 BC. Liv. 37, 51, 1–2, cf. Chaplin 2000, 156.

²³ Tacit. Ann. 4, 16, 1–4.

²⁴ Tacit. Ann. 4, 16, 3: *Ita medendum senatus decreto aut lege, sicut Augustus quaedam ex horrida illa antiquitate ad praesentem usum flexit.*

²⁵ Suet. Aug. 31; Cass Dio 54. 36. 1.

²⁶ Augustus' deliberate efforts to reconstruct and reinterpret the traditional Roman religion are illustrated by: the deification of Julius Caesar; endeavours to revive the religion of ancestors; and the development of an organisational framework of the imperial cult, see Scheid 2005.

goddess Vesta.²⁷ The princeps accumulated political and religious power that in the Republican tradition had been divided between magistrates and priests. This does not mean, however, that the line between these two types of power was obliterated. With the development of the principate it was not so much the concept of high pontificate that changed, but the way in which successive emperors chose to perform this function.

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²⁷ Beard/North/Price 1998, 187; Fraschetti 1999; Scheid 1999.

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