12. A RELIGION FOR THE EMPIRE

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Introduction

The Flavian municipal law has been called remarkable for what it omits: the extant chapters make no allusion to priests and no reference to the concrete actions of the provincial governor or the emperor.\textsuperscript{1} It is also remarkable for what it takes for granted. Consider, for example, the oath stipulated for town magistrates. Each was to swear openly ‘in an assembly by Jupiter, the divine Augustus, the divine Claudius, the divine Vespasian Augustus, the divine Titus Augustus, the genius (the divine, guardian spirit) of imperator Caesar Domitian Augustus and the dei Penates (ancestral gods of the state, linked in Julio-Claudian myth with the household of Aeneas)’ (\textit{in contione per Iouem et diuom Aug[ustum] et diuom Claudium et diuom Vespasianum Aug[ustum] et diuom Titum Aug[ustum] et genium imp[eratoris] Caesaris Domitianii Aug[usti] deosque Penates se}) that he would act in accordance with the law and in the best interest of the town (\textit{Lex Irnitana} 26; cf. G, 59, 69, 73).\textsuperscript{2} Similarly, while the law almost undoubtedly allowed decurions to establish their city’s official calendar anew each year, it presumes that among the \textit{feriae} (‘holidays’) of each city will be days set aside \textit{propter venerationem domus Augustae} (‘for the veneration of the imperial house’, \textit{Lex Irnitana} 31; cf. 79, 90, 92).\textsuperscript{3} These clauses have analogs in earlier municipal legislation and so they have a place in the history of Roman governance both in its extension into municipal life and in its acculturative effects.\textsuperscript{4} But the presence of Jupiter and the

\begin{footnotes}
\item[4] For control of the calendar at Urso, see \textit{Lex Coloniae Geneticae} 70–1, 128; for the oath and the location in which it should be administered, see \textit{Lex Coloniae Geneticae} 81; \textit{Tabula Bantina} 17–18, 24; cf. Thomas (1990) 146 n. 19. On the social- and religious-historical importance of municipal legislation, see Galsterer (1987) 181–203; Galsterer (1988) 78–90; Scheid (1999b) 381–423; Ando (forthcoming a).
\end{footnotes}
*Dei Penates* in Irni, Malaca and Salpensa also presents a theological problem, for these were cities of Latin status and, if the Romans knew anything about the *dei Penates*, it was that they were worshipped at Lavinium, where they themselves had chosen to reside.\(^5\) The list of gods charged with superintending the magistrates of Flavian municipalities should surprise us at least as much as the presence of the Capitolino triad at Urso. And, to be sure, the spread of peculiarly Roman cults has long been studied as one part of the formation of Roman *Reichsreligion*, but scholars have generally assumed that it was not Jupiter or the *Penates* but the emperor who provided the empire with its only shared deity.\(^6\) This assumption has historically rested on one or both of two subsidiary claims. First, Roman cult of the late republic was devoid of true—read ‘personal’—religious significance and its effective domain was that of politics. Hence Roman paganism survived and flourished under the empire as imperial cult only because it had long since abandoned its agricultural, domestic roots and become a formal, secular *Loyalitätsreligion*.\(^5\) Secondly, Graeco-Roman religion was properly the religion of the *polis* and the structures and concerns of any particular religion—its priesthoods, participants and liturgies—were homologous with the social and political structures of its city-state.\(^8\) The application of this model to the Roman empire is doubly problematic. On the one hand, the

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\(^5\) Val. Max. 1.8.7: *Referam nunc quod suo saeculo cognitum manauit ad posteros, penetrales deos Aeneam Troia aductos Lavinio conlocasse: inde ab Ascanio filio eius Albam, quam ipse considerat, translatos pristinum sacrarium repetisse, et quia id humana manu factum existimari poterat, relatos Albam uluntatem suam altero transitu significasse* (‘I will now relate something known in its own time, which has been passed down the generations: Aeneas settled at Lavinium the *dei penetrales* [household gods] that he had brought from Troy; then, when they had been moved to Alba by Ascanius his son, who founded that city, they sought out their ancient repository; since it was considered possible that this had been the work of human hands, they were carried back to Alba and displayed their will by a second return.’). For the connection of the *dei penetrales* to the *dei Penates*, see Dion. Hal. 1.67.1–3; Scholia Vetustiora ad *Juv. Sat.* 4.60 (cf. *ad Juv. Sat.* 12.70); *Serv. ad Aen.* 1.270, 3.12; *Orig. Gentis Romanae* 17.2–3. On the *Penates* in general, see Dubourdieu (1989); on their worship at Lavinium, see Dubourdieu (1989) 219–29, 319–61; and esp. Thomas (1990) 143–70.

\(^6\) Fears (1981a) 3–141 is an important exception; Goodman (1994b) 20–37 is one of the few attempts to explain this in religious—albeit Christianising religious—terms.

\(^7\) Warde Fowler (1911); Beaujeu (1955) 28–9; Latte (1960) 25–6, 31–2. Scheid (1983) 95–127 is perhaps the most sophisticated essay of this kind.