Chapter 6

The Beginning of the Roman Republic

HOW DID THE MONARCHY END?

According to the ancient literary tradition, Rome’s last king, Tarquinius Superbus (Tarquin the Proud), was a cruel tyrant. He murdered Servius Tullius, usurped royal power, oppressed the senate, and worked the Roman people to exhaustion by making them labor on the sewer system of the Cloaca Maxima which drained the runoff from the hills into the Tiber. He even used underhanded means to quell opposition throughout Latium in order to make himself the leader of the Latin League. His downfall, however, resulted from the outrageous conduct of his wicked son Sextus. His rape of the virtuous Lucretia and her consequent suicide so angered the Roman people that they rose up in revolt, banished the Tarquin royal family from Rome, and replaced the king with two annually elected consuls and a priest called the rex sacrorum, who held his office for life.1

Comparison with other ancient literature clearly shows that Tarquinius Superbus was portrayed by later writers in stereotypical terms of a tyrant (Dunkle 1967 and 1971). In addition, the tale also conforms to ancient Greek and Roman political theory concerning the evolution of a state’s constitution from monarchy to tyranny to aristocracy; and the story of Lucretia appears to be little more than a Roman adaptation of the famous story of how the downfall of the Peisistratid tyranny in Athens c. 514–510 B.C. was set in motion by an assassination arising from a homosexual love affair gone bad (Thuc. 6.53–59). Indeed, ancient writers had a penchant

for using such stories to explain major political transitions. For example, in
the sixth chapter of his *Life of Cimon*, the Greek biographer Plutarch tells a
story involving the attempted rape and murder of an innocent maiden of
Byzantium by the Spartan Pausanias in order to explain why, in the after-
math of Xerxes’ invasion of Greece, the Greeks of the Aegean abandoned
Sparta’s leadership in favor of Athens. In the debate of the Persian nobles
over what form of government to establish following the deaths of Cambyses
and Smerdis, Herodotus (3.80) has Otanes characterize the rule of a tyrant
by three things: the setting aside of laws, the execution of people without
trial, and the raping of women. The last element is even found at the begin-
ning of the early Mesopotamian *Epic of Gilgamesh*, where Gilgamesh’s high-
handed behavior toward the people of Uruk is epitomized by his violation
of young women. This prompts the people to pray to the gods to rid them
of their insolent king.

The ancient tradition concerning Rome’s last king could be regarded as
basically correct in the sense that Tarquin’s corrupt, abusive, or ineffectual
exercise of power could have led to his deposition by an opportunistic and
ambitious group of aristocrats. Kingship is the simplest form of government
and also the most easily corrupted, since its proper functioning depends
upon the character and abilities of a single individual; the end of a monar-
chy can ensue simply from its tenure by one person unfit to occupy the
office. This is especially the case when kingship is based upon hereditary
succession, and it is noteworthy that Rome’s last king appears to have been
the only monarch who owed his position at least in part to a hereditary
connection. Unfortunately, as with so many matters pertaining to the regal
period, the ancient tradition is so overlaid with later stereotypical features
 customary in the portrayal of a tyrant that we cannot be sure what details, if
any, should be accepted as genuine.

Despite these difficulties, A. Alföldi (1965, 72–84) has offered a com-
pelling picture of the events that might have brought about the end of the
Roman monarchy. Following in the footsteps of earlier modern critics of
the ancient tradition surrounding the beginning of the republic, Alföldi
has argued that the monarchy ended as the result of the capture of Rome
by King Porsenna of Clusium. Tarquinius Superbus either could actually
have been deposed by Porsenna, or he could have fled from Rome after
Porsenna’s defeat of the Romans and advance upon the city. Tarquin then
took refuge among the Latins, while Porsenna used Rome as a bridgehead
in an attempt to expand his control in Latium. This situation resulted in the
battle of Aricia in 504 B.C., in which the invading Etruscans, led by Porsenna’s
son Arruns and supported by the occupied city of Rome, fought against the
other Latin states, which received important military assistance from
Aristodemus of Cumae. When the latter were victorious, Porsenna withdrew
from Rome, and the Romans were left to face alone a coalition of the other Latin states, who supported Tarquin’s restoration as king. Eventually this standoff was resolved in the battle at Lake Regillus of either 499 (Livy 2.19–20) or 496 B.C. (Dion. Hal. 6.2 ff.), in which Rome defeated the Latins or at least fought them to a draw, and Tarquinius Superbus went into exile at the court of Aristodemus, who was now tyrant of Cumae.

According to the later standard tradition, Porsenna attacked Rome because he was trying to restore Tarquinius Superbus, but due to Horatius Cocles’ brave defense of the bridge across the Tiber and to Mucius Scaevola’s display of courage after his abortive attempt to assassinate Porsenna in his camp, the king of Clusium stopped before actually taking the city. He lifted the siege, and decided to make peace with Rome on condition of receiving hostages. At last, further impressed by the Romans’ virtues, exemplified in the courage and honesty of the hostage Cloelia, he even became Rome’s friend, withdrew his forces altogether, and refused to lend further support to Tarquin, who then sought aid from the Latins. Two ancient passages, however, suggest that Porsenna did in fact occupy Rome. In describing the burning of the Capitoline temple in December of 69 A.D. in the course of civil war in Rome between the supporters of Vitellius and Vespasian for the imperial throne, Tacitus (Hist. 3.72) characterizes this disaster as the worst catastrophe that ever befell Rome, even worse than those of the city’s surrender to Porsenna or its capture by the Gauls. Pliny (NH 34.139) says that in the treaty which Porsenna granted to the Romans the latter were forbidden to use iron except in agriculture.

Tacitus could be guilty of using loose language, but other considerations make the literal meaning of his words plausible. The toppling of Tarquin from power and Porsenna’s attack upon Rome form quite a striking coincidence. Signs of violent destruction dating to the end of the sixth century at the central Etruscan sites of Murlo and Acquarossa suggest that Etruria at this time was the scene of major inter-state conflict. The tales of Horatius Cocles, Mucius Scaevola, and Cloelia appear to be laudatory tales designed to redeem Roman pride and to disguise the embarrassing fact that Porsenna did in fact occupy the city. It is certain that Horatius Cocles and Mucius Scaevola are not historical figures; their stories are historicized folktales in which a one-eyed, one-handed, or one-legged man saves his people by killing an evil king, tyrant, or pretender (see Lincoln 1991, 244–58). The prohibition against using iron bespeaks someone who was firmly in charge and capable of dictating terms. This provision could have been meant to disarm the Romans by forbidding them to use weapons, or it could have been designed to divert all of Rome’s iron production except for essential agricultural needs into making weapons for Porsenna’s growing military forces, as he endeavored to push farther south into Latium.
THE NATURE AND ORIGIN OF THE CONSULSHIP

The two consuls were always regarded as the chief magistrates of the Roman republic, so much so that they were the eponymous officials of the state: that is, the year in which they held office was officially dated by their names. They were the supreme military leaders in the Roman state. The term for their constitutional power was imperium, which gave them authority to raise troops, to issue orders, and to command in war. Given the military nature of their office, they were elected by the timocratic comitia centuriata, which originated as the Roman army serving as a popular assembly. Their insignia of office were quite distinctive and impressive. They wore a purple-bordered toga (toga praetexta) and sat on a special kind of folding chair adorned with ivory (curule chair = sella curulis). They were each attended by twelve subordinates called lictors, who took their name from the fact that they would arrest, bind (ligare), and punish with beating those whom the consuls ordered them to seize. As symbols of their power, the consuls shared the right, alternating from month to month during their year of office, of having the lictors carry bundles of rods (fasces) before them in public. The rods could be used for inflicting corporal punishment; and when the consul was outside the pomerium and exercising full military authority, the fasces were bound together with an axe, because when in the field the consul could have soldiers executed by beheading for insubordination or other serious military offenses. The consuls were equal partners in their office, and the action of one could be blocked by the opposition of the other. Thus the constitutional configuration of the office included an important check and balance of power. Agreement with or at least tacit acquiescence from one’s colleague was necessary to carry things out; disagreement and opposition resulted in inaction.

Despite the advantages of consular collegiality, in times of extraordinary military crisis unity of command was desired and needed. The Roman state’s solution to this problem was the office of the dictator, a thoroughly constitutional office, not to be confused with the modern term for a despotic ruler. The dictator was appointed by one of the consuls, probably in accordance with a decree of the senate urging him to take this course of action. The appointment may have required the assent of the comitia centuriata as well. The dictator exercised imperium greater than that of the two consuls, symbolized by the fact that he was attended by twenty-four lictors, but his term of office was not to exceed six months. He was also termed the master of the army (magister populi), and he appointed a subordinate called the master of the horse (magister equitum), who commanded the cavalry forces. According to

2. For other discussions of various modern views about the issues treated in this and the following sections—the origin and nature of the consulship and the reliability of the early consular fasti—see Staveley 1956, 90–112; Drummond 1978b; Ridley 1980a and 1983; Staveley 1983, 42–44; Drummond in CAH VII.2 1989, 172–77; and Cornell 1995, 226–41.
the ancient tradition, this office was created in 501 B.C.; down to the Hannibalic War it was periodically employed to deal with military crises. Moreover, as Roman territory expanded during the fourth and early third centuries B.C., and as the two consuls exercised their commands farther and farther from Rome, a dictator was often appointed for a short time, in the absence of the two consuls, in order to preside over the consular elections in the city.

As with virtually every aspect of early Roman history, modern scholars have posed important questions concerning the origin and nature of the consulship. Much of this discussion has hinged upon terminology. The title “consul,” used to describe the two annually elected eponymous officials of the Roman state, simply meant “colleague” and probably did not gain currency until some time after the major reorganization of the government in 367 B.C., when it came into use to distinguish these two officials from the occupants of the newly created office of praetor, who resembled the consuls in many ways. It seems likely that in early times the consuls were themselves called praetors, a name meaning “leaders” (Latin praeire = “to go before”) and referring to their role as the military leaders of the Roman state (see Stewart 1998, 113–15). Nevertheless, considerable modern discussion has arisen concerning this office, stemming in large measure from a particular passage in Livy (see Ogilvie 1965, 230–31 and Oakley 1998, 77–80). In describing Roman attempts to avert a persistent plague during the years 364–363 B.C., Livy (7.3) says that the Romans revived the practice of appointing a dictator to drive a nail into the wall of the Capitoline temple, because according to the recollection of the elders a plague had once been alleviated by this means. Livy then records a variant explanation of this odd custom of driving the nail:

There was an ancient law, inscribed in antique letters and words, that whoever was the praetor maximus on September 13 should drive the nail. The chamber of Jupiter Optimus Maximus was nailed on the right side next to the shrine of Minerva. They say that this nail was a marker for the number of years because writing was scarce in those times, and that the law was devoted to the shrine of Minerva because counting was Minerva’s invention. Cincius, a diligent authority of such records, asserts that at Volsinii there are also to be seen nails in the temple of the Etruscan goddess Nortia as indicators of the number of years. The consul M. Horatius in accordance with the law dedicated the temple of Jupiter Optimus Maximus in the year after the expulsion of the kings. The rite of driving the nail was subsequently transferred from the consuls to dictators, because their imperium was greater. Then after the custom had been discontinued, the matter seemed worthy even in its own right for appointing a dictator.

3. For a convenient summary of different modern views on the origin of the dictatorship, see Ridley 1979.

4. For the magical significance of this ceremony, see Foresti 1979 with Oakley 1998, 74–75.
The custom of driving a nail-like object into the side of a sacred building to mark the passage of a year is known from ancient Mesopotamia and is depicted on an Etruscan mirror dating to c. 320 B.C. (Bonfante 1983, 122). The Capitoline temple was dedicated to the worship of three divinities: Jupiter Optimus Maximus, Juno Regina, and Minerva; and the inner part of the temple contained three chambers, one for each of the deities with their cult statues, with Jupiter in the middle and the two goddesses on either side. September 13 was significant to the Romans as the anniversary of the dedication of the temple, and from early times a celebration called the *Ludi Romani* ("Roman Games"), extending over several days, was observed every year at this time in honor of the chief tutelary god of the Roman state. But this passage of Livy has attracted the attention of modern scholars largely because of its reference to an old law specifying the driving of a nail every year by the praetor maximus (= greatest praetor). Who was the praetor maximus? Was this another name for the dictator, whose office was supposed to have been created a few years after the consulship, and if so, does it suggest that the Roman republic was originally headed by a dictator and master of the horse rather than by two equal consuls? Alternatively, since the chronological context of this passage is the year 363 B.C., was the term praetor maximus the contemporaneous appellation of the holder of the newly created office of praetor, whose duties were primarily confined to the city of Rome and who therefore would have been an obvious candidate to perform this annual ritual? Or thirdly, does Livy’s old law pertain to one of the two consuls, and did praetor maximus simply refer to the one who happened to be holding the *fasces* when the month of September rolled around?

Two points can be made about the title of praetor maximus. First of all, when Greek historians narrated Roman history and referred to a consul, they used a two-word phrase to translate the Roman title of consul: *strategos hypatos* (= highest general). It is quite evident from both Greek and Roman historians that Latin *praetor* was always translated as Greek *strategos*, and Greek *strategos* was always rendered into Latin as *praetor*. Moreover, since, like Latin *maximus*, the Greek word *hypatos* was a superlative adjective often used by itself without *strategos* to translate Latin *consul*, it is quite clear that the Greek phrase *strategos hypatos* was an exact translation of Latin *praetor maximus*. Since the first Greek historians to write seriously about Roman affairs probably date to the early third century B.C. (e.g., Timaeus of Tauromenium and Hieronymus of Cardia), we may date this Greek rendering of Latin *consul* to that time and take it as contemporary evidence for official Roman titulature. Secondly, it should be stressed that Livy cites the old law concerning the driving of an annual nail by the praetor maximus in connection with the year 363 B.C. As usual, Livy is himself very brief in discussing such a tangential matter and is eager to move on in his narrative to
describe the important domestic and military affairs of the Roman state. The ultimate source of this information, however, must have been someone who actually saw and read this document in its entirety in the Capitoline temple, and it could have contained a consular date, which could have decided Livy to treat this matter under the year 363 B.C. If so, the term praetor maximus should be related to the historical context following the major reorganization of the Roman government in 367 B.C., which suggests that the superlative maximus was used to distinguish the consul who held the fasces from his consular colleague and the praetor. If so, the term praetor maximus may not have any relevance to the period before 367 B.C., or to the origin and nature of the consulship at the beginning of the republic.

Some modern scholars have even questioned whether the equal sharing of power between the two consuls was original to the office; if it was, they wonder where the Romans got the idea of organizing their affairs in this manner. These questions and doubts seem excessive. On the one hand, we should give the Romans considerable credit for practical political thinking and organization. After all, they did become the masters of the Mediterranean world, and we need not doubt that they were capable of political shrewdness in early times. On the other hand, the concept of collegiality was already part of the Roman experience in the form of priestly colleges of the augurs and pontiffs; and collegiality among public magistrates was also common among the Greek city-states of the archaic period (probably including the western colonies), suggesting that it was a widespread feature of contemporary political culture. Thus there do not seem to be adequate grounds to call into question the fact that the Romans replaced the king with two annually elected magistrates who shared equal power.

The late annalistic tradition, however, as seen in both Livy and Dionysius of Halicarnassus, assigned five consuls to the first year of the republic. L. Junius Brutus and the husband of Lucretia, L. Tarquinius Collatinus, were first elected, but Collatinus was forced to abdicate from office and to leave Rome simply because of his Tarquin name. He was replaced by Lucretius, the father of the raped Lucretia; when Lucretius died in office he was replaced by P. Valerius Publicola, who, like Brutus, had been present at Lucretia’s suicide. Brutus, however, fell in battle against the Tarquins, and M. Horatius Pulvillus was elected in his place. The later tradition obviously wished to cram as many important people and events into this first year of the republic as possible. In fact, Livy (2.8.5) indicates that in some old writers Lucretius’s consulship was not to be found. Let us recall that, in dating the first treaty between Rome and Carthage to the first year of the republic, Polybius (3.22.1) assigned it to the consulship of L. Junius Brutus and M. Horatius, although according to the later annalistic tradition these two had never held office at the same time in this year.
Since P. Valerius Publicola is listed as consul with another Lucretius for the second year of the republic, we may suppose that both names, Valerius and Lucretius, were duplicated to be consuls of the first year, and the clan name of the Lucretii was further used to concoct Lucretia as the wife of Tarquinius Collatinus. This supposition seems confirmed by the fact that in the accounts of Livy and Dionysius the two men are associated as friends: Lucretia’s father asks Valerius to attend the meeting at which Lucretia kills herself. The same pattern of using names from the consular fasti for one year to formulate characters for action in another year is also seen in Livy 2.11.7–10 and Dion. Hal. 5.23 and 5.26.3–5, where the consuls of 506 B.C., Sp. Larcius and T. Herminius, are introduced as subordinate officers or ambassadors when Porsenna is besieging Rome. Valerius’s involvement in the republic’s first year was deemed necessary in order to have this new era of freedom marked by the passage of a Valerian Law concerning provocatio, a Roman’s citizen’s right to have a capital charge tried before an assembly of the people. This Valerian Law of 509, however, is fictitious; it is patterned after an actual Valerian Law on provocatio of 300 B.C. (Livy 10.9.3–6).

M. Horatius was firmly associated with the dedication of the Capitoline temple, probably because his name was preserved in later times in a dedicatory inscription. Yet both Tacitus (Hist. 3.72) and Dionysius (3.69.2 and 5.35.3) differ from Livy in assigning the temple’s dedication to the third year of the republic, when Horatius was consul for a second time. It therefore seems likely that in order to have the temple’s dedication take place in the momentous first year of the republic, later writers moved Horatius back two years and made him one of the first consuls. If so, we are then left with L. Junius Brutus and L. Tarquinius Collatinus. The latter hardly seems to be the product of later fabrication or manipulation: for it would have seemed quite incongruous to the later Romans for their forefathers to have elected a Tarquin to the consulship right after they had driven out the king’s family. Thus, his name among the first consuls may be retained as authentic. Furthermore, since L. Junius Brutus was always associated in the later tradition with the founding of republican liberty (see the emphatic wording of Tacitus Ann. 1.1), we may suppose that this tradition derived from the simple fact that his was the very first name in the early list of consuls. Many moderns have challenged the historicity of his tenure, since the Junii are not attested again in the consular fasti until the late fourth century B.C., but other family names exhibit a similarly discontinuous pattern.

Consequently, Brutus and Collatinus should be retained, but Lucretius, Valerius, and Horatius should be removed from the first year of the republic. Brutus and Collatinus were really the first two consuls following the downfall of the monarchy; the other three names have been added from the next two consular years in order to assign the dedication of the Capitoline temple and a Valerian Law establishing provocatio to the very first year of
the republic. Moreover, if we accept the notion that the monarchy was terminated as the result of Porsenna’s capture of Rome, we may offer the additional suggestion that Brutus and Collatinus were appointed by Porsenna to govern affairs in the city. The king of Clusium deliberately chose a member of the Tarquin family because of his connection with the royal house, in order to lend legitimacy to his rule, but he also appointed L. Junius Brutus to serve as a watchdog over his colleague and vice versa. Then, when Porsenna’s army was defeated at Aricia, his ambitions in Latium collapsed and he withdrew from Rome. The Roman aristocratic families readily filled the vacuum, and the division of power between two officials was maintained as a sensible arrangement.

THE EARLY CONSULAR FASTI

The foregoing analysis of the first year of consular government may serve as a convenient illustration of how the later Roman tradition and later historians could fabricate events, and it also serves to introduce the question, how reliable and accurate was the later Roman list of chief magistrates for the early republic? This list comes to us principally through four sources: Livy, Dionysius of Halicarnassus, Diodorus Siculus, and the inscribed list set up in the Forum by the Emperor Augustus and now known as the Fasti Capitolini (= Degrassi 1947, 1–142). This material, set out in chronological order along with the names of all other magistrates recorded for the Roman republic, has been systematically collected and published in two volumes by T.R.S. Broughton in The Magistrates of the Roman Republic (1951–52). But these two volumes are far more than a mere list of Roman magistrates. They contain all ancient references to these officials, brief summaries of events associated with them, critical remarks by Broughton himself, and citations of other pertinent modern scholarly work. Volume I covers the period 509–100 B.C., and volume II covers the years 99–31 B.C. In addition, the second volume (pp. 524–636) contains an Index of Careers, in which all the data concerning office holding are organized in alphabetical order according to clan names. This Index of Careers is extremely valuable for examining and reconstructing the history of specific noble families. In 1986 Broughton published a third, supplemental volume containing valuable additions and corrections, as well as a more up-to-date bibliography. These three volumes constitute an indispensable aid for the student and scholar of Roman republican history.

The overall reliability of the list of Roman chief magistrates (consuls, dictators and masters of the horse, and military tribunes with consular power) has been much discussed over the past 150 years, and many criticisms and interpretive approaches have been offered (see Ridley 1980a and 1983). It is apparent that the four different lists have come to us ultimately from a
single official source, the records kept by the pontifex maximus, which were consolidated into the *Annales Maximi* during the 120s B.C. Since the pontifical records must have required copying and recopying periodically, as the material on which they were written deteriorated, we should not be surprised that for the earliest period (509–300 B.C.) the list contains errors, and that there are differences among our four major sources. For example, Livy’s narrative does not include the consulships of 507 or of 490–489 B.C. Conversely, Diodorus has three extra consulships between the years 458–457, 457–456, and 428–427, which are found in no other source. There are three other major anomalies in the early list: (1) the second year of decemviral legislators for 450 B.C. is likely to be a later invention; (2) the years of anarchy (absence of eponymous curule magistrates) for one or more years preceding the reorganization of Roman government in 367 B.C. are also a later invention; and (3) the so-called four dictator years (333, 324, 309, and 301 B.C.) were probably devised by Atticus in the last years of the republic; they are found only in the *Fasti Capitolini*. These are only the most obvious problems evident in the early consular list. Many others have been suspected, but they are usually hard to prove, since in most instances we have little more than the names to go on and are therefore at the mercy of an uncheckable tradition. Despite these difficulties, the overall chronology of the *fasti* seems to be correct. We have confirmation from the independent historical tradition of the Greeks that Rome was captured by the Gauls in 387 or 386 B.C., and that the battle of Aricia occurred in 504 B.C. (see Dion. Hal. 7.3–11 with Alföldi 1965, 56–72). These data demonstrate that the Roman chronology, although off by a few years, is basically accurate for the beginning of the republic and the Gallic occupation of Rome.

But the single most thorny problem of the early consular *fasti* is the presence, among consuls of the fifth century B.C., of names of clans which are known to have been of plebeian status in later republican times. These are anomalous according to the later annalistic tradition, which declares that the first plebeian to hold the consulship was L. Sextius in 366 B.C. Before that time, all consuls were supposed to have come from patrician families. Indeed, the clan names found in the early list of magistrates fall into three categories: (1) those which are known to have been patrician in later historical times; (2) those which in later historical times are only known as plebeian; and (3) those whose status cannot be determined, either because they became extinct before later historical times, or because the immense lapse of time between early officeholders bearing these clan names and later people with the same name makes the connection between the two uncertain. If we classify the names in the consular *fasti* for the sixty-five...
years 509–445 B.C., before the creation of the office of military tribune with consular power (excluding suffect consuls, dictators, masters of the horse, and the second board of decemviral legislators of 450 B.C., whose historicity is in doubt), we come up with a total of forty-three different clan names, of which sixteen (37.2 percent) belong to the first category, ten (23.3 percent) belong to the second category, and seventeen (39.5 percent) belong to the third category. Moreover, the offices held during this period consist of sixty-three pairs of consuls and one board of decemvirs, for a total of 136 offices, of which seventy-five (55.1 percent) were held by clans in the first category, twenty (14.7 percent) by clans of the second category, and forty-one (30.1 percent) by clans of the third category. These data seem to contradict the later annalistic tradition concerning patrician monopoly of the consulship in the early republic. Numerous theories have been put forth either to explain the discrepancy or to eliminate it. This is a very complex issue, but it is such a central and fundamental problem of early Roman history that it deserves and requires detailed explanation.

PATRICIANS AND PLEBEIANS

According to the late annalistic tradition as found in Livy and Dionysius, Rome’s internal development during the early republic was characterized by a political struggle between two social orders, the patricians and the plebeians. The patricians constituted a closed group of specific aristocratic clans, whereas all the other clans in Roman society were classified as plebeian. By the middle of the fourth century B.C. this social dichotomy had become well defined, but exactly how and when it arose is still imperfectly understood. According to tradition, the distinction between patricians and plebeians was as old as Rome itself. Romulus had created it by his appointment of the first one hundred senators, whose descendants became the patricians. Modern opinions put the origin of the social dichotomy anywhere from the regal period to the late fifth century B.C. In any case, by the

6. The patrician clans are the Aemilii, Claudii, Cloelii, Cornelli, Fabii, Furi, Julii, Manlii, Nautii, Postumii, Quinctii, Quinctii, Servili, Sulpicii, Valerii, and Veturii. The clan names of later plebeian status are the Aquilii, Cassii, Cominii, Genuci, Junii, Minucii, Sempronii, Sestii, Sicci, and Volumnii. The clan names of uncertain status are the Aebutii, Aternii, Curiatii, Curtii, Gegnii, Herminii, Horatii, Larcii, Lucretii, Menenii, Numicii, Pinarii, Romilii, Tarpeii, Tarquinii, Tullii, and Verginii.

middle republic the patriciate comprised the following nineteen clans: Aemilii, certain Claudii, Cloelii, Cornelii, Fabii, Folii, Furii, Julii, Manlii, Nautii, certain Papirii, Postumii, Quinctii, Quinctilii, Sergii, Servilii, Sulpicii, Valerii, and Veturii. The plebeian order was quite heterogeneous and consisted of at least three major social subgroups: (1) a destitute rural proletariat; (2) independent and self-sufficient peasant farmers in the countryside and artisans in the city; and (3) rich and prominent families, whose members aspired to the same religious and political offices and high social status enjoyed by patricians. At the beginning of the republic the patricians were supposed to have monopolized positions of power (the consulship, the senate, and all religious offices), whereas the plebeians began with nothing except the right to vote. During the course of the struggle, through political agitation and confrontation, the plebeians gradually won concessions from the patricians and eventually attained legal equality, emancipation from harsh economic conditions, and access to high office.

There can be no doubt that the early Roman population was periodically plagued by indebtedness and food shortages; that before the take-off in Roman expansion during the later fourth century B.C. opportunities to acquire, own, and work land to support oneself might have been limited within Roman territory; and that by the middle of the fourth century B.C. the exclusive group of patrician families had been forced to share high office with aristocratic plebeians. At the same time, changing military, political, and administrative conditions resulted in the creation of new institutions and the adaptation of old ones. The late annalistic tradition, however, explained all early Roman internal problems, legislation, and institutional innovations in the same monotonous terms. Every development was described as a consequence of the plebeians’ contending with the patricians. Though this late annalistic thesis has generally recognized problems—it is simplistic and stereotypical, and has anachronistic elements borrowed from the social, political, and economic conditions of the late republic—it has nonetheless been adopted with only minor modifications by most modern scholars. Three important points can be made and should always be kept in mind when analyzing aspects of this tradition. First of all, in many modern accounts of the early republic, the struggle between the two orders is described as a single sustained social movement, beginning with the first secession of the plebs in 494 and ending about two hundred years later in 287 B.C. with the passage of the Hortensian Law; the ancient tradition, however, depicts conflict between the two orders as beginning as early as the interregnum between the reigns of Romulus and Numa Pompilius and as lasting at least as late as the Hannibalic War. Secondly, in view

of the fact that this process is thought to have lasted about two hundred years, Raaflaub (1986, 198–201) is correct to protest against regarding Rome’s internal social and political history during this period as having conformed to a single uniform pattern. We should indeed not assume that the nature of social conflict in 500 B.C. was more or less the same as it was in 400 or 300 B.C. Moreover, events which the later annalistic tradition related in terms of the struggle of the orders could have been unconnected to one another; and different segments of Roman society are likely to have had their own specific grievances and goals, which makes a unifying account suspect. Thirdly, apart from the consular fasti, the Law of the Twelve Tables, and a bare outline of key events, the fifth century B.C. in Roman history resembles a dark age whose void the later Roman tradition filled with stories and interpretations that must be critically evaluated.9

In 367 B.C., when the office of military tribune with consular power was finally abolished and replaced by the reinstatement of the consulship as the state’s highest office, the elite families (both patrician and plebeian) seem to have agreed that henceforth the two consular positions would be filled every year by a member from each order, but as things turned out, this power-sharing arrangement was not consistently implemented until 342 B.C. For the succeeding 170 years, at the consular elections plebeian candidates competed for one position, and patrician candidates competed for the other. But as several patrician families gradually faded into obscurity or actually became extinct, and as there were always plebeian families endeavoring to establish themselves in Roman politics, by the beginning of the second century B.C. this power-sharing arrangement was quickly becoming outmoded. Consequently, in 172 B.C. for the first time two plebeians were chosen consuls, and henceforth the earlier sharing of the consulship was abandoned.

During the last three centuries B.C. the distinction between patricians and plebeians within the Roman ruling class primarily affected certain specific offices. The plebeian tribunate and aedileship could be held only by members of plebeian families, whereas the priesthoods of the rex sacrorum and the three major flamens (of Jupiter, Mars, and Quirinus) and the office of interrex had to be filled by members of patrician clans. The priestly colleges of the pontiffs, augurs, and the decemviri sacris faciundis were composed of roughly equal numbers of both groups, and there was equal power sharing with respect to the offices of curule aedile, consul, and censor. The modern reader should therefore not be misled by the pejorative connotation of “plebeian;” and it also must be understood that in later times patrician was not synonymous with noble. The latter term had a very specific meaning in Roman society. During the middle and late republic, a noble was

---

9. For amplification of all these points, see Raaflaub in Bilancio Critico 1993, 129–37.
anyone who was descended from someone who had held the consulship, and the Roman nobility comprised all such descendants (Shackleton Bailey 1986 with Burckhardt 1990). Thus, from the middle of the fourth century B.C. onwards, when the consulship was equally shared between members of the two orders, both patrician and plebeian families comprised the Roman nobility, and the patricians formed only a part of it, a part that gradually diminished in size with the passage of time, but which continued to enjoy great prestige and political prominence.

Finally, before addressing the apparent discrepancy between the early consular fasti and the late annalistic tradition, it seems best to explain first the peculiarities of Roman nomenclature. From at least the third century B.C. onwards, Roman men bore two and often three names: a praenomen or first name, a nomen or clan name, and (optionally) a cognomen or surname. The first of these was bestowed upon a newborn child by the parents, often repeating the praenomen of the father or grandfather. In later times only seventeen such names were commonly used. These were generally abbreviated by one or more letters: A. = Aulus, Ap. = Appius, C. = Gaius, Cn. = Gnaeus, D. = Decimus, K. = Kaeso, L. = Lucius, M. = Marcus, M’. = Manius, N. = Numerius, P. = Publius, Q. = Quintus, Ser. = Servius, Sex. = Sextus, Sp. = Spurius, T. = Titus, and Ti. = Tiberius. The clan name usually ended in -ius (e.g., Fabius, Cominius) and in theory it indicated that all bearers of the name could trace their descent back to a common ancestor, although (as argued above concerning the Etruscan origin or descent of Tarquinius Priscus, see p. 100–101) in some instances a clan name could be simply invented or borrowed. The Latin word for clan was gens (plural gentes); fellow clan members were termed gentiles; and in modern scholarship the clan name itself is often called the nomen gentilicium or gentile name. Since substantial numbers of people often shared a clan name, surnames (cognomina) were used to distinguish one branch or group within a clan from another. These surnames often endured generation after generation, especially among aristocratic families where name recognition with a voting public was important. For example, the Corneli, the most prolific patrician clan of the Roman republic and the most successful in attaining high office, consisted of several collateral branches, each having its own distinctive cognomen: Cornelius Cethegus, Cornelius Dolabella, Cornelius Lentulus, Cornelius Scipio.

Before World War II modern scholars generally adopted one of two approaches to the problem posed by the early consular fasti. Some scholars, such as K.J. Beloch (1926, 12–22 and 43–52), accepted the view that the patricians had a monopoly of the consulship before 366 B.C., and they therefore regarded the names of plebeian clans in the early list as forgeries inserted into the fasti to glorify the history of plebeian noble families. The problem with this approach is that it places complete faith in the late
annalistic tradition, which was developed long after the events described, and upon this basis it sweeps aside as forgeries a substantial number of names included in the early list of consuls. A second, less drastic, and more promising approach was to assume that the presumed plebeian clan names actually represent homonymous patrician clans that had died out before later historical times, leaving no other trace of their existence. This hypothesis would permit us to accept as accurate both the ancient tradition and the early consular fasti; and in fact, that patricians and plebeians could share the same clan name is shown by the cases of the Papirii and the Claudii.

Patrician Papirii are attested from the late fifth century B.C. to the early second century, and plebeian Papirii are known from the early second century B.C. onwards. The patrician Claudii were prominent throughout republican and imperial times; the family’s first consulship belongs to the year 495 B.C. Likewise, from the time of their first consulship (332 B.C.), the plebeian Claudii Marcelli were an eminent Roman noble family of the republic and early empire. Although these two prominent families bore the same clan name, epigraphic evidence indicates that the name was quite common in various parts of Italy from early times, suggesting that the two Roman families were not actually connected by blood. The Etruscan form of the name (Klautie) was inscribed on a red-figure kylix dating to the late fifth century B.C. found in a grave at the Etruscan settlement of Aleria on Corsica (Heurgon in Jehasse 1973, 551); and the name also occurs in an Oscan inscription from the Mamertine community of Messana in Sicily (Buck 1904, 369 #63) dating to the early third century. An inscription on a tomb dating to the third century at Caere indicates that the tomb contained the remains of a family of Etruscan Claudii (Pallottino 1969, 79). The Claudii Marcelli can perhaps be regarded, then, as having descended from one or more non-Roman persons of that name who migrated to Rome from a Latin community during the fourth century B.C.

The same can be conjectured for T. Veturius Calvinus, the plebeian consul of 334 and 321 B.C. Although all other Veturii who held public office in Rome during the republic were patricians, he alone was a plebeian; but since a silver cup from the Bernardini Tomb at Praeneste dating to the middle of the seventh century B.C. is inscribed with the name Vetusia, we may likewise suppose that Veturius was not an uncommon clan name in early Latium, and the consul of 334 and 321 B.C. was not related to the patrician Veturii, although he shared their name. Yet despite the usefulness of this hypothesis of extinguished patrician clans in explaining some of the aberrant names in the early consular list, it hardly seems applicable in all cases. For example, Genucii, Minucii, and Sempronii appear in the consular fasti of the fifth century, and members of plebeian clans bearing these same names held the consulship from the fourth century B.C. onwards. Rather than concluding that these were fifth-century patrician clans which
died out, it is more reasonable to suppose that these three families enjoyed prominence during the fifth century but failed to become part of the patriciate, and then reemerged again in the fourth century as important plebeian clans in the new nobility.10

Since World War II, one important trend in the study of this problem has been to take seriously the possibility that the late annalistic tradition was wrong about a patrician monopoly of the consulship from its inception to 366 B.C., and to regard the non-patrician names in the consular list as both reliable and genuinely non-patrician (see Bernardi 1945–46). This hypothesis has often been combined with an idea proposed by the Italian scholar Gaetano De Sanctis (1956, vol. 1 228–30) that, like so many other things, the patriciate was the product of historical evolution, and the group of families which composed it did not become a closed, exclusive body until some time during the early republic. E. J. Bickermann (1969, 402–7) reinforced the plausibility of this idea by pointing out its similarity to much-better-documented cases of self-defined closed ruling oligarchies in the free communes of late medieval Italy. Consequently, De Sanctis’s concept of the closing of the patriciate (la serrata del patriziato) has been widely accepted and has been applied by various scholars to the surviving data in attempting to determine exactly when the patriciate came into being. Indeed, an evolutionary approach to the question of the patriciate’s origin receives support from both the ancient literary tradition and archaeology.

Ancient writers connected the patriciate to membership in the senate during the regal period, portraying the patriciate as comprising the families who had enjoyed senatorial status under the kings. Moreover, since the size of the senate was supposed to have been expanded in stages by the kings’ enrolling new members from additional families, the patriciate too was thought to have come into being through these same stages of augmentation. Romulus was depicted as having created the senate and patriciate at the same time, by appointing the senate’s first one hundred members (Livy 1.8.7 and Dion. Hal. 2.8.1–3). Another one hundred or fifty new members were added when the Sabines under King T. Tatius were incorporated into the Roman state (Dion. Hal. 2.47.1 and Plutarch Rom. 20.1). King Tullus Hostilius

10. Despite Cic. Brutus 62 and Livy 4.16.3, I have deliberately left out of consideration transitio ad plebem as a possible means of explaining the anomalies in the early consular fasti. Such an explanation seems to be an obvious case of trying to solve one difficult problem by recourse to an even more problematic issue. Although occasionally invoked in modern scholarship, transitio ad plebem, a legal procedure by which a patrician could legally give up his patrician status and become a plebeian, is poorly understood and has not received much serious scholarly attention. The sole exception is an unpublished Bryn Mawr College dissertation of 1993 by Matthew Slagter entitled Transitio Ad Plebem: The Exchange of Patrician for Plebeian Status, in which the author argues that the earliest possible case of transitio ad plebem detectable in the surviving ancient sources involved C. Servilius, the praetor of 218 B.C.
included others when Alba Longa was destroyed and its elite families were absorbed into the Roman aristocracy (Livy 1.30.2 and Dion. Hal. 3.29.7). Tarquinius Priscus increased the size of the senate from two hundred to three hundred by enrolling another one hundred new members (Livy 1.35.6 and Dion. Hal. 3.67.1). After the downfall of Tarquinius Superbus, the senate again received new members, with the enrollment of people from well-to-do families which had previously not enjoyed senatorial status (Livy 2.1.10–11 and Dion. Hal. 5.13.1). It was believed that this last measure did not actually increase the size of the senate but simply brought it back up to three hundred members, as it had been before the murderous purges of Tarquin the Proud. Although this scheme was clearly the product of later antiquarian reconstruction, it may embody a basic truth: namely, that from very early times until *la serrata del patriziato*, the Roman aristocracy was socially fluid and receptive to outsiders, including Latins, Sabines, and Etruscans. The theory receives support from the ancient tradition that in 504 B.C. Appius Claudius migrated to Rome from the Sabine territory and not only was given land and citizenship (as were his large number of clients) but was accepted into the patriciate (Livy 2.16.3–5 and Dion. Hal. 5.40). It should, however, be stressed that if this were so, the patriciate as such must not have yet existed, because the one thing that distinguished the patriciate from other aristocracies was the fact that it was a closed group of specific families which did not admit newcomers. Thus, the tale of Appius Claudius the Sabine can be taken as evidence for the openness of the Roman aristocracy in the early years of the republic.

Archaeological excavations during the past few decades have revealed, through the discovery of numerous rich graves, that during the seventh century B.C. Latin communities underwent major social and economic changes resulting in the formation of elite groups, which can be assumed to have functioned as local ruling aristocracies. Moreover, the important study of C. Ampolo (1976–77) has shown that horizontal social mobility was a common feature of the cities of southern Etruria during the archaic period, as indicated by the ethnically diverse names of Larth Telicles, Rutile Hipukrates, and Tite Latine. We may surmise with justification that the same horizontal mobility was happening in Rome and Latium. Given the substantial economic growth and other concomitant changes accompanying state formation in central Tyrrenian Italy during the archaic period, there also must have been considerable vertical social mobility. Consequently, social fluidity is likely to have been the general rule during the seventh and sixth centuries B.C. Evidence for this is offered by the names of the seventeen original rustic tribes of the Roman territory, dated by tradition to the mid-sixth century. All but the Clustumina have names that seem to derive from clans. In fact, seven of them (Aemilia, Claudia, Cornelia, Fabia, Papiria, Sergia, and Voturia) are the names of patrician clans prominent in
Roman affairs from the fifth century B.C. onwards. Three other names (Horatia, Menenia, and Romilia) are attested in the consular fasti only during the early republic and thus seem to represent clans that enjoyed considerable prestige during the fifth and fourth centuries but then died out. The remaining six names (Camilia, Galeria, Lemonia, Pollia, Pupinia, and Voltinia) are not otherwise attested and therefore may have been the names of clans that were sufficiently prominent to lend their names to divisions of the Roman territory during the sixth century but then faded into obscurity. Ampolo (1975) has provided further support with a case study of horizontal social mobility involving an Etruscan family’s integration into early Roman society. By using three inscribed wine pitchers, one from the Portonaccio sanctuary at Veii and two in a tomb dating to the early sixth century B.C. near Vulci, all three bearing the Etruscan name Avile Acvilnas (= Latin Aulus Aquillius), Ampolo has argued persuasively that the C. Aquillius Tuscus recorded as consul for 487 B.C. was of Etruscan origin. A principal question to answer, then, is at what point an inner group of the Roman aristocracy set itself apart from other prominent families and succeeded in becoming the closed and exclusive patriciate.

The approximate date of this phenomenon is perhaps indicated by three characteristics of the consular fasti of the late fifth century B.C. The first of these relates to fluctuations in the number of new clans attaining high office (i.e., the consulship or consular tribunate) for the first time over the course of the fifth century B.C. The variation for the entire period of the early republic covered in this book is illustrated in figure 6. The x-axis is treated as a time-line from 509 to 260 B.C. with each unit representing a decade: 500s = 509–500, 490s = 499–490, 480s = 489–480, etc. to 260s = 269–260 B.C. The figures along the y-axis represent the number of new clan names appearing for the first time in the fasti for that particular decade. For the ten decades spanning the years 359–260, following the restoration of the consulship and its annual sharing by patricians and plebeians, there was a total of twenty new clans, thus averaging about two new clans per decade. This figure is about the same for the middle republic; and since there were twenty consuls elected within a ten-year period, this would work out to be 10 percent. On the other hand, since before 172 B.C. one consular position every year was reserved for a patrician, there were only ten available consular openings for new plebeian clans each decade. Consequently, the average figure for new clans reaching the consulship for the period 359–260 B.C. should be taken as 20 percent.11

11. Although the possibility exists that the consular fasti did not closely reflect major political trends (cf. Badian 1990, 411 for the period 179–49 B.C.), these data should not be ignored, for they may offer an important consideration in analyzing the political history of early Rome. For a detailed study of the phenomenon of social fluidity with respect to the Roman aristocracy for the middle republic, see Hopkins and Burton in Hopkins 1983, 31–119.
Now then, if we examine the chronological distribution of new clans reaching high office for the first time during the fifth and early fourth centuries, it is not surprising to see high figures for the first three decades (14, 8, and 10 respectively), since the consulship had never existed before, and thus there had never been any other consular families. Then there is only one new clan for the 470s, but two for the 460s. The decades on either side of the decemviral legislation show a significant rise: seven clans for the 450s and three for the 440s. Then there is a steady decline for the next three decades: two for the 430s, one for the 420s, and zero for the 410s. Then the numbers increase again over the next four decades: four for the 400s (all coming in the year 400), two for the 390s, one for the 380s, and three for the 370s. This last period is not actually a decade because of its shortening in the standard Varronian chronology by several years of fictitious anarchy. Nevertheless, this increase in new clans during the early fourth century is only apparent. Since six military tribunes with consular power were elected for most of these years as opposed to two consuls, the figures need to be converted into percentages for their respective decades for the sake of comparison. They then work out to be $4/49 = 8.16$ percent, $2/52 = 3.85$ percent, $1/60 = 1.67$ percent, and $3/24 = 12.5$ percent. Only the last figure comes close to the average of 20 percent for the period 359–260 B.C., and it seems noteworthy that it is for the period which immediately precedes the restoration of the consulship and the beginning of the power-sharing arrangement between patricians and plebeians. Thus, if there was a period...
of the early republic in which a group of aristocratic families established a firm grip on the curule magistracies, it would appear to have been the last three decades of the fifth century B.C.

This possibility is further underscored by two other characteristics of the consular *fasti* for these years. The year 423 B.C. is the last year before 366 B.C. in which the consulship is held by someone bearing a name that is known to have been exclusively plebeian in later times: C. Sempronius Atratinus. On the other hand, the 440s and 430s witness for the first time the political emergence of three patrician clans, the last three patrician *gentes* to reach high office during the early republic: a Papirius as consul in 441, a Sergius as consul in 437, and a Folius as consular tribune in 433 B.C. These two phenomena, occurring at roughly the same time, could point to the closing of the patriciate and its assertion of a monopoly on the consulship.

As can be seen from the table in chapter 8 showing the alternation between the consulship and the consular tribunate for the period 444–367 B.C. (see below p. 238–39), these years fall into three phases according to the relative frequency of the two offices. During the first twenty-four years (444–421), there are fifteen consulships and nine colleges of consular tribunes. During the next twelve years (420–409), the two offices are roughly balanced: five consulships and seven colleges of consular tribunes. But during the last thirty-seven years of this period (408–367), there were only two years in which consuls were elected (393 and 392). Consequently, the later ancient belief that the patriciate had dominated the consulship before 366 B.C. would be correct if the patriciate had finally emerged only during the waning years of the fifth century and had at that time asserted and exercised its monopoly over the consulship during the few years for which the Romans elected consuls instead of military tribunes with consular power. Conversely, if the patriciate did not emerge until the close of the fifth century B.C., then the problem of so-called plebeian names in the consular list for the period 509–445 B.C. becomes meaningless, since during that time there would have been no clear distinction between the two orders, and there should have been no major dispute among well-to-do families over issues of eligibility for the office, at least on this basis. The issue, however, would have naturally arisen and would have been a serious matter of debate when, in 367 B.C., the decision was taken to abolish the consular tribunate and to replace it with the consulship and other offices with more differentiated functions and powers. If that is how the struggle of the orders began, it would have been easy for ancient historians, writing at a much later date, to retroject this issue to the beginning of the republic when the consulship was first instituted and to make a false generalization about a patrician monopoly of the office from its inception, whereas actually exclusive patrician control had not been so extensive.
Even though tenure of the consulship was crucial from the middle of the fourth century B.C. onwards in defining the Roman nobility, this does not appear to have been the sole criterion for defining the patriciate at the close of the fifth century. Since in later historical times patricians alone continued to fill the offices of interrex, rex sacrorum, and the three major flaminates, some scholars (e.g., Momigliano 1969, 23 ff., and especially Mitchell in Raaflaub 1986, 130–74) have approached the problem of the patriciate focussing on religious authority and expertise, supposing these to have been the preserve of certain elite families due to their hereditary control of priestly offices. Moreover, in addition to the ancient tradition that linked the patriciate with membership in the senate under the kings, there are several other data that point to a clear early nexus involving priesthoods, the senate, the patriciate, and religious authority, indicating that the patriciate was formed out of a group of families who, besides their birth and wealth, distinguished themselves from other Roman aristocrats by their family traditions of special religious knowledge. This interpretation postulates that in early times religion was deeply embedded in Roman society, but as the society was secularized, the close bond between priesthoods and membership in the senate was dissolved and was therefore unknown to the later annalistic tradition, which viewed the early history of Rome’s institutions in strictly political terms.

A curious incident described by Livy (27.8.5–10) offers important information connecting priesthoods with the senate. In 209 B.C., the patrician C. Valerius Flaccus assumed the office of flamen of Jupiter (flamen Dialis), second in importance in the Roman state religion only to the rex sacrorum. After becoming a flamen, Flaccus asserted that it had been the prerogative of the occupant of this priesthood to be a senator automatically. When the urban praetor challenged Flaccus on this point, the senate took up the issue and decided that, although recent occupants of the office had failed to exercise their privilege in this regard, their behavior did not invalidate Flaccus’s right to reassert the ancient practice. Thus, Flaccus was permitted to become a regular member of the senate as the result of holding his priesthood. Given the great importance of his priestly office in the Roman state, the flamen Dialis continued to observe many superstitious restrictions (see above p. 138), which to some degree might have been applied in earlier times more generally to other priests. It therefore seems probable that, like these restrictions, ex officio membership in the senate had once been the

12. I cite here Mitchell’s essay in Raaflaub 1986 as opposed to his book of 1990, because the former is a much more concise and coherent exposition of his general approach to the origin and nature of the archaic patriciate, whereas the latter, although occasionally making important amplifications of the earlier essay, is confused and confusing on many issues.
general rule for all or most priests of the state religion.\textsuperscript{13} This hypothesis receives additional credibility from the fact that it is useful in explaining three other enigmatic features of the Roman senate: the dichotomy between \textit{patres} and \textit{conscripti}, \textit{patrum auctoritas}, and the office of interrex.

Livy (2.1.11) and Festus (304L s.v. \textit{qui patres, qui conscripti}) both indicate that the standard formula used to summon the senators to a meeting was “\textit{qui patres, qui conscripti estis} = “ye who are fathers, and ye who are enrolled.” The distinction between these two bodies became meaningless in later times, and the formula just quoted was shortened to \textit{patres conscripti}, a phrase often used in the ancient literature when foreign ambassadors and Roman magistrates address the senate. In early times, when they were still distinct, \textit{patres} could have referred to those members who were automatically senators by reason of their priesthood, whereas the \textit{conscripti} would have been members who had become senators by some other means, such as enrollment into the body by a magistrate as the result of having held a public office, or simply belonging to a prominent family of long standing.\textsuperscript{14}

The senatorial body of \textit{patres} explains the origin of the adjective \textit{patricius} = “patrician.” Similar adjectives ending in -\textit{icius}, -\textit{aris}, or -\textit{ius} were commonly used in later times to specify various ranks of senators: \textit{quaestorius}, \textit{tribunicius}, \textit{aedilicius}, \textit{praetorius}, \textit{consularis}, \textit{censorius}, meaning that a person’s highest office held thus far was the quaestorship, plebeian tribunate, aedileship, praetorship, consulship, or censorship. Thus, \textit{patricius} could have simply meant “one belonging to the \textit{patres} in the senate.”

The collective term \textit{patres} could have derived from the Roman habit of using the honorific title \textit{pater} in reference to a male divinity (e.g., Liber Pater, Dis Pater, Mars Pater, Janus Pater, and Jupiter): for the same honorific term is likely to have been applied as well to the priestly officials who mediated between the gods and the Roman state. In fact, the spokesman for the priestly college of fetials, who were responsible for conducting the religious and legal solemnities surrounding the declaration of war and the conclusion of peace in early times, was termed the \textit{pater patratus} (Livy 1.24.4–6). Although \textit{patratus} has generally...
been regarded as the perfect passive participle of the denominative verb *patrare* (= “to accomplish”), Mitchell (Raaflaub 1986, 158) has plausibly interpreted the word as a noun of the fourth declension, analogous to *senatus*. Thus *pater patratus* might have originally meant “father of the fatherhood.”

Since even in later historical times sons often succeeded their fathers in holding priestly offices, there would have been in early times a pattern of sons automatically replacing their fathers in the senate as well. Given the problems of infertility, infant mortality, and a short life expectancy in ancient times, strict father-son hereditary succession in the priesthoods and senate must have been often interrupted, but if attempts were made to keep a priesthood within the clan (remember the Luperci Fabiani and the Luperci Quintiales), entire clans could have used their priestly prerogative as a key element in defining themselves as patrician. The size of the senate during the early republic is unknown, but there were a substantial number of priests forming the Roman state religion; as *ex officio* members, they could have constituted a majority in the senate before the second half of the fourth century B.C. At that time, the increase in the number of magistracies is likely to have led to the secularization of the senate, as the prestige and importance of the priestly body of *patres* were eroded and there was an influx of senators with political and military backgrounds.

According to the later annalistic tradition, in early times all legislative enactments of a Roman assembly (curiate, centuriate, or tribal) were not valid unless they received the concurrent endorsement of the senate. The latter was termed *patrum auctoritas*. Since the word *auctoritas* can have a religious or mystical connotation, the original meaning of the phrase *patrum auctoritas* is likely to have been the sanction given by the *patres* in the senate, who were thought to embody the sum total of religious authority in the state; but as the senate became secularized, and as the distinction between *patres* and *conscripti* was blurred and became meaningless so that the term *patres* began to be used to refer to the senate as a whole, the concept of *patrum auctoritas* was likewise reinterpreted to mean that the senate exercised a general supervisory role over popular legislation (see Friezer 1959, 320–29).

The *patres* in the senate (later interpreted to mean not priests but members of patrician families) were also the ones who chose an interrex from among themselves whenever, as the result of death or abdication, the state was left without chief curule magistrates (consuls, dictator, or military tribunes with consular power). The belief was that in such cases the Roman state (or more likely, its auspices) reverted to the *patres*, who then, as it were, revived the state or curule succession through the office of interrex. There had to be at least two interreges, each holding office for five days, until consular elections were held under the presidency of an interrex, and the newly elected magistrates resumed the pattern of exercising *imperium* and *auspicia*.
for the Roman state. The reason the first interrex could not hold elections must have been that his tenure of the auspices was felt to be imperfect since they had been assumed *ex nihilo*, whereas his successor had received them in a proper manner from another interrex. Despite the regal character of the title, this office may have never existed during the regal period. It could have been the creation of Roman religious, political, and constitutional theorizing during the fifth century B.C. (Friezer 1959 301–20 and above p. 110). Other than those recorded for the regal period between the reigns of the kings (cf. Livy 1.17 and Dion. Hal. 2.57), the first interregnum of republican date is recorded by Dionysius (8.90.4–5) for the year 482, in which the interreges were A. Sempronius Atratinus and Sp. Larcius Flavus: the former had what is later known only as a plebeian name, and the latter belonged to a family which did not survive beyond the fifth century B.C. If this represents an authentic historical tradition, it could provide further evidence for a late fifth-century date for *la serrata del patriziato*.

THE PLEBEIAN TRIBUNATE

Next to the consulship the most important public office in the Roman state during the fifth century B.C. was that of the tribunes of the plebs (*tribuni plebis*) or plebeian tribunes,15 but as with many other Roman institutions, we do not begin to have secure evidence about this office until the third century B.C.16 In later times, the plebeian tribunes were ten in number, and they entered office on December 10, which in the old Roman calendar was the tenth day of the tenth month of the year. This date must have been chosen for the beginning of their official year to promote the unity of all ten tribunes. They were elected by the tribal assembly, in which citizens voted in units according to their geographical tribe. The office was usually held by young aspiring aristocrats around the age of thirty. As indicated by the fact that they were forbidden to be absent from Rome for more than twenty-four hours, their duties were confined to the city and primarily involved conducting legislative and judicial business before the assembled people. The great bulk of laws enacted by the Roman people during the middle and late republic was proposed by plebeian tribunes, usually pursuant to a decree of the senate. Before the creation of permanent criminal courts in the second half of the second century B.C., plebeian tribunes were also


16. For detailed treatment of the history and function of this office during the middle and late republic, see Bleicken 1968, 1981.
responsible for prosecuting before the assembled people any curule magistrates accused of misconduct in office. Like the two consuls and other groups of magistrates who shared equal power, a tribune had the right and power to obstruct or veto the action of another tribune (Latin *veto* = “I forbid”). But their power of veto, termed *intercessio* in Latin, also extended to decrees of the senate, as well as to the actions of other magistrates. The surviving evidence, however, suggests that tribunician *intercessio* was employed very sparingly before the politically polarized times of the late republic (see Badian 1972, 697–700). The picture of patricians using compliant plebeian tribunes in early times to exercise their veto to obstruct reformist proposals from their colleagues can be regarded as a late annalistic invention (Oakley 1997, 670). Tribunes also had the authority (termed *ius auxilii*), if they saw fit, to come to the defense of a citizen threatened with prosecution by a tribunician colleague, or with punishment or inequitable military service by a curule magistrate. In later Roman political thought the plebeian tribunes were regarded as public watchdogs and the protectors of citizens’ rights.

In order to insure that they could not be intimidated or physically compelled to do things contrary to what they saw fit, the tribunes’ office was invested with sacrosanctity. A plebeian tribune was regarded as *sanctus*, meaning that by law he was placed under divine protection so that, if he were physically harmed in any way, the offender would be regarded as accursed (*sacer*) to Jupiter. Someone who harmed a tribune could be killed with impunity by anyone, and his property would be confiscated and dedicated to the cult of Ceres on the Aventine (Livy 3.55.6–7 and Dion. Hal. 6.89). Despite these considerable powers, the plebeian tribunes generally worked closely with the senate and the other magistrates. In times of crisis, however, it was not at all uncommon for one or more of the tribunes to use their tribunician power to champion the cause of Roman citizens in opposing the senate and other elected officials. Indeed, from the time of the Gracchi onwards (133–121 B.C.), plebeian tribunes were frequently at the center of the political controversy, conflict, and even violence that plagued the late republic; and their familiarity with seditious tribunes promoting popular issues in opposition to the senate greatly affected how the later annalists, such as Licinius Macer, Valerius Antias, and Aelius Tubero, portrayed Roman domestic affairs during the early republic.

According to the late annalistic tradition (Livy 2.23–33 and Dion. Hal. 6.22–90), the early Roman state enjoyed internal harmony as long as it was faced with the threat of the restoration of Tarquinius Superbus, but as soon as news reached Rome of Tarquin’s death in exile at Cumae, dissension arose between the senate and the people over the issues of debt and military recruitment. This discord began in 495 B.C., in the first consulship of a patrician Claudius, and continued into the following year. When the senate
failed to address the question of indebtedness adequately, the people withdrew in a body from the city to the Sacred Mount (Mons Sacer) situated three miles away beyond the Anio north of Rome, and there they elected their own officials, two or five in number, whom they called tribunes of the plebs. In addition, they chose two aediles of the plebs (aediles plebis), who were to serve as assistants to the tribunes. It was also later believed that on this same occasion the people established tribunician sacrosanctity by taking an oath to punish with death anyone who physically harmed a tribune. Because this ordinance, like some other early Roman laws, pronounced the transgressor to be accursed (sacer esto), it was termed a lex sacrata (Festus 424 L s.v. sacratas leges). Because of the threat of war with neighboring people and Rome’s dependence upon the plebs for military service, the senate was compelled to agree to the plebeians’ demand to be allowed to elect their own officials. The reconciliation between the senate and people was brought about by Agrippa Menenius, and the first plebeian tribunes held office during the year 493 B.C., coinciding with the dedication of the temple of Ceres, Liber, and Libera on the Aventine.

The ancient tradition of the first secession of the plebs, as well as the original nature of the office of plebeian tribune, present the modern scholar with major problems of historical interpretation. As noted above, we do not possess anything approaching a precise knowledge of the early history of this office. Our earliest reliable evidence comes from scattered events of the third century. By that time the plebeian tribunate had been in existence for two or three centuries, and had evolved into the office we know for the middle and late republic. The history of most Roman institutions was marked by both conservatism and change. The Romans of later historical times tended to think that their political and social institutions had been brought into being fully formed by one of the early kings or by a landmark statute of the early republic, and this view affected their historical treatment of institutions. This is perhaps best illustrated by the comitia centuriata, whose organization clearly betrays a long and complex historical development, but later Roman historians attributed its fully developed structure to King Servius Tullius. We are therefore equally justified in suspecting the accuracy of the ancient view of the history of the plebeian tribunate, according to which the office originated fully developed at its outset and remained unchanged for almost three centuries, down to the time when we begin to have fairly secure information about it. Moreover, it is important to realize that the earliest real evidence about this office, in the fragments of the Roman historians of the second and first centuries B.C., dates to the time of the Gracchi (133–121 B.C.), whose controversial and turbulent use of the office ushered in the political violence and polarization of the late republic and gave the plebeian tribunate the reputation of an office “born in and for sedition” (Cic. De Legibus 3.19).
When carefully examined, the various elements in the story of the first secession appear to be little more than later inventions designed to explain the origin and nature of the plebeian tribunate. That the dissension arose out of the consuls’ attempts to raise an army serves to explain why the plebeian tribunes in later times had the power to obstruct military recruitment. Ungern-Sternberg (Eder 1990 101–2) has shrewdly observed that, although the ancient tradition included the issue of indebtedness in its account of the first secession in order to explain the origin of tribunician ius auxilii, the explanation makes no logical sense because tribunician ius auxilii could not be used to rescue a debtor from his fate, as made clear by the provisions in the Twelve Tables, (see below p. 217–218). The Mons Sacer seems to have been included in the story in order to explain the origin of the lex sacrata that defined tribunician sacrosanctity, but since other leges sacratae existed in early times, no such simple etymological explanation is necessary (contra Altheim 1940). Moreover, the famous parable attributed to Agrippa Menenius (Livy 2.32.8–12) has been borrowed from Greek literature (Nestle 1927). In fact, Menenius’s involvement in the story probably stems from the fact that the Menenian tribe, one of the original rustic tribes created by Servius Tullius, was located in the area that included the Sacred Mount (Forsythe 1994, 281–82). Even the date of the first secession looks suspicious. It began in 494 B.C. and ended in 493, thus allowing the first plebeian tribunes and aediles to enter office in the same year as the dedication of the temple of Ceres on the Aventine. The coincidence is similar to the one whereby the Capitoline temple of Jupiter Optimus Maximus was dated to the first year of the republic and the first consulship, instead of the third year of the republic as recorded by Dionysius (3.69.2 and 5.35.3) and Tacitus (Hist. 3.72). A close connection in the early historical tradition between the dedication of Ceres’ temple and the creation of the plebeian tribunate is further suggested by several ancient sources, which say that the first secession was to the Aventine rather than to the Sacred Mount (Forsythe 1994, 280–81). This connection is likely to have stemmed from the fact that in the lex sacrata establishing tribunician sacrosanctity Ceres was mentioned as the goddess who was to receive the confiscated property of anyone who broke the law. As the goddess of the earth and the underworld in early Roman religion, however, Ceres was typically included in leges sacratae as the divine recipient of the property of the condemned. Furthermore, since Ceres was a goddess primarily concerned with grain and agriculture, her temple must have been placed on the Aventine because foreign trade was conducted in this area, and even in early times that trade could have included the importation of foodstuffs. The plebeian aediles became closely associated with Ceres’ temple because one of their primary duties was to oversee practices in the Roman marketplace and to watch over the city’s grain supply, but this need not mean that the creation of
the plebeian aedileship coincided precisely with the dedication of Ceres’
temple.

A likely source for the Roman tradition of the first secession of the plebs is Greek folklore associated with the cult of Demeter in Sicily. The group worshipped at the Aventine temple, Ceres, Libera, and Liber, was patterned after the Greek triad of Demeter, Persephone, and Iacchus (often misconstrued as Bacchus-Dionysus and hence equated with Roman Liber). According to Dionysius (6.17.3), the temple was vowed by the dictator Postumius in 496 B.C. after the Sibyl-line Books had been consulted for advice concerning a food shortage or a bad harvest. Since Livy has followed a different tradition concerning the battle of Lake Regillus (see 2.21.3–4), he does not mention the consultation of the Sibylline Books at this time, but their advice would account for the Roman importation of the Greek divine triad. Pliny (NH 35.154) informs us that the temple of Ceres was decorated with paintings which bore the signatures of Greek artists, Gorgasus and Damophilus; and Cicero (Pro Balbo 55) indicates that some of Ceres’ sacred rites there were conducted by a priestess of Demeter who was brought in from one of the Greek colonies of southern Italy. Thus it seems likely that Greek lore associated with this cult must have been known to the Romans from an early date. In fact, the plebeian aediles’ responsibility for preserving texts of laws in Ceres’ temple must have stemmed from a common Greek misinterpretation of Demeter’s epithet, “Thesmophoros,” as meaning “lawgiver” (Forsythe 1994, 284 with n. 40).

In describing how the people of mainland Greece sought military assistance from Sicily in 480 B.C. to oppose the Persian invasion under King Xerxes, Herodotus (7.153) tells a curious story concerning an ancestor of Gelon, the tyrant of Syracuse who received the ambassadors from the Greek mainland. Gelon’s family was from the Greek colony of Gela, and at some time in the distant past a man named Telines had used powerful religious rites of Demeter and Persephone (rites whose nature was unknown to Herodotus) to bring back into the city of Gela a group of political exiles who had taken refuge at a place called Macterium, situated in the hill country near Gela. As a result of his successful reintegration of these political exiles into the community, Telines’ descendants were honored with the privilege of a priesthood of Demeter and Persephone. The story looks very similar to that of the first secession, in which the reconciliation was brought about by Menenius Agrippa, and the powerful rites of the Greek goddesses have their Roman counterpart in the lex sacrata that created tribunician inviolability. But how or why would the Greek tale of Gelon’s ancestry have found its way into the Roman historical tradition?

T.P. Wiseman (1995, 129 ff.) has argued convincingly that many of Rome’s early historical traditions were created, propagated, accepted, and reshaped from the middle of the fourth century B.C. onwards through
dramatic stage performances, enacted before the Roman people at the time of annual celebrations such as the Libera利亚 of March 17 and the Ludi Romani of early and mid-September. To be sure, myth, ritual, and drama often went hand in hand in the ancient Mediterranean world. Myth was often created to explain ritual, and a myth was frequently acted out as a play at the time of important religious festivals, to honor the gods and to give meaning to the religious celebration. Given the strong Greek associations of the cult of Ceres on the Aventine, it seems likely that the Ludi Ceriales, which were celebrated for several days in mid-April to mark the anniversary of the temple’s dedication on April 19, regularly included the enactment of myths or stories connected with the worship and cult of Demeter and Persephone. Furthermore, since the cult was introduced into Rome at about the time that Gelon became tyrant of Syracuse, one tale associated with the cult from early times could have been the one told by Herodotus as a tribute to Gelon’s ancestry, involving civil discord, a secession of part of the citizens, and a reconciliation brought about by one man with the use of purificatory and chthonic rites of Demeter. The tale might have been used to explain the goddess’s epithet, “Thesmophoros,” interpreted to mean “lawgiver,” which would have been appropriate for the tale of Telines ending civil discord in Gela. It is even possible that this story was depicted in a fresco painted by Gorgasus or Damophilus in their decoration of Ceres’ Aventine temple. Note that Damophilus’s name means “friend of the people.”

In any case, the story of Telines and Gela could have been Romanized and reinterpreted by the Romans of the late fourth and third centuries B.C. to explain the origin of the Aventine temple and its close association with the plebeian tribunes and aediles. In fact, according to one ancient commentator (Pseudo-Asconius p. 217 Stangl), the Ludi Plebeii, celebrated every year with both stage performances and chariot races spread over several days in early and mid-November, were instituted either after the expulsion of the Tarquins to commemorate the establishment of liberty or after the secession of the plebs to commemorate the reconciliation. Since these games were probably not established until the late third century B.C., the explanations are clearly false, but they may indicate that dramas concerning the downfall of the monarchy and the secession of the plebs were regularly performed at these games and formed an integral part of the celebration’s political ideology in later Roman society. It would not have been difficult for the dramatic enactment of an alleged episode in early Roman history to become regarded as a charter myth for the games themselves. Consequently, the first secession of the plebs should not be accepted as historical.

Once we realize that the origin of the plebeian tribunate should be divorced from the dedication date of the Aventine temple of Ceres, we may reasonably suppose that no secure later ancient tradition existed
concerning the date and circumstances surrounding the creation of this office. The annalistic tradition for the events of the fifth century B.C., as seen in the accounts of Livy and Dionysius, contains very few names of plebeian tribunes, and many of the ones recorded (e.g. Icilius and Siccius or Sicinius) are fictitious doublets or even triplets of a single authentic name (Forsythe 1994, 291–94 and below p. 207–208). This shows that, unlike the eponymous consuls, no official list of plebeian tribunes was kept for this early period, or if there ever was such a list, it did not survive into later historical times to be used by ancient historians.

As already mentioned, various aspects of the plebeian tribunate indicate that the office was urban and civilian, whereas the original nature of the consulship seems to have been extra-urban and military. This distinction corresponds precisely to the important concept of domi militiaeque (= “at home and abroad”) encountered in Roman public law. It therefore appears that these two offices were originally intended to complement one another, and this idea is further supported by the fact that, like the consuls, the plebeian tribunes were at first only two in number, and they had two plebeian aediles to assist them. The later ancient tradition, which has generally been accepted by modern scholars, overlooked these obvious facts, because the creation of the plebeian tribunate was viewed in the context of the struggle of the orders between patricians and plebeians, and was thought to have come into being through revolution. The latter notion (and hence, the modern view of a plebeian state within the state) is likely to have been the product of a later ancient tradition shaped by contemporary political history rather than by the authentic history of the early fifth century B.C. The “revolutionary” explanation for the origin of the plebeian tribunate is quite extraordinary and therefore historically improbable, but it is also unnecessary. A simpler and much less sensational one is possible and seems more likely. The plebeian tribunate was created along with or shortly after the consulship, and the two offices were deliberately designed to complement one another. In the course of time, however, social and political changes in the Roman state led to the plebeian tribunate’s being mythologized in terms of the struggle between patricians and plebeians. The emergence of the patriciate during the late fifth and early fourth centuries B.C. had the effect of dividing Roman society into two distinct castes. Non-patrician prominent families were included among the remaining populace, the plebs, henceforth considered to be separate from the patricians. The increase in the number of annually elected plebeian tribunes from two to five and then to ten caused the office to be diminished in prestige relative to the consuls or consular tribunes. As in later historical times, several of the ten annual positions of plebeian tribune must have been filled by members of the less

prominent families of the Roman aristocracy. This could have caused the office to be avoided by patricians. The latter, instead, defined themselves by their tenure of priesthoods and of curule offices which, unlike the plebeian ones, were more in accord with aristocratic values as offering the potential of military glory to the official and his family.

THE TRIBAL AND OTHER ASSEMBLIES

The second major event in the early history of the plebeian tribunate recorded in the later annalistic tradition (Livy 2.54.3–58.2 and Dion. Hal. 9.37–49) came twenty years after the first secession of the plebs, and involved the creation of a tribal assembly for electing plebeian officials. Livy, however, in his characteristic manner, has not bothered to explain fully the alleged constitutional issues. He so concentrated on individual personalities in order to achieve maximum dramatic effect that his account is confusing and logically incoherent, whereas Dionysius’s ponderous verbosity and fondness for detail more accurately reproduce the narrative of the late annalists and help to explicate Livy’s heavily edited version. The sequence of events can be briefly summarized as follows. A plebeian tribune of 473 B.C. named Cn. Genucius attempts to prosecute Furius and Manlius, the consuls of the previous year, but on the day appointed for the trial the tribune is found dead in his house. Dionysius (9.38) suggests that Genucius’s death was providential, but Livy (2.54.9–10) portrays the tribunes as suspecting the patricians of murder and as being alarmed for their own safety despite their sacrosanctity. After a plebeian named Volero Publilius is nearly brutalized by the consuls’ lictors and stirs up the plebs during an abortive military levy, he is elected tribune for 472 and proposes to replace the curiate assembly with a tribal one for electing plebeian officials. Having failed to secure the bill’s passage, Publilius is reelected tribune for 471 with a staunch supporter named C. Laetorius. Their tribunate coincides with the second consulship of a patrician Claudius. The two tribunes succeed in carrying their proposal into law despite the fierce opposition of this consul, Ap. Claudius. In addition to the creation of the tribal assembly, according to one ancient version of these events, the year was also significant in marking the increase in the number of plebeian tribunes from two to five.

Like the first secession, serious questions of historicity also surround the ancient tradition concerning these events of 473–471 B.C. The circumstantial details and the names of the tribunes Genucius, Publilius, and Laetorius

---

18. The comitia curiata and comitia centuriata have already been discussed in chapter 4. They are now treated here in conjunction with the tribal assembly. For the subject of the Roman assemblies during republican times, consult Botsford 1909; Taylor 1966; Staveley 1972, 119–216; and Nicolet 1980, 207–316. For a thorough treatment and analysis of the history of the tribes and their role in Roman politics, see Taylor 1960.
are not above suspicion. The only item with the appearance of solid authenticity is the creation of the tribal assembly. Genucius’s mysterious death on the eve of his prosecution of the former consuls is obviously patterned after the sudden death of Scipio Aemilianus in 129 B.C., the night before he was scheduled to address the people on the controversial issue of granting citizenship to the Italian allies (Appian Bell. Civ. 1.20, and Plutarch C. Gracchus 10.4–5). In addition, Volero Publilius’s re-election as tribune with Laetorius as his political ally is clearly a late annalistic invention, modeled after the second tribunate of C. Gracchus with M. Fulvius Flaccus in 122 B.C. (Appian Bell. Civ. 1.22–24), or possibly Saturninus’s re-election as tribune while his political associate Servilius Glaucia was praetor (Appian Bell. Civ. 1.28, cf. Sallust Bell. Jug. 37.1–2). Consecutive re-election to the plebeian tribunate does not seem to have occurred before 133 B.C., when it was attempted by Ti. Gracchus as a desperate measure to protect himself from his political enemies (Appian Bell. Civ. 1.14, and Plutarch Ti. Gracchus 16.1), but re-election to the office was not uncommon thereafter. Finally, since the better documented events of the second half of the fourth century have a plebeian tribune Genucius ending a serious sedition by the passage of laws in 342 B.C. (Livy 7.42), followed three years later by the consul and dictator Q. Publilius Philo securing the passage of three other laws believed to have been favorable to the plebs (Livy 8.12.15–16), we may justifiably suspect that these events and personalities of the early fifth and late fourth centuries B.C. have been somehow confused, or used by later ancient historians to supplement their account of the earlier episode with material from the later one. In fact, two of the three laws attributed to Publilius Philo in 339 B.C. involve the power and procedure of the tribal and centuriate assemblies.

Nevertheless, despite some serious doubts about the historicity of these events, the one possible solid fact in the ancient tradition could be the creation of the tribal assembly. Further fruitful analysis of the annalistic tradition is perhaps best offered concerning the consular date rather than the names or actions attributed to plebeian tribunes. The passage of the Publilian Law creating the tribal assembly was regarded as the second major landmark in the early history of the plebeian tribunate, and was supposed to have occurred in the second consulship of a patrician Claudius (471 B.C.). Similarly, the controversy over indebtedness that led to the first secession of the plebs was thought to have begun during the first consulship of a patrician Claudius (495 B.C.), and during this same year the number of the tribes was supposed to have been increased from nineteen to twenty-one by the addition of the Claudia and Clustumina (Livy 2.21.7 and Taylor 1960, 35–37). In addition, both the years 495 and 471 were described as having seen conflict between a consul Claudius and a plebeian named Laetorius (Livy 2.27.6 and 2.56.6–15). The later annalistic accounts of the increase in
the number of Roman tribes in 495 and of the creation of a tribal assembly in 471, both during Claudian consulships, appear to contain doublets of a single event. That both were also related to the plebeian tribunate is perhaps due to the latter’s association with the tribal assembly. The ancients would have us believe that the tribes were increased to twenty-one in 495, but that a tribal assembly did not come into being until twenty-four years later. This could, of course, be explained by assuming that the tribes were initially used for purposes of census registration and taxation, and were only later employed as voting districts, but the occurrence of these two important events in the first two Claudian consulships is more likely to be a historiographical phenomenon than a historical coincidence. It therefore seems likely that in later times it was known or remembered that a major reform in the tribes and/or the creation of the tribal assembly had occurred during the consulship of a Claudius. The Cassian Treaty with the Latins (Livy 2.33.9) is another example of a key event of the early republic dated by a single consul.

Like the comitia curiata and the comitia centuriata, the tribal assembly organized the votes of individual Roman citizens into units based upon some criterion. In this case, it was the geographical tribe of Roman territory in which the adult Roman male resided. As indicated by Livy 2.21.7, before Rome’s conquest of Veii in the early fourth century B.C. the tribes numbered twenty-one, but in 387 B.C. four new tribes were created out of the newly acquired Veientine territory (Livy 6.5.8). Over the course of the next 146 years, the Romans periodically organized additions to Roman territory into ten more new tribes; they always added them in pairs so as to keep their number odd, in order to prevent ties in the tribal assembly’s electoral results. Once the tribes reached the total of thirty-five, in 241 B.C., their number was never increased further. In later historical times this assembly elected all the non-curule officials of the Roman state; like the comitia centuriata, it also had the power to enact laws, usually proposed by plebeian tribunes. It even exercised judicial powers for non-capital offenses of a public nature in which the aediles or tribunes acted as the prosecuting officers. Thus during republican times, there existed three different assemblies of the Roman citizen body, of which the comitia curiata was the oldest; but in later times this one had become a vestigial organization, convoked periodically simply to witness adoptions and wills or to ratify the lex curiata that empowered consuls and praetors to take the auspices in the field. The other two assemblies, the tribal and centuriate, probably came into being during the early years of the republic and exercised important electoral, legislative, and judicial powers throughout its history. There is, however, a central problem concerning the tribal assembly’s composition and terminology. Modern interpretations on this issue have largely centered around the following passage, quoted by Aulus Gellius (15.27.4) from a legal treatise
written by Laelius Felix dating to the first half of the second century of our era:

He who orders not the entire people (populus) but some part thereof to be present ought to proclaim not a comitia but a concilium. Moreover, tribunes neither summon patricians nor have the power to propose anything to them. Thus, measures which are accepted on the proposal of the plebeian tribunes are not properly called laws (leges) but plebiscites. Patricians were not bound by these bills until the dictator Q. Hortensius [287 B.C.] carried that law whereby all the Quirites were bound by whatever the plebs had determined.

The distinction between comitia and concilium, populus and plebs made in this passage alone, dating to the middle of the principate, long after the Roman assemblies of the republic had ceased to function, has become the cornerstone of a modern orthodoxy, according to which there must have existed not one, but two different tribal assemblies: a comitia populi tributa that comprised both patricians and plebeians, and a concilium plebis tributum which included plebeians alone (see Staveley 1955, Develin 1975, and Ridley 1980b). A corollary to this modern thesis is the notion that the plebeians of the early republic formed a state within the state. This interpretation of the tribal assembly, however, though widely accepted, has no support in the extensive writings of Cicero and Livy, who must have been far more knowledgeable in these matters than Laelius Felix of the middle empire. Botsford (1909, 119 ff.) demonstrated long ago that Laelius Felix’s distinction between comitia and concilium simply does not hold up. Comitia was a word used by Latin writers to describe formal assemblies (curiate, centuriate, and tribal) convoked into their constituent units to vote on legislative, electoral, or judicial matters. The word was also commonly used to mean “the elections.” Concilium, on the other hand, was a generic term referring to any kind of public meeting of citizens, including both comitia and contio. The latter was a meeting summoned by a Roman magistrate in which no voting took place, but some issue of public business, such as a legislative proposal, was openly debated in order to inform the public of the issue before the matter actually came to a vote. It must also be stressed that the supposed technical terms, comitia populi tributa and concilium plebis tributum, are artificial modern constructions and have no authority in ancient texts. The ancients speak only of a comitia tributa, just as they do of a comitia curiata and a comitia centuriata. In fact, in describing the proposal of the plebeian tribune Volero Publius to create a tribal assembly for electing plebeian officials, and then the actual use of this assembly in elections for the first time, Livy (2.56.2 and 2.58.1) simply employs the words comitia tributa to designate the body concerned.

Thus, despite general acceptance of the modern orthodoxy, it seems more likely that there existed in republican times a single tribal assembly,
which was known as the comitia tributa. It also seems rather dubious that until the passage of the Hortensian Law of 287 B.C. the patricians, who formed the inner group of the Roman aristocracy, were completely exempt from all legislative enactments of the tribal assembly. This later ancient view is likely to be a distortion of a fundamental constitutional principle of the early republic: namely, that all legislative enactments (curiate, centuriate, and tribal) were not valid unless accompanied by a concurrent vote of patrum auctoritas. The belief that populus represented the entire citizen body, both patricians and plebeians, whereas plebs did not encompass the patricians, was a later and erroneous ancient notion. This might have been the view of many patricians and even some plebeians as early as c. 400 B.C., when the patriciate emerged as an exclusive group of families within the aristocracy; and on the basis of this belief, many patricians from the fourth century onwards might have deliberately avoided voting in the tribal assembly. Yet just as the original distinction between the tribunes and the consuls concerned urban vs. extra-urban affairs (domi vs. militiae), the original distinction between plebs and populus is likely to have been civilian vs. military, each term referring to the entire citizen body in two different capacities. This hypothesis receives additional support from the fact that the city’s sacred boundary, the pomerium, which formed the juristic border between the two spaces designated in the phrase domi militiaeque, determined the venues of the tribal and centuriate assemblies. The former always met inside the pomerium, whereas the comitia centuriata was convened outside it, in the Campus Martius.

As suggested by the terms magister populi (= master of the army) and the verb popular (= “lay waste”), the populus referred to the citizens under arms and hence to the comitia centuriata, which elected the consuls for waging war and voted on war and peace. This interpretation is further reinforced by an entry in Festus 224 L s.v. pilumnoe poploe, in which the latter archaic Latin phrase, meaning “the populus armed with javelins [= pilula],” is cited from the hymn of the Salii and clearly refers to the Romans under arms. Plebs, however, referred to the citizen body organized not according to military units but simply on the basis of their residence; and this body, the comitia tributa, elected the officials whose duties were non-military and confined to domestic affairs. A corresponding dichotomy between “the men armed with spears” and “the men not armed with spears” is attested in the religious texts from Iguvium in Umbria. Similarly, just as the military levy of the early Roman state was termed the legio, so the enactments of the populus formed into the comitia centuriata were called leges, whereas those

19. See Tab. Iguv. VLB 62, VII.A 13, 15, 28, and 50, where Umbrian iouies hostaris, anostatis = Latin iuniores hastati et non hastati.
of the *plebs* organized into the comitia tributa were known as *plebiscita*. Finally, since in later times the tribal assembly was organized simply by tribes and did not have the timocratic structure and voting order of the comitia centuriata, the former would have been more democratic than the latter; but if membership in the tribal assembly was originally contingent upon one’s inclusion within the state’s military structure as embodied in the centuriate organization, the difference may not have been all that great in early times, before the comitia centuriata came to be differentiated into five classes and included the *proletarii* in a single century.

Since we possess no reliable information concerning the powers and function of the comitia curiata during the regal period, we cannot know how, to what extent, or in what ways the creation of the centuriate and tribal assemblies brought about major constitutional restructuring of the Roman state and redistribution of powers and functions. It seems obvious that laws must have been enacted or customs developed in the course of time to define precisely what each of the three different assemblies could and could not do. Moreover, since in later historical times laws could be enacted by either the tribal or centuriate assembly, there must have been an early law or custom which maintained that each of these bodies was equally sovereign. This conjecture may help to explain one of the three laws attributed to the dictator Q. Publilius Philo of 339 B.C. (Livy 8.12.15), according to which “plebiscites were to be binding upon all the Quirites.” When the tribal assembly was first created, it might have been necessary to spell out in a statute that the enactments of this new body (*plebiscita*) had the same validity and binding force as those made by the *populus* in the centuriate assembly (*leges*), and this legislative act could have been carried by a tribune named Publilius, thereby accounting for the Publilian Law which Roman historians dated to 471 B.C. Moreover, if the events of that year were later confused with those of 342–339 as argued above, the earlier tribunician Publilian Law could have been transferred to the much more famous Q. Publilius Philo.20

Given the extraordinary influence and power exercised by the Roman aristocracy in early times, we may conclude with confidence from the procedure of the *lex curiata* confirming the authority of the early kings and the consuls that legislative enactments of both the tribal and centuriate assemblies during the early republic likewise required a concurrent vote of *patrum auctoritas* in order to become valid laws. Such a configuration of political power, in which major public decisions were frequently arrived at by agreement between an aristocratic council and a citizen assembly, was typical of Greek city-states during the archaic period. Its presence in early Rome would therefore not be at all surprising, and it would also account for

---

20. For an alternative explanation of this Publilian Law of 339 B.C., together with the similar Hortensian Law of 287 B.C. and one of the three Valerian Horatian Laws of 449 B.C., see below p. 231ff.
the periodic political contention between the senate and the people and their respective representatives, which the later Roman annalists amplified into the struggle of the orders.

It should come as no surprise that both Livy and Dionysius offer explanations for the creation of the tribal assembly in 471 B.C. in terms of the struggle of the orders. Livy (2.56.3) says that the Publilian Law was designed to deprive the patricians of their complete power to choose the plebeian tribunes by suborning the votes of their clients in the comitia curiata. Dionysius (9.41.2–5 and 9.49.5), on the other hand, sees the law as weakening patrician influence by eliminating the need to obtain patrum auctoritas before convening the curiate assembly. Livy’s explanation makes no sense in the context of the struggle of the orders: since the patricians’ clients were presumably plebeians, they would have been included in the tribal assembly too, and could have continued to vote in accordance with their patrons’ wishes there. Dionysius’s explanation makes more sense, but it may not be anything more than some later annalist’s shot in the dark to account for the innovation. Given the archaic nature of the comitia curiata, which is supposed to have been the body that elected plebeian officials before the creation of the tribal assembly, the procedure of the lex curiata de imperio could have been taken to show that the comitia curiata’s electoral decisions had to be accompanied by patrum auctoritas, but such confirmation was not necessary for the decisions of the new comitia tributa. On the other hand, since one of the three laws attributed to the dictator Q. Publilius Philo of 339 B.C. ordained that a vote of patrum auctoritas was to precede measures laid before the centuriate assembly (Livy 8.12.15), Dionysius’s reason for the establishment of the tribal assembly in 471 B.C. might have been excogitated by some ancient historian on the pattern of this later Publilian Law. As a result, neither Livy’s explanation nor Dionysius’s may be accepted as satisfactory. Instead, we may conjecture that the comitia curiata was quickly becoming an obsolete organization as Rome developed into a sizable city-state with a rather fluid population. Organizing a new assembly on the simple principle of geographical residence in Roman territory would have been a sensible and rational policy in adjusting a major political institution to fit new demographic conditions.

ROME AND THE LATINS

Down to the Latin War of 340–338 B.C., Rome’s foreign affairs were to a significant degree centered upon its relationship with the other communities of Latium.21 Although the Latins lived in numerous autonomous towns

21. For Rome’s relations with the Latins in early times, see Alföldi 1965, 10–46, 101–22, and 236–87; Sherwin-White 1973, 3–37; Ampolo in Crise et Transformation 1990, 117–33; and Oakley 1997, 332–44. For the archaeological evidence from Lavinium, see Holloway 1994, 128–41, which contains additional bibliography.
such as Rome, Lavinium, Ardea, Aricia, Lanuvium, and Nomentum, they were bound together by a common language and cultural tradition, and from early times this commonality resulted in the creation of interstate cooperation in religious, political, and military affairs. The ethnic unity of the Latins as a whole found clear expression in their participation in communal religious rites conducted every year at Lavinium and on the Alban Mount (Dion. Hal. 1.67 and 4.49). Excavations at Lavinium have uncovered a series of large U-shaped altars, which must have been the central focus of Latin religious activities at the site. These thirteen altars range in date from the mid-sixth century to the late third century B.C. We may therefore surmise that a religious league comprising all Latins was already in existence during the second half of the sixth century B.C. Pliny (NH 3.68–9) reproduces a long list of peoples who at one time participated in the Latin Festival (Feriae Latinae), held every spring in honor of Jupiter Latiaris on the Alban Mount, the modern Monte Cavo, the highest point in Latium. Most of these names are obscure and must have pertained to small communities which no longer existed in later historical times, having been destroyed, abandoned, or absorbed into the larger towns of Latium.

In addition to these shared religious activities, the Latin communities also shared important social, economic, and political rights. These were later codified in Roman law as commercium, conubium, and ius migrandi. The first of these allowed a Latin of one community to own property in any other Latin town and to conduct commercial transactions without hindrance, as if he were a citizen of the community. Conubium was the right of a Latin of one state to enter into a marriage with a Latin from any other state without legal complications. The third of these rights allowed a Latin of one state to take up residence in any other Latin state, automatically becoming a full citizen of the community in which he resided. Although these shared rights were expressive of the social fluidity of archaic society, they were never abolished but were put to new uses by the Romans in later times and formed an important legal institution by which non-Romans were integrated into the Roman social and political system. The three rights were later collectively known as the ius Latii and were retained by the Roman state after its dissolution of the Latin League in 338 B.C. From that point onwards, the Romans applied this Latin status to colonies founded throughout Italy, which served as important outposts for the Roman state in strategic areas; and the Latin colonists, termed socii nominis Latini (“allies of the Latin name”), formed a class which was intermediate between Roman citizens and other Italian allies. Latin status, however, continued to be used in imperial times as an instrument of acknowledging and promoting Romanization. It formed a halfway stage between foreign and Roman status, and was granted to
provincial communities to upgrade them as they became more Romanized. Thus, besides its vital role in Rome’s early history, Latin status enjoyed a long and fruitful history and was a key element in Rome’s later imperial success.

Despite the importance of these shared religious and legal institutions among the early Latins, the single most significant aspect of Latin communal activity for the history of the fifth century B.C. was military cooperation against common foreign threats. The battle of Aricia fought in 504 B.C. had pitted the Etruscans under Porsenna and the Romans against the other Latins aided by the Greeks of Cumae. The latter’s victory caused Porsenna to abandon Rome, and for the next few years there was an uneasy peace in Latium until, in either 499 (Livy 2.19–20 with 21.3–4) or 496 (Dion. Hal. 6.2 ff.), the Romans and Latins fought a battle at Lake Regillus near Gabii. According to the Roman tradition, Tarquinius Superbus was arrayed on the side of the Latins, in hope that a victory would bring his restoration to royal power in Rome, but when the Romans proved victorious,
he went into exile at the court of Aristodemus in Cumae, where he died in 495 B.C. Consequently, this battle was later viewed as crucial in establishing republican freedom, and it therefore received elaborate treatment in later Roman historical accounts (Forsythe 1994, 258–64). The narrative of the battle itself was patterned in part after a famous event among the western Greeks, the battle of the Sagra River, fought between the Locrians and Crotonates of southern Italy during the sixth century, in which the heavily outnumbered Locrians inflicted a crushing defeat upon the Crotonates thanks to the divine assistance of Castor and Pollux. The Roman adaptation was used to explain the vowing of a temple to Castor and Pollux by the Roman dictator Postumius (Livy 2.20.12 and Dion. Hal. 6.13). The temple was dedicated on January 27 in 484 (Livy 2.42.5). Recent excavations have confirmed that the shrine was in fact built during the early fifth century B.C. (see Nielsen and Gronne 1990, 99 and 116). It was a prominent feature of the Forum, measuring 90 by 125 feet. Three columns and their entablature from the later version of the temple are still standing today and form one of the Forum’s most notable landmarks. Given the association of the divine twins with horses and cavalry, the battle of Lake Regillus was proclaimed by the later Romans to have been won by the knights. Thus the victory that secured republican freedom became integrated into the political and civic ideology of the Roman equestrian class, perhaps as early as 304 B.C. when the censors Q. Fabius Maximus Rullianus and P. Decius Mus instituted the Transvectio Equitum (Parade of the Knights), celebrated every July 15 (Livy 9.46.15).

The battle of Lake Regillus was soon followed by a treaty between Rome and the Latins, the Foedus Cassianum, which took its name from one of the consuls of 493 B.C. (Livy 2.33.4). With his characteristic lack of interest in such mundane details, Livy does not bother to record the provisions of this agreement but is content merely to note that the treaty was concluded. Dionysius (6.95.2), on the other hand, describes it as having contained the following conditions:

1. They are not to wage war upon one another, nor are they to introduce other parties into the land with the intent to wage war, nor are they to grant safe passage to any such outside parties.
2. In times of war they are to aid one another with all their forces, and there is to be equal sharing of the booty captured in their joint operations.
3. Disputes arising out of contracts made between persons from two communities are to be settled within ten days in the community in which the contract was made.
4. Nothing is to be added to or subtracted from this agreement without the consent of both the Romans and the Latins.
The historicity of these terms in the context of the early fifth century B.C. has been long debated by modern scholars (see Alföldi 1965, 114 with n. 1). Some have objected to the bilateral character of these terms, Rome vs. all the other Latins, as granting Rome too much influence for the early fifth century, although if eastern and southern Latium had already been overrun by the Aequians and Volscians, Roman territory might have constituted half of the area occupied by the Latins, and such a bilateral arrangement could have been appropriate. On the other hand, if the text paraphrased by Dionysius goes back to a document dating to the first years of the republic, it would be as old as the first treaty with Carthage and the inscribed text of the *cippus* of the *lapis niger* from the Comitium, whose language was extremely archaic and would have posed a considerable problem of interpretation to later Roman writers, a circumstance which Dionysius fails to mention. According to Cicero (*Pro Balbo* 53), the archaic text of the Cassian Treaty was still to be seen in full public view down to his own day, not far from where the *cippus* of the *lapis niger* stood: “Who does not know that in the consulship of Sp. Cassius and Postumus Cominius a treaty was struck with all the Latins, which, we recall, till recently was inscribed and written out on a bronze column behind the Rostra?” But was the Cassian Treaty of 493 B.C. the only alliance made between Rome and the Latins? Livy (7.12.7) indicates that at least one other treaty was signed with the Latins, in 358 B.C.: “but amid many causes of alarm there was solace in the peace granted to the Latins at their request, and a large body of soldiers was received from them in accordance with the old treaty which they had allowed to lapse for many years.” Whether or not we choose to accept Dionysius 6.95.2 as accurately reflecting the terms of the Cassian Treaty, the political and military situation in Latium during the early fifth century B.C. would lead us to conclude that the Romans and other Latins formed themselves into a military alliance against common external threats, and that given the size of Roman territory relative to the other Latin states (see above p. 116), Rome was the main, if not the dominant, member of this coalition.

One question which the provisions listed by Dionysius do not address concerns the supreme command of the league forces. The narratives of both Livy and Dionysius portray the relationship between Rome and the other Latin states during the fifth century B.C. as like Rome’s relationship to its Latin colonies during the third and second centuries B.C.: i.e., they represent Rome as the ruling power of Italy, exacting military quotas to serve Roman expansion and able to command obedience from subservient and much weaker Latin communities. In the later annalistic tradition, the Latin forces are combined with those of Rome and are invariably led by Roman consuls or consular tribunes. Rome’s unchallenged leadership of the Latin League was even retrojected into the regal period, from the reign of Tullus Hostilius onwards (Alföldi 1965, 101–11). One passage, however, from
Festus (276 L s.v. *praetor*), quoting Cincius, the antiquarian of the late republic, hints at a very different situation:

The Albans controlled affairs until King Tullus. Then after Alba had been destroyed, down to the consulship of P. Decius Mus (340 B.C.) the Latin peoples were accustomed to deliberate at Caput Ferentinae, which is below the Alban Mount, and to administer the command (*imperium*) by common counsel. Consequently, in a year in which by order of the Latin nation the Romans were required to send commanders to the army, several of our countrymen were accustomed to observe the auspices on the Capitol in the direction of the rising sun.

This text makes it clear that before the dissolution of the Latin League command of the combined Latin forces was a matter for common deliberation. On various occasions Rome was asked to provide leadership, but the implication is that other states also sometimes supplied the league army with supreme commanders. This situation certainly must have prevailed during much of the fifth century B.C., when Volscian and Aequian incursions to the south and east made the non-Roman area of Latium the central focus for military operations. Rome must have emerged as the dominant power as these threats to Latium diminished, but in the fifth century this development still lay in the future.

The Volscians and Aequians posed a major threat to Latium during the fifth century B.C. Rome, however, by reason of its location and the size of its territory was most suitably placed to ride out this storm. Rome’s own most serious threat initially came from the Sabines, who dwelled upstream along the Tiber and, like the Volscians and Aequians, attempted to expand downstream toward the coast. By the middle of the fifth century, the Romans had checked the Sabine expansion and were poised to expand their own borders, first at the expense of Fidenae, and then across the Tiber against Veii. The Aequians overran the part of Latium bordering the upper Anio River. Although Tibur and Praeneste were prominent rivals to Rome within the Latin League during the fourth century B.C., they are never mentioned in ancient accounts of the fifth century and therefore might have been taken over by the Aequians during the fifth century (Oakley 1997, 338). It may be significant in this regard that in later times the Latin spoken at Praeneste had its own distinctive characteristics (Coleman 1990). The Volscians occupied the Leppini mountain range and the coastline between Terracina and Antium, which Rome had claimed in the first treaty with Carthage.22

The Volscian and Aequian infiltration into Latium was part of a larger demographic phenomenon affecting central and southern Italy during the

22. For fuller treatment of the Volscians, see Coarelli in *Crise et Transformation* 1990, 135–54.
fifth and fourth centuries B.C., in which the Sabellian-speaking tribes of the Apennines migrated down from the mountains and overran and occupied the lowlands. According to the ancient tradition, these major movements of peoples resulted from overpopulation or famine and took the form of a ritual termed *ver sacrum* (“sacred spring”), in which all humans and animals born in the springtime were dedicated to a divinity. The animals were sacrificed; the children were allowed to live, but when they reached mature years, they were driven out of the community and forced to find new land in which to settle. Since an immediate problem of overpopulation could not be solved by this means, seeing that it required fifteen or twenty years for the human offspring to grow to maturity, the sacred spring must have been an institution structured into the society of mountain tribes and periodically employed on a fairly regular basis over generations, in order to forestall overpopulation in agriculturally poor areas which could not support expanding numbers. In addition to converting virtually all of southern Italy into an Oscan-speaking region, these movements threatened and sometimes actually overwhelmed the Greek cities of Bruttium, Lucania, and Campania (see Hdt. 7.170). By the end of the fifth century B.C., the Oscan-speaking element in Campania was substantial and had resulted in the Oscan takeover of Etruscan Capua and of Greek Cumae (Livy 4.37.1–2 and 4.44.12; Diod. 12.31.1 and 12.76.4 with Rutter 1971, Cornell 1974, and Frederiksen 1984, 137–39).

The Volscian and Aequian migrations must have been very disruptive to the society and economy of Latium, especially during the first half of the fifth century, and Rome might have drawn a benefit from these disturbances in the form of Latin immigrants coming to Rome from more seriously threatened communities. Indeed, if we possessed more onomastic information from the other Latin towns, we might discover that such immigration is reflected in the clan names which appear in the early consular *fasti*. Aequian and Volscian infiltration into Latium might also have been responsible for an economic downturn in Rome during the fifth century B.C. J.C. Meyer (1980) has conducted a careful study of Attic black-figure and red-figure pottery imported into Rome and several Etruscan cities during the sixth and fifth centuries B.C., and has tabulated the fluctuations in twenty-five-year segments. During the sixth century, Rome and the three major coastal cities of southern Etruria (Caere, Tarquinii, and Vulci) reaching their highest rates during the last quarter of the sixth century. During the fifth century, however, these same

sites imported less Attic figured pottery. Rome exhibits by far the greatest drop-off of any site during the first quarter of the fifth century B.C., followed by Vulci, and then by Caere and Tarquinii to a slighter extent. Inland cities of Etruria (Falerii, Volsinii, and Clusium) continued to increase their rate of imported pottery during the first part of the fifth century, but by 450 B.C. they too were beginning to have declining levels. Meyer has suggested that the particularly sharp decline in Rome’s importation of Attic figured pottery during the first part of the fifth century resulted from an abrupt weakening of Roman power in Latium. According to Meyer, the power struggle between Rome and the other Latin states following Porsenna’s seizure of Rome might have facilitated Volscian occupation of the coastline from Terracina to Antium, the area once claimed by Rome in the first treaty with Carthage. Veii could also have exploited Rome’s difficulties with the other Latins at the same time, by establishing control over the mouth of the Tiber. In any case, as Ampolo has acutely argued (Eder 1990, 484 ff.), since the construction of temples in Rome in later times was always a function of profitable warfare, the virtual cessation of temple construction after 484 B.C. might indicate that for the remainder of the century Rome’s wars were not lucrative as they had previously been, during the late sixth and early years of the fifth centuries B.C.

The Roman annalistic tradition described military engagements between the Latins and the Volscians or Aequians for virtually every year of the first half of the fifth century B.C. It seems likely that brief notices of such activity were preserved by the Roman pontiffs in their annual records of the chief events of the Roman state, but the record of this military activity has become so contaminated in later historical accounts, which narrate it in terms of the warfare of the middle and late republic—with frequent set battles, legionary formations, and castrimentation—that little credence can be attached to the detailed descriptions of Livy and Dionysius. Much of the warfare probably consisted of raids and counterraids resulting in the carrying off of captives and booty and skirmishing between the two sides, occasionally punctuated by major campaigns and engagements. In addition to this kind of incessant and indecisive fighting, the Latins attempted to strengthen their overall strategic position by establishing Latin colonies on newly acquired or reclaimed territory adjacent to the enemy. Here again, the annalistic notices of such foundations are likely to be historical, but the particular details surrounding them, such as domestic political debate in Rome over agrarian legislation, cannot be accepted as authentic. The Latin colonies recorded for the early republic, before the dissolution of the Latin League in 338 B.C., are the following:24

24. Many of these colonies were situated on easily defensible high ground and were fortified with stone walls. For descriptions of their sites and ancient remains, consult Coarelli 1982.
The overall character of these events as the annalistic tradition portrayed them is perhaps best illustrated by the famous exploits of Marcius Coriolanus (Livy 2.33.4–40.11 and Dion. Hal. 6.92–8.62, with Salmon 1930). The tale may have a kernel of historical truth and derive from an authentic tradition concerning the high-water mark of the Volscian irruption into Latium at the beginning of the fifth century. Much of this military success could have been led by a native Volscian commander named Marcius associated with the town of Corioli, hence his surname Coriolanus. In the later Roman historical tradition, however, this apparently native Volscian commander has been transformed into a courageous and capable Roman who, because of his intransigent stance toward the Roman plebs, was driven into exile and led the Volscians to their greatest victories. His surname was explained as resulting from his first act of recorded bravery, before his exile, during the Roman capture of Corioli. Thus, while retaining the basic truth that the Volscians initially enjoyed considerable success against Rome and the Latins, the annalistic tradition preserved Roman national pride by ascribing this success to the fact that the Volscians were led by a Roman. The same pattern of chauvinistic historical revisionism is offered by the case of Tyrtaeus in Greek history. This lyric poet of Sparta, famous for the martial verses he composed during the Second Messenian War of the seventh century B.C., was later transformed by the Athenians into a lame schoolmaster of Athens, brought to Sparta in order to provide the Spartans with the military discipline and leadership needed to subdue their rebellious serfs (Pausanias 4.15.6).

Two other aspects of the Coriolanus story are significant in disclosing how early Roman traditions were generated. Because the two men were near contemporaries, the career of the Athenian Themistocles was mined to add further details to that of Coriolanus (see Cic. Brutus 41–43, ad Att. 9.10.3, and Amic. 42). The former had been the chief architect of Athens’s
naval policy and thereby of the Greek victory over the Persians in 480 B.C., but not long after Xerxes’ invasion of Greece and the Athenian establishment of the Delian League, Themistocles, like Aristeides before and Cimon after him, was officially ostracized by the Athenian people and was therefore obliged to be absent from Athens for a period of ten years. During his exile, however, Themistocles was accused of plotting with the Persians. He fled from Greece before he could be apprehended, and was eventually appointed by the Persian king as lord over several cities of Asia Minor, where he lived out the rest of his life. Thus Themistocles’ career represented to the ancients the pattern of reversal of fortune, as well as a signal example of the fickleness and ingratitude of the Athenian democracy. The latter theme was well-suited for the concept of the struggle of the orders, and Coriolanus was accordingly depicted as a Roman aristocrat of fine qualities who was victimized by popular boorishness.

The tale of Coriolanus reaches its patriotic climax when the Roman exile, encamped with the Volscian army near the city of his birth, haughtily rejects peace proposals made to him by Roman officials but yields when confronted by his mother, wife, and two children. Thus, like the stories of Lucretia, Cloelia, and the Sabine women who forced the Romans and Sabines under Romulus and T. Tatius to make peace, the tale of Coriolanus concludes with a patriotic model of behavior for Roman women. This element of the story was probably brought in to explain the origin of the cult of Fortuna Muliebris. According to the ancient tradition (Livy 2.40.11, Dion. Hal. 8.55–56, and Val. Max. 1.8.4), the temple to this divinity was established by the Romans to commemorate the women’s success in making Coriolanus withdraw the Volscian army from Roman territory; the temple was supposed to have been built at the place where the women had performed this heroic deed. Fortuna Muliebris is likely to have been a goddess concerned with women and childbirth, and her association with the story of Coriolanus must have stemmed from the fact that the temple’s day of dedication was July 6, one day after the Poplifugia of July 5. The latter was an archaic ritual involving the purification of the Romans (probably under arms) and the symbolic routing of their enemies (Forsythe 1994, 322–30). The literal meaning of the ceremony’s name, “the routing of armies,” must have spawned speculation that these two consecutive days in the official Roman calendar were somehow related, and resulted in the explanation that women had played a key role in turning back the Volscian invasion led by Coriolanus.

SP. CASSIUS, THE FABII, AND THE CREMERA

The nine years 486–478 B.C. contain three important events involving both domestic and foreign affairs of the Roman state: the third consulship of Sp. Cassius, followed by his trial and execution; seven consecutive years in
which one of the consuls was a Fabius; and the disastrous Roman defeat at
the hands of Veii, at the Cremera River. In 486 B.C. Rome and the Latins
were supposed to have formed an alliance with the Hernicans, a people
who dwelled in the Trerus River valley (Livy 2.41.1 and Dion. Hal. 8.69.2).
Their principal towns were Anagnia, Ferentinum, Aletrium, and Verulae.
Since they were situated between the Aequians and the Volscians, such an
alliance must have been advantageous to both the Latins and the Hernicans,
and we therefore need not doubt the historicity and early date of this
alliance; but its assignment specifically to the year 486, the third consulship
of Sp. Cassius, might not be authentic. Since Cassius’s name was associated
with the treaty concluded in his second consulship of 493 between Rome
and the Latins, it could have seemed appropriate to later writers to attach
the Hernican alliance to his third and final consulship.

Sp. Cassius’s third consulship, however, was notorious for his proposed
agrarian legislation and his attempt to become tyrant (Livy 2.41 and Dion.
Hal. 8.69–80, with Gabba 1964 and Forsythe 1994, 296–301). This was sup-
pposed to have been the first time that an agrarian law was proposed by a
Roman politician, as well as the first of three attempted seizures of power
during the early republic. The other two attempts were ascribed to Sp.
Maelius in 440–439 and to M. Manlius Capitolinus in 385–384 B.C. By
Cicero’s day, these three men had become the canonical demagogues of
early Rome, and their actions, interpreted in light of contemporary civil
violence, were used to justify the state’s strong measures against the Gracchi,
Saturninus, Catiline, and others (Mommsen 1871 and Lintott 1970). The
extant evidence suggests, however, that the tradition of these demagogues
already existed before Gracchan times. The idea of attempted tyranny in
fifth-century Rome is historically plausible (Martin in Eder 1990, 49–72).
Drews’s study of tyranny in archaic Greece demonstrates how an ambitious
aristocrat could exploit a local crisis in a developing city-state to make him-
self its sole ruler (Drews 1972). The alleged seditions of Sp. Cassius and
Sp. Maelius were contemporary with the Deinomenid tyranny in Syracuse,
Aristodemus’s usurpation at Cumae, and the autocracies of Thefarie
Velianas at Caere and of Lars Tolumnius at Veii. On the other hand, the his-
toricity of the Roman traditions is not easy to assess, since all three are heavily
laden with elements of folklore and etiological appendages. Scholars must
carefully examine the ancient material and decide for themselves whether
the aitia spawned the creation of the tale or were merely later accretions
about a hard kernel of historical fact.

Livy and Dionysius seem to follow the same author in describing Sp.
Cassius’s consulship of 486 and his trial and execution in the following year,
and their narratives contain obvious post-Gracchan elements. Like Ti. Grac-
chus’s agrarian bill, Cassius’s proposal to divide the public land among the
plebs is described as having been opposed by rich and powerful possessores.
(Plutarch *Ti. Gracchus* 8–10 and Appian *Bell. Civ.* 1.7–12). Cassius’s advocacy of the Latins and Hernicans and his colleague’s opposition resemble C. Gracchus’s proposal to extend Roman citizenship to the Italians and the opposition mounted by the consul C. Fannius (Plutarch *C. Gracchus* 12.1–2 and Appian *Bell. Civ.* 1.23). Cassius’s proposal to distribute money to the plebs to purchase Sicilian grain is clearly patterned after C. Gracchus’s grain law (Appian *Bell. Civ.* 1.21 and Plutarch *C. Gracchus* 5.2). Both Livy and Dionysius set forth the same version of Cassius’s prosecution by two quaestors for *perduellio* and his condemnation by a *iudicium populi*, and they both also retail the same alternative account, according to which he was tried and executed by his own father. Their common source was probably Valerius Antias, who may have been responsible for inventing the story of Cassius’s trial by quaestors since one of them was a L. Valerius, and the trial seems to have been patterned after the notorious trial of Rabirius by *duumviri perduellionis* in 63 B.C. (see Cic. *Pro Rabirio Reo Perduellionis*). A post-Sullan source is clearly implied by Dion. Hal. 8.80, which contrasts the senate’s refusal to punish Cassius’s three sons with Sulla’s treatment of the sons of the proscribed. If Antias was the author of the version involving the quaestors, the story of Cassius’s execution by his father must have been the earlier prevailing explanation for his death. This account could have been contrived as early as the Hannibalic War as a conservative’s monitory antecedent for the episode in which the plebeian tribune, C. Flaminius, proposed his controversial agrarian law and his father unsuccessfully attempted to use paternal authority to prevent its passage (Cic. *De Inventione* 2.52, Val. Max. 5.4.5, Dion. Hal. 2.26.5, cf. Polyb. 2.21.9). Since Sp. Cassius was thought to have been the first Roman politician to propose an agrarian bill, his untimely death was clearly intended to be a warning to any who wished to adopt a similar program.

The one solid artifact at the heart of the ancient tradition concerning Sp. Cassius’s thwarted ambitions was an archaic bronze statue dedicated to Ceres, which remained in existence until 158 B.C. when the censors melted it down, along with many other statues (Pliny *NH* 34.30, citing the historian Calpurnius Piso). There were two different interpretations of this statue. One was that it represented Cassius himself, and was testimony to his tyrannical ambitions (Pliny ibid.). The other view, found in Livy and Dionysius, was that it was made from the proceeds of the sale of Cassius’s property and was dedicated to the goddess Ceres. It was further maintained that Cassius’s house was demolished, and the site lay unoccupied until the temple of Tellus (= the Earth), vowed by the consul P. Sempronius Sophus in 268 B.C., was built on the site (see Florus 1.14.2). It was not uncommon for a temple in Rome to be built on a site previously occupied by a sacred grove or open-air precinct. It is therefore possible that Tellus’s shrine was built upon such an area sacred to the same goddess. Moreover, since Tellus and Ceres were
closely associated in Roman cult, and since Sp. Cassius had dedicated Ceres’ Aventine temple, a member of the Cassian family could have set up a statue to Ceres at this open-air site sacred to Tellus, and this image, associated with both Ceres and the Cassian name, could have formed the kernel of the legend of Sp. Cassius’s tyrannical ambitions, his ill-fated demise, the demolition of his house, and the site’s consecration to Ceres. The story of this statue would have satisfied the ancients’ fondness for the paradoxical reversal of fortune: for Sp. Cassius, who had dedicated Ceres’ temple on the Aventine, suffered an ignominious death which led to the consecration of his property to the same goddess.

Finally, the precise location of Tellus’s temple is not known, but it was somewhere in the district of the Carinae on the Esquiline (Cic. ad Q. Fr. 2.3.7 and 3.1.4, and Dion. Hal. 8.79.3). The two main streets of this area were the Vicus Cuprius (= Good Street) and the intersecting Clivus Orbius. The latter was also known as the Vicus Sceleratus (= Criminal Street), and its name was usually explained with reference to King Servius Tullius’s daughter driving her carriage over the body of her murdered father, but the street’s proximity to Tellus’s temple must have played a key role in the development of the legend about the republic’s first alleged instance of criminal political ambitions as well. We may therefore conclude that there is nothing truly worthy of credence in the tradition of Sp. Cassius’s execution for harboring unwholesome ambitions.

During each of the seven years 485–479 B.C., one of the two consuls was a Fabius. Such domination of the consulship by a single family is unparalleled in the consular fasti of the republic. There are several instances in which two brothers hold the consulship in two consecutive years (e.g., Baebii Tamphili in 182–181 and Popillii Laenates in 173–172 B.C.), and there are only three instances in which members of the same family hold the consulship for three consecutive years (330–328 by the Plautii, 247–245 by the Fabii, and 51–49 B.C. by the Claudii Marcelli). The only other pattern that comes close to the seven consecutive Fabian consulships occurs at the very beginning of the republic, when four of the five years 508–504 B.C. have a Valerius as consul (this excludes the Valerius of 509 as fictitious). The series of seven Fabian consulships becomes even more intriguing when it is noted that this is the first appearance of the Fabii in the fasti, that the other consul in three of these years is a member of another clan making its first appearance, and that these three, like the Fabii, are members of clans which later became very prominent patrician families: the Cornelii, Aemilii, and Manlii. It therefore looks as if some kind of major shift in power took place during these years. Modern scholars who accept the historicity of Sp. Cassius’s calamitous downfall could interpret the fasti of these years as reflecting the political ruin of one aristocratic group and the emergence of another. Unfortunately, as in so many other cases of Roman history before
the middle of the fourth century B.C., the surviving ancient sources for this period are rarely above suspicion, and we can do little more than speculate.

Ancient writers were certainly aware of this anomalous series of Fabian consulships, and they were prepared to fill the historical void with the tragic tale of the 306 Fabii who died fighting in defense of Rome at the Cremera River. As in the tale of Coriolanus, parallel events in Greek history were important in the genesis of this tradition. In 480 B.C. at the battle of Thermopylae, perhaps the single most famous battle of Greek history, a force of three hundred Spartans with a few thousand Greek allies was completely annihilated (Hdt. 7.209–31). Another event from Roman history is likely to have encouraged later Roman historians to connect the Fabian consulships of 485–479 B.C. with the heroic story of Thermopylae. Under the year 358 B.C., Livy (7.15.9–11) records that not only was the consul, C. Fabius, defeated in battle by the Etruscans of Tarquinii, but the latter captured 307 Roman soldiers and sacrificed them. The Romans, however, exacted revenge four years later. In 354 B.C. (Livy 7.19.2–3), the Romans defeated the Tarquinienses, and out of the many prisoners taken they sent 358 of the most noble back to Rome and had them beaten and beheaded in the Forum. The number of Fabii who were supposed to have been killed at the Cremera was 306, while only one male was left behind in Rome to continue the family line (Livy 2.49.4 and 2.50.11, and Dion. Hal. 9.22). This makes up a total of 307 Fabii, which is the same as the number of Romans serving under the command of a Fabius who were captured and sacrificed by the Tarquinienses in 358 B.C.

The accounts of Livy (2.50) and Dionysius (9.20–1) of the Cremera disaster of 478 B.C. make it abundantly clear that the fate of the three hundred Spartans at Thermopylae has been the literary model for this Roman tale. In Livy’s narrative, the Fabii are both heavily outnumbered and surrounded. After they manage to break through the encircling enemy and take refuge on a nearby hillock, the Veientines succeed in sending forces around to their rear and attack them from higher ground, just as the Persians crossed over the mountain range and attacked the Spartans from behind (Hdt. 7.213–18). In Dionysius’s version of the event, the desperation with which the Fabii fought to the death is clearly reminiscent of the ferocity exhibited by the Spartans at Thermopylae (Hdt. 7.223–27). Dionysius’s parallel between the Greek and Roman stories is further underlined by the first chapter of his ninth book: for he begins it with the seventy-sixth Olympiad, the year in which Calliades was archon at Athens, and when Xerxes mounted his expedition against Greece; it was at the same time that

25. For other modern treatments of this tale and its possible historicity, see Pais 1906, 168–84; Holleman 1976; and Richard 1988, 1989, and in Eder 1990, 174–99.
the Veientines declared war upon the Romans. Parallelism between the Spartans and the Fabii is further indicated by a variant version of the latter’s destruction given by Dionysius in 9.19, according to which they were wiped out when returning in a body to Rome to attend a religious ceremony. This version is clearly patterned after another famous military defeat of the Spartans: the destruction of a Spartan regiment by peltasts under the command of the Athenian Iphicrates in 390 B.C., during the Corinthian War. This disaster occurred when the Spartan unit left the fortifications of Lechaemum at Corinth and began their march back to Amyclae in order to attend the festival of the Hyacinthia (Xenophon Hellenica 4.5.11–17). Apparently, some late annalist, not content to leave well enough alone, was eager to display his detailed knowledge of Greek history by substituting the less known Spartan disaster for the more famous one as his model for the Fabian defeat.

Two other factors important for evaluating the historicity of the Cremera disaster are the location of the Fabian tribe and the tradition of the Day of the Cremera, the dies Cremerensis. Taylor (1960, 40–41) located three of the original rustic tribes on the Etruscan bank of the Tiber: the Romilia near the mouth, the Galeria farther upstream, and the Fabia even farther upstream, near Veii. Central to this reconstruction was her surmise that the tradition about the Fabian clan at the Cremera suggested the Fabian tribe’s location near Veii. The conjecture is doubtless correct, but we need to ask ourselves which was cause and which was effect. Did the location of the Fabian tribe near Veii bring about an actual historical encounter between the Fabii and Veii? Or, as argued above in reference to the tale of Agrippa Menenius and the first secession of the plebs, did the tribe’s location and name contribute to the creation of the Cremera legend? If the fight was a real one and not a legend, we might also regard the series of seven consecutive Fabian consulships as resulting, not from some kind of major shift in power, but from the Romans’ entrusting military command in an on-going conflict with Veii to persons with important interests in the area of fighting.

In keeping with the early Roman belief in the auspicious or inauspicious nature of the individual days of the calendar, later Roman writers asserted that the Day of the Cremera was inauspicious, but despite unanimity on this point, there was no consistent tradition as to which day of the year the dies Cremerensis had been. One view (Livy 6.1.11, Plutarch Camillus 19.1, and Tacitus Hist. 2.91) maintained that it was the same as the Day of the Allia, dies Alliensis, which was in fact well known to have been July 18; one of the epigraphic calendars of early imperial times actually assigns both disasters to this day (Degrassi 1963, 208). Another view, however, was that the dies Cremerensis was February 13 and coincided with the day on which Rome was freed from its occupation by the Gauls (Ovid Fasti 2.195–96, with Plutarch Camillus 30.1 and Degrassi 1963, 265). It is therefore apparent that in later historical times there was no solid information concerning the dies Cremerensis,
and that in order to fill in this gap in their information, writers borrowed from traditions associated with the Gallic capture of the city. There exist other indications that the events of 390 B.C. have been conflated with those of 478 B.C. as well: the Fabii shouldered the entire burden of the Veientine War, and members of the same family gave the Gauls at Clusium a valid excuse to turn their attack on Rome; the Fabii marched out of Rome through the Porta Carmentalis, and the Gauls ascended the Capitoline at the same spot.26

In addition, it should be pointed out that February 13 was the first of the dies parentales on which Romans (including the Fabii) were supposed to make offerings to their deceased ancestors, and it preceded the Lupercalia by only two days. As noted, the latter celebration centered around the activities of two groups of Luperci, the Luperci Fabiani and the Luperci Quintciales. It therefore looks as if the association of the Cremera with February 13 was unhistorical but somehow involved etiological explanations for religious rites engaged in by members of the Fabian clan in mid-February. Consequently, we may conclude that in later times there existed in popular tradition the recollection of a Roman military reversal at the Cremera during the early years of the republic, but apart from this single fact nothing was securely known about it. A legend, however, was developed by having recourse to the battle of Thermopylae, the later capture of Rome by the Gauls, and the Etruscan sacrifice of 307 Roman prisoners of war in 358 B.C. The central role of the Fabii could be historical, but it is also possible that their inclusion in the story was unhistorical and resulted from the Fabian tribe’s proximity to Veii, the series of consecutive Fabian consulships in the early fasti, and the involvement of a Fabian consul in the affair of 358 B.C.

CLAN WARFARE AND THE LAPIS SATRICANUS

The most historically interesting aspect of the Cremera legend has been deliberately withheld up to this point so as to be considered in conjunction with one of the most intriguing recent archaeological discoveries that has a bearing on early Roman history. While excavating on the acropolis of the ancient site of Satricum in October of 1977, archaeologists from the Dutch Institute in Rome discovered an inscribed stone embedded in the foundation of a temple dating to c. 500 B.C. The stone had apparently formed the base of some monument and had been recycled when the temple was built. Since an earlier temple dating to c. 550 had stood on the same site, the

26. In chapter 3 of a future collection of essays to be entitled Concepts of Time in Roman Religion I intend to treat the ancient traditions surrounding the Day of the Allia and the Day of the Cremera in greater detail.
inscribed stone might have come from a dedication made at that shrine some time before its destruction by fire c. 540–530 B.C. The inscription reads:

ieisteterai Popliosio Valesiosio suodales Mamartei = The companions of Publius Valerius erected to Mars

Shortly after this discovery, a volume was published containing four essays by C.M. Stibbe, G. Colonna, C. De Simone, and H.S. Versnel, which treated the archaeological, epigraphical, linguistic, and historical aspects of this find (see Lapis Satricanus 1980 and Holloway 1994, 142–55). A number of possibilities exist concerning the identity of this Publius Valerius: he was a citizen of Satricum; he was the famous P. Valerius Publicola of the early years of the Roman republic; or he was a man from some other community, neither of Rome, nor of Satricum. It should be noted that, according to Livy (6.33.5), when the Romans fought against the Antiates and Latins at Satricum in 377 B.C., one of the two consular tribunes commanding the Roman army was a P. Valerius.

Despite the sensation created by the discovery of an archaic inscription recording the name of Publius Valerius, perhaps an even more interesting question concerns the meaning and significance of suodales. In later Roman society, a sodalitas was a kind of dining club or brotherhood, usually composed of aristocratic sodales and having a religious character in that it was devoted to the worship of a particular divinity (Versnel in Lapis Satricanus 1980, 108–12). Since the suod- element in suodales is cognate with the English word “swear,” the term suggests that some kind of oath was taken, binding the members of the group together in a common purpose. Furthermore, the fact that these companions made a dedication to Mars may indicate that one (if not the primary) concern of Publius Valerius and his companions was warlike activity. This interpretation can be reinforced and given greater context by taking note of other possible parallels in the ancient world, such as the war bands led by Homeric heroes, the warlike aristocratic companions of the Macedonian kings during the classical period, and the war bands surrounding Celtic and Germanic chieftains described by Caesar and Tacitus (Caes. Bell. Gall. 6.15 and Tacitus Germania 13–15, with Versnel in Lapis Satricanus 1980, 112 ff. and Bremmer 1982). The lifestyle of all of these was more or less the same: cattle raiding and fighting against hostile neighbors, engaging in hunting and the chase, feasting and drinking together. According to Caesar and Tacitus, the warlords in Celtic and Germanic society were men who, by reason of their demonstrated martial prowess and leadership, attracted to themselves young men eager to win renown through raiding and warfare. The companions were expected to fight beside their leader to the death, and if they abandoned their fellows, they were stigmatized with shame so inexpungible that it often caused the shirker to commit suicide.
The companions honored their leader with gifts, and he in turn was obliged to keep his followers’ needs well supplied by bestowing rewards upon them. Booty captured in raids and war fueled these bands of warriors, and a leader was successful only as long as he could maintain this flow of goods among his companions.

Even before the discovery of the Lapis Satricanus, the Fabian defeat at the Cremera was regarded by many scholars as belonging to an early stage in Roman social development, in which the state had not yet completely replaced aristocratic clans and their dependents in organizing major communal activities such as warfare (e.g., Alföldi 1965, 314–15 and Heurgon 1973, 181). The discovery of this inscription, however, has made this view the unchallenged orthodoxy (e.g., Cornell in CAH VII.2 1989, 297 and Richard in Crise et Transformation 1990, 245–62). Nevertheless, given the unsatisfactory nature of the ancient tradition concerning the Cremera, caution should still be exercised in interpreting the tale as an accurate recollection of early clan warfare. Nonetheless, a few final observations in support of the current view can be made. Livy (2.49.4–5) describes the departure of the 306 Fabii from Rome as attended by a joyful crowd consisting of two parts, the general public and the kinsmen and companions of the Fabii: “sequebatur turba propria alia cognatorum sodaliumque . . . alia publica.” Even though these two groups are described as merely seeing the Fabii off, the implication is that under normal circumstances the Fabii would have been attended in such an enterprise by their various followers and dependents. Furthermore, if in fact the Cremera disaster simply involved the Fabii and not the Roman state as a whole, this could account for the fact that there was no later public record concerning the date of the dies Cremerensis. On the other hand, the magnitude of the disaster may not have been nearly as serious as the later legend maintains; it could have been exaggerated through identification with the annihilation of the three hundred Spartans at Thermopylae. If so, the later tradition concerning the dies Cremerensis was simply an invention borrowed from the Gallic catastrophe of 390 B.C. and the Day of the Allia.