Chapter 3
The Ancient Sources for Early Roman History

The history of Rome’s regal period and early republic is highly problematic due to the fact that ancient accounts were written during the second and first centuries B.C., long after the events that they described. Consequently, modern historians often disagree substantially in their interpretations and reconstructions, depending upon their presuppositions concerning the reliability of the ancient sources and the criteria by which ancient traditions should be considered accurate. Thus a serious study of early Roman history cannot be undertaken without a clear understanding and continual examination of the nature and veracity of the ancient sources that purport to record the history of Rome’s distant past. The two most important ancient accounts of early Rome that have survived from antiquity are the first ten books of Livy’s *History of Rome* and the *Roman Antiquities* of Dionysius of Halicarnassus, both of which were composed during the closing decades of the first century B.C. But since these two narratives came at the end of nearly two hundred years of a long and varied historiographical tradition, and were the authors’ own synthesized redactions of earlier histories which are now lost except in fragments, a survey of the ancient sources for early

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1. For other treatments of this subject, see Raaflaub and Cornell in Raaflaub 1986, 47–65; Ogilvie and Drummond in *CAHVII*.2 1989, 1–29; Cornell 1995, 1–30; and Oakley 1997, 3–108.

2. The term “fragment” is used by modern scholars of ancient history to refer to a portion of a lost ancient historical account that now survives in another surviving ancient literary text. A fragment can be either a verbatim quotation from a lost work or a paraphrase of a portion of its content. See Brunt 1980. In some instances (e.g., Cincius Alimentus, Postumius Albinus, and C. Acilius), we possess only a few fragments from a lost work and are therefore almost entirely ignorant of the work’s nature and content, but in other cases (e.g., Cato, Calpurnius Piso, Claudius Quadrigarius, and Valerius Antias), the fragments are sufficiently numerous to...
Roman history may properly begin with an overview of Livy’s and Dionysius’s predecessors.  

THE ANNALISTIC TRADITION

As they did in many aspects of culture and literature, the Romans adopted the practice of historical writing from the Greeks, but the Greeks themselves did not begin to pay serious attention to Rome in their historical accounts until the Pyrrhic War (280–275 B.C.), when Rome was completing its subjugation of Italy and was involved in a war with the Greek city of Tarentum. Timaeus, a native of the Sicilian Greek town of Tauromenium, in his detailed history of the western Greeks from earliest times down to the eve of the First Punic War between Rome and Carthage (i.e., 264 B.C.), not only narrated the events of the Pyrrhic War but also treated Rome’s mythical origin and early history in some detail. He visited Lavinium in Latium and made inquiries concerning the nature of the Penates worshipped by the Latins. He was somewhat familiar with the Roman yearly sacrifice of the October Horse, which he explained with reference to the Romans’ descent from the Trojans. He dated the foundations of Rome and Carthage to the same year (814/3 B.C.); and he ascribed the invention of Roman bronze money to King Servius Tullius.  

Another Sicilian Greek, Philinus of Acragas, wrote a contemporary historical account of the First Punic War (264–241 B.C.), but it was the momentous nature of the Second Punic or Hannibalic War (218–201 B.C.) that apparently prompted two Roman senators, Q. Fabius Pictor and L. Cincius Alimentus, to write the first native...
histories of Rome.\textsuperscript{5} Their works were written in Greek, the literary language of the Hellenistic world, and they did not simply narrate the history of the Second Punic War but also recounted Roman affairs from mythical times down to their own day. Fabius Pictor’s surviving fragments suggest that the traditions of the regal period were already well developed and in large measure resembled what we find in Livy’s first book. Yet Dionysius (1.6.2) indicates that although the histories of Pictor and Alimentus were relatively detailed concerning Rome’s foundation and the period of the Punic Wars, they passed over the intervening time span in a summary fashion.

Two other Roman senators, A. Postumius Albinus and C. Acilius, composed similarly all-encompassing histories of Rome, but since we possess very few fragments from these works, their scale and nature are unknown.\textsuperscript{6} The first Latin narrative of Roman history was written by the poet Q. Ennius (239–169 B.C.), who composed his Annals in dactylic hexameter verse (see Skutsch 1985). This national epic—heroic, moralizing, and patriotic in nature—was a staple for educating Roman schoolboys and thus shaped the Romans’ view of their past until its account of Rome’s Trojan origin was supplanted by Vergil’s Aeneid during the Augustan principate. The poem treated the Trojan connection and the regal period in the first three books, the early republic in the next two, and Roman affairs from the Pyrrhic War onwards in the remaining thirteen. The first Roman history composed in Latin prose was written by Cato the Elder (234–149 B.C.), and after that, with few exceptions, the Romans wrote their histories in Latin. Cornelius Nepos in his brief biography of Cato (3.3–4) describes the work as follows:

He set about writing history in his old age. It consists of seven books. The first book contains the deeds of the kings of the Roman people, whereas the second and third books describe the origin of each Italian community, and for this reason it seems, all the books were called Origines. The First Punic War is in the fourth book, and the Second Punic War is in the fifth book. All these matters are described in a summary fashion. He narrated the remaining wars in the same manner down to the praetorship of Servius Galba [150 B.C.], who plundered the Lusitanians. He did not mention the commanders of these wars by name, but he recorded affairs without names. In these books he set forth the events of Italy and the two Spains as well as what seemed marvelous in these areas. He expended much energy and care upon these books but no learning.

\textsuperscript{5} In addition to the modern works cited above nn.2–3, see Timpe 1972 and Verbrugghe 1979 for two contrasting treatments of Fabius Pictor, and see Verbrugghe 1982 for Cincius Alimentus.

\textsuperscript{6} Since Fabius Pictor, Cincius Alimentus, Postumius Albinus, and C. Acilius wrote their Roman histories in Greek, their fragments were collected in Jacoby 1958 as historians nos. 809–10 and 812–13.
The numerous fragments from this work bear out Nepos’ description. The second and third books seem to have resembled the kind of Greek ethnographic history found in Herodotus and the fragments of Timaeus. The fragments from the last four books are largely concerned with the military affairs of the middle republic, and the fragments from the first book treat the regal period. Thus there is a strong possibility that Cato ignored the traditions of the early republic altogether, or at least treated them in a very cursory fashion.7

Following Cato, L. Cassius Hemina wrote a history probably comprising no more than five books, the first of which seems to have resembled the second and third books of Cato’s *Origines* in recounting the mythical origins of the towns and peoples of central Italy. The work’s second book covered both the regal period and the early republic. The surviving fragments suggest that Hemina had relatively little interest in military affairs but was keenly interested in religion and cultural history.8 L. Calpurnius Piso Frugi composed a historical account in seven or eight books, which he probably published after his censorship of 120 B.C. Like Livy and Cato, Piso treated the regal period in his first book, while the events of the early republic were narrated in his second and third books. The latter, probably the most detailed account of the early republic written thus far, described events by using an annalistic framework and may have been the very first Roman historical account to employ this kind of structured narrative to depict the early republic (Forsythe 1994).

All histories of Rome written thus far by Romans had been composed by senators and were relatively brief accounts of names, dates, and major events. By the close of the second century B.C., however, detailed Greek histories such as that of Polybius, comprising thirty-nine books to describe in great detail Rome’s conquest of the Mediterranean during the period 264–146 B.C., inspired Romans to write much lengthier works and to experiment with writing historical monographs on individual wars. Moreover, the writing of history was no longer a preserve of the Roman senator experienced in public affairs. It now became the occupation of men who possessed great literary skills, but who often lacked a practical knowledge of politics, diplomacy, and warfare. Thus, for example, Coelius Antipater (c. 100 B.C.), using earlier detailed histories written by Greeks, wrote a history of the Hannibalic War in seven books; and Sempronius Asellio, patterning his work after Polybius, devoted fifteen books to the period c. 150–90 B.C. Conversely, from this point onward other authors wrote greatly expanded

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histories of Rome from its foundation down to their own day. The first such was Cn. Gellius, whose work comprised at least ninety-seven books. His first book seems to have been patterned after the second and third books of Cato’s *Origines* and the first book of Cassius Hemina in describing the mythical origins of the various peoples and communities of Italy. Romulus’s reign was treated at the end of his second book and the beginning of his third. The expansive scale of Gellius’s history is apparent from the fact that he described events of the year 389 B.C. in his fifteenth book, whereas Livy treated the same matters in his sixth. This literary expansion was largely achieved through the inclusion of lengthy speeches and battle narratives, which—for early Rome—were entirely invented and were intended to enliven his work and make it more entertaining for his readers. Although Livy did not make direct use of Gellius’s history, Gellius was a major source for Licinius Macer and for Dionysius, who was apparently attracted to his rhetorical incontinence and meticulous attention to fictitious details.9

During the 80s and 70s B.C., Q. Claudius Quadrigarius, probably in reaction against the fictional character of Gellius’s treatment of early Rome, compiled a history whose starting point was not Rome’s mythical origin but the Gallic capture of Rome in 390 B.C. Quadrigarius chose to begin his narrative at this point because he believed that during the Gauls’ occupation of the city all written records had been destroyed, and all historical traditions concerning events prior to 390 could therefore be regarded as untrustworthy (see Plutarch’s *Numa* 1.2). Livy paraphrased this sentiment at the beginning of his sixth book and used Quadrigarius as a source throughout his second pentad. The fragments suggest that Quadrigarius was almost exclusively interested in military affairs.

During the last generation of the Roman republic, major histories were written by C. Licinius Macer, Valerius Antias, and Q. Aelius Tubero, all of whom Livy and Dionysius used as sources for their own works (see Ogilvie 1965, 7–17). As tribune of the plebs in 73 B.C., Macer was a staunch propo-nent of the populist politics of the day, which sought to restore full, traditional powers to the plebeian tribunate by overturning the restrictions placed upon the office in the recent constitutional reforms of the dictator Sulla.10 Macer’s fragments clearly display his keen interest in the struggle of the orders during the early republic. In fact, three fragments (Livy 7.9.3, 9.46.3, and 10.9.7–13 with 10.11.9) demonstrate that Macer was not averse to outright fabrication in order to enliven his narrative with spurious


conflicts between patrician and plebeian officials. But perhaps the most sensational and shameless fabricator of the Roman annalists was Valerius Antias, who probably composed his history, consisting of at least seventy-five books, during the period c. 65–45 B.C. His work is frequently cited by Livy, who complains of his unreliability and indicates that he enjoyed inventing both major occurrences and minor details. Thus by the time that Livy and Dionysius came to write history, Roman historiography had a complex development of nearly two hundred years behind it, and there were numerous sources at hand from which they could fashion their own works.

THE ANTIQUARIAN TRADITION

In addition to this rich and varied historiographical tradition, antiquarian scholarship, a similar but separate literary tradition, likewise arose and flourished during the last two centuries B.C., and the results of its research often provide modern scholars with valuable information about early Rome. Like the ancient historical accounts just surveyed, however, the antiquarian literature of the Roman republic survives almost entirely through its use by later extant authors. Roman antiquarians were not directly concerned with reconstructing and narrating the political and military history of the Roman state. They were interested in the history of the Latin language, including the original meaning and history of words. Nonetheless, since much of their research involved investigating the language, meaning, and terminology of religious and legal documents surviving from earlier times, their writings often devoted considerable attention to the history of Roman social, political, military, religious, and legal institutions and practices. The Roman antiquarian tradition can perhaps be said to begin with the publication of a treatise on the Roman religious calendar, written by M. Fulvius Nobilior, consul in 189 B.C. and a patron of the poet Ennius.

Several significant antiquarian writers flourished during the second half of the second century B.C. Besides writing histories of Rome, Fabius Maximus Servilianus (consul 142 B.C.) and Numerius Fabius Pictor (a descendant of Rome’s first native historian) both wrote treatises on pontifical law. Junius Gracchanus, who received his surname from having been a close friend of the revolutionary politician C. Sempronius Gracchus (died 121 B.C.), wrote a work entitled De Potestatibus, which concerned the history of Roman customs and institutions and the powers of

11. For example, see Livy 3.5.12–13. For Antias and Livy in general, see Howard 1906, and for a discussion of Antias’ influence upon the late annalistic tradition in his glorification of members of the Valerian family during the regal period and the early years of the republic, see Wiseman 1998, 75–89.
the various magistrates.\textsuperscript{12} L. Aelius Stilo (c. 150–80 B.C.) published works on the archaic language of the hymn of the Salian priests and on the Law of the Twelve Tables. Atticus (110–32 B.C.), intimate friend of Rome’s greatest orator, Cicero, not only shared his antiquarian learning with the latter (whose voluminous extant writings were thus enriched), but his Book of Chronology (\textit{Liber Annalis}) outlined the whole of Roman history in a single volume and set forth its chronology in such a definitive and convincing manner that the scheme was adopted by Varro, and from the Augustan age onward this so-called “Varronian” chronology was the official chronology of the Roman state (see the Appendix).\textsuperscript{13}

The greatest Roman antiquarian of all was M. Terentius Varro (116–27 B.C.), who throughout his long life wrote at least fifty-five treatises on a wide range of subjects.\textsuperscript{14} According to one ancient source, Varro had completed the writing of 490 volumes by his seventy-eighth year. Unfortunately, the only one of his works that has survived to us intact is a treatise on agriculture (\textit{De Re Rustica}), but substantial portions of his twenty-book examination of the Latin language (\textit{De Lingua Latina}) have come down to us and contain much valuable information on early Roman institutions. In addition, a considerable amount of his scholarship, especially in the area of religion, has been preserved for us indirectly in the writings of later ancient authors such as Pliny the Elder, Aulus Gellius, Servius, Macrobius, and the Christian writers Tertullian, Lactantius, Arnobius, and Augustine.

The last major Roman antiquarian important for the study of early Rome is Verrius Flaccus, who flourished during the Augustan age and was therefore a contemporary of Livy and Dionysius. A significant portion of his scholarship, like Varro’s, has been preserved indirectly in the writings of later surviving authors. One of his most important treatises, \textit{De Significatu Verborum}, was a kind of antiquarian dictionary, in which archaic Latin words and phrases were arranged in alphabetical order, and their meanings were discussed and explained. Although this work has not survived, we possess a later abridgement of it by Sex. Pompeius Festus (c. 200 A.D.). A substantial portion of Festus’s text (A-L) has been lost, but this loss is partially remedied by the survival of an eighth-century A.D. summary of the work by Paulus Diaconus. Despite the unfortunate state of its preservation, Festus’s text contains much valuable information for the modern student of early Rome.\textsuperscript{15}

\textsuperscript{12} For the fragments see Bremer 1896 I. 37–40.
\textsuperscript{13} For Atticus’s life and scholarly activity, see Münzer 1905 and Perlwitz 1992.
\textsuperscript{14} For an evaluation of Varro see Baier 1997.
\textsuperscript{15} Modern scholars normally cite Festus according to the pagination of the Teubner text edited by W. M. Lindsay; and in order to signify the fact that this text, rather than some other earlier edition, is being used, \textit{L} is placed after the relevant page number.
Livy and Dionysius of Halicarnassus

Livy (59 B.C.–A.D. 17) was born at Patavium (modern Padova or Padua) in northeastern Italy, not far from Venice. He does not appear to have held any public office or to have performed any military service, but allusions to him in the works of Seneca the Elder and Quintilian indicate that he was a rhetorician by training and profession. In his later years, after he had gained a reputation as a writer of Roman history, he is said to have encouraged the literary endeavors of Augustus’s grandnephew Claudius (later emperor 41–54 A.D.), who wrote two histories: one of Carthage, and another of the Etruscans. Livy seems to have begun writing his history of Rome around 30 B.C. and might have still been writing right up to his death. The history comprised 142 books, beginning with Rome’s foundation and ending with the year 9 B.C. The books of the history were clearly organized into groups of five (pentads) or of ten (decades) and were probably published in installments of five or ten books (Stadter 1972). Of the 142 books, only 1–10 and 21–45 have survived. The first ten books cover Roman affairs down to 293 B.C. and constitute our single most important source on early Roman history. This first decade may have been published around 20 B.C. (Luce 1965). Books 21–45 narrate Roman history for the years 218–167 B.C. Livy’s history was so successful that it was soon acknowledged as the standard account of the Roman republic and eventually supplanted all earlier histories. Nevertheless, the work’s huge size proved a hindrance to its complete preservation. In later centuries abridged versions abounded. Consequently, although only about one-third of the entire work has survived intact, we possess brief summaries of all the books, as well as later ancient condensations and adaptations of the history.

Livy did not possess the keen analytical intellect of a Thucydides, nor was he a shameless fabricator like Valerius Antias. Livy’s real talent lay in his ability to arrange his material skillfully and economically, to construct an artistically pleasing narrative, and to depict individual episodes with great dramatic effect. Since most events covered in his history long preceded his own time, Livy did not engage in any original research into official documents, but was content to compare and synthesize the different accounts of earlier historians. Generally speaking, he adopted an agnostic attitude toward the received traditions of early Rome, and he did little more than try to reconcile discrepancies in his sources by using arguments from probability, a mainstay of ancient rhetorical training. Thus Livy was not particularly concerned with ascertaining detailed points of historical fact. Rather, he was much more interested in larger moral and patriotic themes. Like many other ancients, he believed that the value of history lay in providing

16. Seneca Controv. 9.1.14; 9.2.26; 10. praef. 2; Quintilian 1.5.56; 1.7.24; 2.5.20; 8.1.3; 8.2.18; 10.1.39; and 10.1.101.
people with good and bad models of conduct to be emulated and to be avoided respectively. His history has a decidedly moral and patriotic tone.17

Dionysius of Halicarnassus was an exact contemporary of Livy.18 He came to Rome in 30 B.C. and began teaching Greek rhetoric to members of the Roman upper class. In addition to having written critical treatises on famous Greek orators, Dionysius wrote a stylistic critique of the Greek historian Thucydides, which he dedicated to the Roman historian and jurist Q. Aelius Tubero (Pritchett 1975). A century earlier, Polybius had published his detailed history in Greek of Rome’s conquest of the Mediterranean during the period 264–146 B.C., but since all other historical accounts written in Greek had failed to treat early Roman history in as much detail as the Latin annalists of the late republic, Dionysius undertook to write such an account for his fellow Greeks. The product was his Roman Antiquities, comprising twenty books and covering Roman affairs from earliest times down to 264 B.C. The work was completed by 7 B.C. and was Dionysius’s own synthetic redaction of the histories of Cn. Gellius, Licinius Macer, Valerius Antias, Aelius Tubero, and other native Roman writers. Only the first eleven books of this work, treating events down to 449 B.C., have survived. Portions of the remaining nine books have come down to us in excerpts made by later Byzantine writers. The work is far more lavish and rhetorical than Livy’s first decade. This often makes for tedious reading. Even the most casual comparison of Dionysius’s history with Livy’s first ten books reveals the latter’s judiciousness and discriminating restraint and the former’s unbridled verbosity. Nevertheless, since Dionysius was writing for a Greek audience whom he assumed to be not particularly well informed concerning Roman customs and institutions, his narrative is oftentimes more informative than Livy’s, because the latter tends to omit many details with which his Roman readers were familiar. Furthermore, even though Livy and Dionysius generally drew upon the same earlier historical accounts

17. Walsh 1963 and 1974 are two excellent surveys of Livy and his work. Dorey 1971 and Schuller 1993 are collections of essays written by different authors on various aspects of Livian scholarship. Ogilvie 1965 is a detailed commentary on the first pentad. Oakley 1997 is a thorough introduction to the second pentad and exhaustive commentary on Book VI. Oakley 1998 is a similarly detailed commentary on Books VII-VIII. A third volume soon to be published by the same author will treat Books IX-X. Phillips 1982 is a detailed bibliographical essay concerning modern scholarship on Livy’s first ten books. Luce 1977, 139–297 is an excellent treatment of Livy’s methods in writing his history by synthesizing earlier historical accounts. Forsythe 1999 discusses Livy’s historical methods and judgment throughout the first decade. Gutberlet 1985 attempts to detect the influence of the political violence of the late republic in Livy’s first ten books. Ridley’s study in Eder 1990, 103–38 is the single best essay on Livy’s attitude toward the struggle of the orders.

18. For a relatively recent treatment of Dionysius and his Roman Antiquities in the broader context of Augustan Rome and Greek society, see Gabba 1991. For an examination of his ideas on historical writing, see Sacks 1983. For his ideology in portraying the regal period, see Fox 1996, 49–95.
for compiling their narratives, their treatments of individual events often diverge markedly, thus providing modern scholars with important glimpses into the heterogeneity of the Roman annalistic tradition.

CICERO AND DIODORUS SICULUS

Two other ancient writers important for early Roman history and therefore deserving comment are Cicero and Diodorus. M. Tullius Cicero (106–43 B.C.) was Rome’s greatest orator, whose numerous speeches and nearly 1,000 letters make the years 65–43 B.C. the best documented period of classical antiquity. Besides speeches and letters, Cicero wrote a large number of philosophical and rhetorical essays that contain valuable allusions to events in earlier Roman history. Two essays of particular interest to the modern scholar of early Rome are De Re Publica and De Legibus, which were roughly patterned after Plato’s two famous works, The Republic and The Laws. Book 2 of De Re Publica traces the political and constitutional history of the Roman state as an ideal model for the evolution of the mixed constitution. Unfortunately, the text is not complete and contains many gaps, but it is still an important narrative for the tradition of the regal period and of the early republic down to 449 B.C. Books 2–3 of De Legibus discuss the laws that an ideal state should possess; and since these laws are largely those of the Roman state, the treatise is a valuable source of information concerning Roman institutions.

Diodorus Siculus was a Sicilian Greek, who wrote a universal history of the ancient world in forty books, beginning with the mythical past and coming down to the year 60 B.C. He seems to have written during the 50s, 40s, and 30s B.C. Only Books 1–5 and 11–20 have been fully preserved, and the latter narrate the events of the fifth and fourth centuries B.C.; but since Diodorus for this period is almost entirely interested in recording the events of mainland Greece, the Persian Empire, and the western Greeks, he describes Roman affairs very briefly and usually only when there is some truly momentous event to relate, such as the decemviral legislation, the Gallic capture of Rome, or major events of the Second Samnite War. Otherwise, he is content merely to record the names of Rome’s eponymous magistrates for each year along with the name of the eponymous archon of Athens. Consequently, his narrative is an additional source for the early list of Roman magistrates, even though the lists, especially of the colleges of military tribunes with consular power, often contain omissions and errors due to his carelessness or that of later copyists (Drummond 1980). Nevertheless, Diodorus’s list of Roman magistrates contains a few major differences from those of Livy, Dionysius, and the Fasti Capitolini which are of historiographical interest (Drachmann 1912). Since some of his detailed Roman material differs from Livy’s account, there has been much modern
scholarly speculation concerning the nature and identity of his Roman source or sources (Perl 1957 and Cassola 1982, 724–58). Since Mommsen (1879) advanced the view that Diodorus’s source for Roman affairs was Fabius Pictor, modern scholars have sometimes given his account of events preference to others, but Mommsen’s hypothesis has now been generally discredited (Beloch 1926, 107–32 and Klotz 1937), and the oddities of Diodorus’s Roman material can usually be attributed to the author’s own carelessness and general indifference to the details of the annalistic tradition.

ANCIENT DOCUMENTARY SOURCES

Now that Rome’s annalistic and antiquarian traditions have been briefly sketched, it may be reasonably asked upon what kind and quality of information these ancient historical and antiquarian works were ultimately based. One possible source of information that has figured prominently in modern scholarly treatments of early Roman history is the Pontifical Chronicle or Annales Maximi, whose genesis Cicero (De Oratore 2.52–53) describes as follows:

From the beginning of Roman affairs to the chief pontificate of P. Mucius [130–115 B.C.], the chief pontiff [= pontifex maximus] used to write down all matters year by year, publicized (or recorded) them on a whitened board (album), and placed the tablet (tabulam) in front of his house, so that the people could learn from it. Even now they are called the Chief Annals (Annales Maximi). This form of writing has been followed by many who have left behind unembellished records of mere dates, persons, places, and deeds.

Servius Auctus, commenting in late antiquity on Vergil’s Aeneid 1.373, gives the following description of the chronicle’s content:

Every year the pontifex maximus had a whitened tablet (tabulam dealbatam), upon which he first wrote the names of the consuls and of other magistrates. He then used to jot down day by day the events at home and abroad, both on land and sea, worthy of record. The ancients filled eighty books with these yearly commentaries of the pontiff’s diligence, and they called them the Chief Annals (Annales Maximi) from the chief pontiffs by whom they were composed.

The nature and history of Roman pontifical record keeping has been much discussed, and many different theories have been advanced.19 The most

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likely explanation, supported by ancient Babylonian astronomical diaries and medieval monastic Easter calendars, is that the whitened board of the chief pontiff was calendrical in nature.\textsuperscript{20} Other ancient sources indicate that during republican times, at the beginning of each month the rex sacrorum announced to the assembled Roman people the festivals to be observed that month. This announcement probably included the month’s legal calendar as well (Varro \textit{Ling. Lat.} 6.27, Servius Auctus \textit{ad Aen.} 8.654, and Macrobius \textit{Saturnalia} 1.15.9–13). A whitened notice board must have been employed to supplement and reinforce these monthly oral proclama-
tions, and in the course of time the chief pontiff, who was in charge of the custom, used the board to record events bearing upon his supervision of the public religion. The early Romans believed that the individual days of the year were either auspicious or inauspicious; and the pontiffs, who were responsible for regulating the calendar, were probably interested in recording the dates of major public events in order to determine empirically the favorable or unfavorable nature of each day of the year. Moreover, at the end of each year any pertinent data must have been copied from the whitened board into a more permanent and less bulky record, such as a linen scroll or wooden codex, and a new notice board was used for the next year. According to Cicero, the custom of this notice board went far back into the past and was not discontinued until P. Mucius Scaevola was chief pontiff.

Many modern scholars have concluded that while Scaevola was chief pontiff, all accumulated pontifical data were compiled into the eighty books of the \textit{Annales Maximi}, but Frier (1979, 27–48 and 192–200) has argued that Scaevola simply discontinued the custom of posting a notice board, and that the eighty-book edition mentioned by Servius Auctus was not compiled until early imperial times. This view, however, has been refuted in detail (Forsythe 1994, 53–71 and 2000, 7–8). Among other things, the contemporaneous works on pontifical law by N. Fabius Pictor and Fabius Maximus Servilianus constitute very strong circumstantial evidence that interest in such matters was characteristic of the late second century B.C. In fact, Pictor’s and Servilianus’s works were probably reworkings of the recently consolidated \textit{Annales Maximi}, whose content they helped to disseminate and to incorporate into the developing Roman annalistic tradition. More recently, Bucher (1995) has argued that the \textit{Annales Maximi} took the form of a series of inscribed bronze tablets nailed up on the outer wall of the Regia, but his thesis rests upon a flawed interpretation of Cicero’s \textit{De Oratore} 2.52 quoted above (Forsythe 2000, 8–25). He regards \textit{album} and \textit{tabulam} as referring to two different objects, a whitened notice board and a bronze

\textsuperscript{20} For analogous ancient Babylonian record keeping, see Sachs 1948. For a discussion of the origin and nature of medieval monastic chronicles, see Thompson 1942, 158 ff.
tablet; but the variation is more plausibly taken as Cicero’s use of two different words to describe the same thing so as to avoid verbal repetition in two adjacent phrases. Note that Servius Auctus combines tabula with an adjectival form of album to describe the pontiff’s wooden notice board. Even if we were to factor in pontifical material relevant to the civil law, which in fact was most likely preserved in its own separate archive, there never could have been enough pontifical material to fill eighty papyrus scrolls of the average size used for books of literary prose. To judge from the nature of our surviving sources, by Scaevola’s day the amount of authentic pontifical material preceding the middle of the fourth century B.C. must have been quite modest. Frier’s down-dating of the eighty-book edition to the early empire only shifts this embarrassing problem from one chronological context to another. On the other hand, when supplemented with other religious material and traditions already recorded in published histories, the pontifical material accumulated during the early and middle republic might have easily filled eighty wooden codices: for a bulky codex, even one of numerous thin wooden leaves, could not hold as many columns of writing as a papyrus scroll. Thus, eighty wooden codices comprising the Annales Maximi, suspended by hooks from rafters in a public building like other Roman official records, might have contained the equivalent of only fifteen to twenty average-sized books written on papyrus.21

The historical accounts of Livy and Dionysius contain certain kinds of information that modern scholars have generally supposed to derive ultimately from the Pontifical Chronicle: the list of annually elected consuls (fasti consulares), major military defeats and the celebration of triumphs, the deaths of priests, the dedications of new temples and the institution of new religious celebrations, plagues, food shortages, and the occurrence of unusual phenomena that the Romans regarded as divine prodigies requiring expiation (e.g., eclipses, monstrous births, and damage or death caused by lightning).22 Such material forms a very small portion of Livy’s and Dionysius’s narratives. At most the historical data preserved in the Annales Maximi would have provided their accounts with a skeletal chronological framework of major events, whose narrative had to be fleshed out by other means. The surviving fragments from the works on pontifical law written by N. Fabius Pictor and Fabius Maximus Servilianus, whose content probably resembled that of the Annales Maximi, largely contain detailed contemporary religious regulations and verbal formulae used in ceremonies (Peter 1914, 114–16 and 118). This suggests that the eighty books of the Annales

21. For the history of the ancient book form, see Kenyon 1951, and for a survey of Roman archival practices, see Posner 1972, 160–223.
22. For a skeptical view concerning the Pontifical Chronicle as the source of Roman prodigy lists, see Rawson 1971a, but for counterarguments see Ruoff-Väänänen 1972. On the names of priests preserved in Livy, see Rüpke 1993.
Maximi comprised a relatively small amount of truly historically relevant data. It seems likely that histories such as that of Calpurnius Piso, written about the time of the compilation of the Annales Maximi, were the first works to incorporate systematically the relevant historical data gleaned from the Pontifical Chronicle, including an annalistic framework, and that subsequent historians did not need to consult the work directly but simply took the material over indirectly from other accounts.

Another important source of documentary information for later ancient writers is thought to have been the texts of treaties and laws inscribed on durable materials such as stone or bronze, so that they still existed in historical times and were thus available to those interested in examining them. According to Dionysius (4.58.4), an ox-hide shield bearing the text of a treaty between Rome and Gabii, concluded during the reign of Tarquinius Superbus, was preserved in the temple of Dius Fidius on the Quirinal. Cicero (Pro Balbo 53) indicates that the Cassian Treaty with the Latins, dating to the year 493 B.C., was still to be seen during his own day engraved on a bronze column behind the Rostra in the Forum. Polybius (3.22–26) succeeded in locating the texts of three early treaties between Rome and Carthage, and used their contents to reconstruct the early diplomatic history between the two states. There can be no doubt that if such texts were properly dated and their main provisions accurately related, treaties could serve as important landmarks in charting Rome’s growing sphere of interest and influence in international affairs over the course of time. But the surviving ancient evidence suggests that Polybius’s translation and detailed explication of the early treaties between Rome and Carthage rarely, if ever, had parallels in other ancient accounts of early Rome.

Dionysius (4.26) states that the sacred law attributed to King Servius Tullius, prescribing sacrificial procedures for the cult of Aventine Diana, could still be seen in his day, carved in archaic letters on a bronze tablet; and inscriptions of the early principate indicate that this so-called Aventine Canon was still serving as a model for Roman religious ceremonies.23 Dionysius (10.32.4) also says that a law passed in 456 B.C., which regulated private settlement on the Aventine Hill, was inscribed on a bronze tablet and placed in Diana’s temple. According to Livy (3.55.13), the plebeian aediles from the middle of the fifth century B.C. onwards were responsible for preserving the texts of senatorial decrees in the temple of Ceres on the Aventine. Thus it appears that at least some original documents of the early republic still existed in later historical times. The chances of a document’s survival must have been enhanced if it had been engraved on bronze or a

23. Inscriptions of the early empire from Narbo in Gaul, Salonae in Dalmatia, and Ariminum in northern Italy refer to this canon as forming the basis of cultic charters. See respectively ILS 112, 4907, and CIL XI: 361.
durable type of stone, if it happened to be deposited in a temple where it might be left undisturbed as a religious dedication, and if its provisions did not become obsolete but continued to be somehow relevant. Only documents of particular importance, however, were likely to be engraved on stone or bronze, and many of the inscribed bronze tablets from early times were probably eventually melted down so that the metal could be reused. The great majority of laws and other official documents must have been written on much more perishable materials such as wood, parchment, and linen.

Apart from the question of preservation, we may wonder how accurately ancient historians and antiquarians could read and interpret archaic Latin texts. Polybius (3.22.3) states that the language of the oldest treaty between Rome and Carthage was so archaic that even the most learned Romans of his day had difficulty in understanding it. As a general rule, legislative language tends to be convoluted and cryptic, and the actual content of laws is frequently complex, so that the brief summaries of supposed landmark statutes which we encounter in Livy and Dionysius, reported at second hand from earlier accounts at best, may not be very reliable. Furthermore, even if the text of a law survived into later times and was readily comprehensible, the document would have contained no information regarding the political and historical circumstances surrounding its passage. This could only be supplied by oral tradition or by the researcher’s own imagination, both of which might be quite unreliable.

It just so happens that the chance discovery of an archaic Latin inscription furnishes us with one clear instance in which we can see how ancient historians and antiquarians dealt with such material. In 1899, the Italian archaeologist Giacomo Boni unearthed an inscribed stone from beneath a black marble pavement in the Forum near the Comitium and Rostra. The stone is oblong, measuring about two feet in length with four lateral faces; since one end is thicker than the other, it has the shape of an obelisk. It is therefore likely that before it was buried beneath the ancient pavement of the Forum in imperial times, it stood upright on its thicker end. Along the length of the four lateral faces have been inscribed sixteen lines of very early Latin, whose meaning is rendered even more problematic by the fact that a portion of the stone’s upper end was broken off, so that the text is incomplete (see Gordon 1983, #4). On the basis of the shapes of the inscribed letters, modern scholars generally agree in dating the inscription to about 500 B.C., making it one of the oldest surviving Latin texts. Although the precise meaning of the document is uncertain,24 four words are beyond

24. For two differing interpretations, see R.E.A. Palmer 1969 (a sacred law protecting a grove from pollution) and Dumézil 1979 259–93 (a sacred law regulating the procession of the rex sacrorum along the Sacra Via). Cf. Vine 1993, 31–64. Coarelli (1983, 161–99) has cogently argued that the stone belonged to the Volcanal, a precinct sacred to Vulcan, which contained an archaic altar and column.
dispute: (1) sakros = classical Latin sacer, masculine nominative singular, meaning "sacred" or more likely "accursed," thus alluding to the imposition of a religious sanction upon an offender of this law; (2) recei = classical Latin regi, indirect object in the dative case of rex, meaning "king," thus referring either to the Roman king or to the rex sacrorum of the fledgling republic; (3) kaltorem = classical Latin calatorem, direct object in the accusative case, meaning "herald" or "crier," referring to a minor official who was a kind of usher, possibly for the rex, whose duty was to clear a path for the king in public; (4) iouxmenta = classical Latin iumenta, nominative or accusative neuter plural, meaning "beasts of burden" and hence also "wagons," "carriages," "vehicles."

Since this so-called cippus of the lapis niger was not taken down and solemnly buried until imperial times, it must have stood near the Rostra throughout the republic and was therefore on permanent display for inspection by anyone interested in it. Ancient Roman historians and antiquarians, who probably had the benefit of examining the text in an undamaged state, thought that this inscribed stone was a tombstone, one thing which it certainly is not. At least three different views were offered concerning the identity of the alleged grave’s occupant. One was that it was the tomb of Faustulus, the herdsman who had rescued and raised Romulus and Remus, and who had been killed at this site in the Forum when the followers of Rome’s twin founders fell to quarreling over the auspices for naming the city. A second view was that it was the tombstone of Hostus Hostilius, the grandfather of King Tullus Hostilius, who had been killed during the fighting in the Forum Valley between the Romans under Romulus and the Sabines under T. Tatius, following the rape of the Sabine women. A third view was that it was the grave of Romulus himself. All three of these conjectures associate the inscribed stone with the reign of Romulus, thereby dating it to the second half of the eighth century B.C.

ROMAN ORAL TRADITION AND GREEK MYTH

If we liken the use of the ancient literary tradition of early Roman history to modern paleontologists’ hypothetical reconstruction of a long-extinct, large, magnificent creature, the documentary data of the Pontifical Chronicle and the texts of laws, treaties, and religious dedications correspond to bones retrieved from an incomplete fossil record, whereas native oral tradition, Greek literary models, and the creative imagination of Roman writers are like the reconstructed flesh, organs, and skin. In this model we may suppose that ancient Roman writers did not possess a complete skeletal framework of early Roman history, that the skeletal remains might even have derived from more than one creature, and that their assemblage of

25. See Dion. Hal. 1.87.2; 3.1.2; and Festus 184L s.v. niger lapis.
this basic structure might not have been free of errors. B.G. Niebuhr, a German scholar of the early nineteenth century, postulated that much of the content of the later literary tradition concerning the regal period ultimately derived from Roman bardic poems, sung at banquets during the early and middle republic. According to this “ballad theory,” the historical deeds of the kings were preserved, albeit distorted, in mythicizing heroic songs, whose content was taken over by ancient historians. An important component of Niebuhr’s thesis is Cicero’s citation of Cato’s *Origines* for the assertion that in earlier times banqueters were accustomed to sing the praises of famous men to the accompaniment of a flute. Although Niebuhr’s ballad theory has generally been dismissed by modern scholars, Zorzetti (1990, 289–95) has plausibly explained Cicero’s remarks as evidence that early Roman society adopted Greek sympotic culture, including the singing or recitation of lyric verse as a popular form of entertainment. Consequently, while Niebuhr’s notion of a fully developed bardic tradition in early Rome is to be rejected, aristocratic banquets could have provided a setting in which the singing of songs contributed in some degree to the formation of a national historical tradition. Yet as modern critics of Niebuhr have pointed out, Cicero’s words indicate that this tradition no longer existed in Cato’s day.

From the middle of the third century onward, at major annual festivals, Roman playwrights produced for the public stage *fabulae praetextae* (tales in Roman formal dress) that dramatized both major contemporary events and episodes from the received historical tradition (Flower 1995 and Wiseman 1998, 1–16 and 153–64). In recent years, T.P. Wiseman has revived and further refined the notion that performances on the Roman stage were important in the development of Roman historical traditions. His basic working hypothesis is that, in a society in which literacy was not widespread, public spectacles at annual festivals or accompanying triumphs, temple dedications, and aristocratic funerals constituted an important medium for creating, adapting, and propagating popular traditions, which in many instances became part of the later literary historical tradition of the Roman state. Wiseman (1994, 1–22) argues that Roman society was open to Greek and

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26. Cic. *Brutus* 75: “Would that there existed those poems which, as Cato has written in his *Origines*, used to be sung many generations before his age at banquets by individual diners concerning the praises of famous men!”

Cic. *Tusc. Disp.* 1.3: “It is written in the *Origines* that diners at banquets were accustomed to sing of the virtues of famous persons to the accompaniment of a flute player.”

Cic. *Tusc. Disp.* 4.3: “Cato, a very weighty authority, has stated in his *Origines* that among our ancestors there had been a custom at banquets for those who reclined on couches to take turns singing the praises and virtues of famous men to the accompaniment of a flute.”

Etruscan influences from very early times, and he uses archaeological finds to suggest that Greek myths and related stories were in circulation in central Italy during the archaic period. He further surmises that despite the silence of our all-too-faulty sources, public performances of some sort existed at Rome much earlier than is generally supposed; and he conjectures that the stage was the place where the Roman community in large measure created and shaped its collective identity. As will be discussed in chapters 4 and 10, Wiseman (1995, 126–43) has used this drama hypothesis to explain the evolution of Rome’s foundation story. Even though many of his ideas are unavoidably speculative due to the scanty nature of our sources, Wiseman’s drama hypothesis offers modern scholars of ancient Rome a new paradigm with which to reexamine old and familiar issues from a fresh perspective.

A less controversial source of early traditions was the well-established practice of delivering a funeral eulogy for a deceased aristocrat, an oration in which not only his own but his ancestors’ deeds, virtues, and public offices were enumerated. Polybius (6.53 with Flower 1996, 91–127) gives us a detailed description of this custom for the middle of the second century B.C., but the tradition was obviously much older. Ancient writers even indicate that written copies of such funeral orations were sometimes kept in family archives. Thus aristocratic family traditions, either written or oral, could have been incorporated into later historical accounts. For example, Livy’s narration in 8.30 of military operations in Samnium conducted by Q. Fabius Maximus Rullianus in 324 B.C. may derive ultimately from Fabian family tradition through Fabius Pictor. Nevertheless, both Cicero and Livy regarded such family traditions as a principal means by which early Roman history was contaminated with exaggerated or falsified claims. Cicero (Brutus 61–62) concluded that by his own day the early history of Roman oratory could not be documented with written texts any earlier than Cato (234–149 B.C.); and he comments on family funeral orations in the following words:

We regard Cato as quite ancient. He died in the consulship of L. Marcius and M’. Manilius, eighty-six years before my consulship. Nor in fact do I think that there is anyone more ancient whose writings I think should be adduced for sure, unless perchance someone likes this same speech of Ap. Caecus concerning Pyrrhus and some funeral eulogies. By Hercules, they do indeed exist. The families themselves preserved them as their own trophies and records, to be used when someone in the family died, for remembering the praises of their house and for demonstrating their noble lineage, despite the fact that our country’s history has been made less accurate by these eulogies. Written in them are many things which did not occur: false triumphs, too many consuls, even forged genealogies, and transitions to the plebs in which people of lower station have been inserted into a clan of the same name, as if I should claim to be descended from the patrician M’. Tullius who was consul with Ser. Sulpicius in the tenth year after the expulsion of the kings.
Livy (8.40.3–5) writes in similar disparaging terms at the very end of his eighth book, assessing conflicting accounts of Roman military operations against the Samnites in 322 B.C.:

It is not easy to prefer one thing over the other or one author over another. I think that the tradition has been contaminated by funeral eulogies and by false inscriptions on busts, since various families have fraudulently arrogated to themselves the repute of deeds and offices. As a result, both individuals’ deeds and the public records of events have certainly been thrown into confusion. Nor is there any writer contemporary with those times who could serve as a reliable standard.28

As already noted, the surviving fragments of Fabius Pictor indicate that his account of the regal period was already well developed: Aeneas’s arrival from Troy, the Alban king list, the birth and exposure of Romulus and Remus, the rape of the Sabine women, the treachery of Tarpeia, Servius Tullius’s institution of the census and tribal organization, the construction of the Capitoline temple by the Tarquins, and the rape of Lucretia. This suffices to demonstrate that, from Fabius Pictor onwards, Roman historical accounts were a complex mixture of Roman traditions and adaptations of Greek tales and historical episodes.29 For example, the story of how the infant twins Romulus and Remus were exposed to die but survived is a Roman version of a popular ancient legend told in reference to numerous figures of the Near East and Greece. The tale of Tarpeia is a Roman adaptation of a common Greek folktale in which a maiden of a besieged town falls in love with the commander of the enemy army, betrays her country to her beloved, but is punished with death for her treachery. The rape of Lucretia appears to be a Roman adaptation of the popular story of the homosexual love affair which contributed to the downfall of the Peisistratid tyranny and paved the way for the Cleisthenic democracy at Athens in 510 B.C. This having been said, however, whenever we identify a story in early Roman history as having been patterned after something from Greek literature or history, the question still must be asked whether the Roman account is a mere invention, or whether it is a genuine bit of tradition that has been fleshed out and given greater vividness by the use of a Greek model. In many instances modern scholars have arrived and will continue to arrive at different conclusions, and it is this kind of discretionary interpretive process that makes the modern study of early Roman history such a problematic but exciting endeavor.

28. For an excellent discussion of how aristocratic family traditions have muddied the historical waters of the fifth and fourth centuries B.C., see Ridley 1983.

29. For detailed treatment of this subject, see the excellent essays of Ungern-Sternberg and Timpe in Ungern-Sternberg and Reinau 1988, 237–86.