

The extent to which matters of public policy entered into the election of curule magistrates at Rome from 509 to 219 B.C.

by

Ann M. Thanisch
Bedford College, London University

A Thesis presented to London University
for the Degree of ~~Doctor~~^{Master} of Philosophy,
1983



ProQuest Number: 10097868

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



ProQuest 10097868

Published by ProQuest LLC(2016). Copyright of the Dissertation is held by the Author.

All rights reserved.

This work is protected against unauthorized copying under Title 17, United States Code.
Microform Edition © ProQuest LLC.

ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106-1346

Abstract of Thesis

Premises essential for an analysis of the elections are outlined in the initial chapter of the thesis. The validity and shortcomings of the available evidence are briefly discussed. The constitutional development of the magistrates is outlined, showing that the electoral system was not democratic in intention or result, and that the magistrates were generally able to implement their policies. An analysis of the social and political background of the members of the governing class suggests that senators' family loyalties were significant in dictating their political attitudes and allegiances, and that their position at the top of a hierarchical structure of personal patronage was the basis of their political control in both the senate and assemblies. All these factors are then considered together in a general discussion of the extent and nature of the control of legislative and electoral voting in the assemblies by political factions of senators.

In the light of conclusions drawn on these matters, the elections of the curule magistrates in the period 509 to 219 B.C. are analysed year by year in the remaining chapters of the thesis. The names of the successful candidates are considered in relation to the political issues which are likely to have been of concern at the time of their elections. Factors taken into account in this process are, on the one hand, the magistrates' personal background, likely associates and activities in office, which may all contribute to forming a picture

of their attitudes and likely support bases, and, on the other, external circumstances, the magistrates' personal qualifications and the relative authority of other senators, which might render the magistrates' political views irrelevant to their elections.

The overall conclusion drawn at the end of the survey is that matters of public policy, especially military matters, may often have been of prime importance in the initial stages of the elections, when the senators were forming political factions, but less frequently played any direct part in dictating the votes cast in the assemblies.

| | |
|---|-----------|
| (iii) Over-riding the Result from the Electoral Assemblies | 51 - 56 |
| (iv) Rights of Candidates | 56 - 67 |
| (v) Conclusion | 67 - 68 |
| 3) Implementing Policy | 68 - 79 |
| 4) Conclusion | 79 - 80 |
| The World and Political Relationships of Patrons and Candidates | |
| 1) Factions within the ruling Class | 80 - 91 |
| 2) Clients and other political groups based on votes | 91 - 98 |
| 3) The Senate: Control of the Assembly Vote | 98 - 102 |
| CHAPTER 2 Elections 207 - 227 B.C. | |
| The Political Issues | 103 - 112 |
| The Elections | 112 - 161 |
| Conclusion | 161 - 182 |
| CHAPTER 3 Elections 172 - 167 B.C. | |
| The Political Issues | 183 - 188 |
| The Elections | 188 - 236 |
| Conclusion | 236 - 237 |

Table of Contents

| | | |
|-----------|---|-----------|
| PREFACE | | 6 - 9 |
| CHAPTER 1 | Source Material and the Constitutional, Social and Political Background to the Elections | |
| A | The Nature of the Evidence | 10 - 26 |
| B | The Constitutional Background | |
| | 1) The Regal Period | 27 - 32 |
| | 2) Electoral Procedure | |
| | (i) Electoral Assemblies and the Voting Structure | 32 - 36 |
| | (ii) The Competence of the Assemblies | 36 - 50 |
| | (iii) Over-riding the Result from the Electoral Assemblies | 51 - 56 |
| | (iv) Rights of Candidature | 56 - 67 |
| | (v) Conclusion | 67 - 68 |
| | 3) Implementing Policy | 68 - 79 |
| | 4) Conclusion | 79 - 80 |
| C | The Social and Political Relationships of Voters and Candidates | |
| | 1) Factions within the Ruling Class | 80 - 91 |
| | 2) Clientela and other Relation- ships based on Fides | 91 - 98 |
| | 3) The Senators' Control of the Assembly Vote | 98 - 122 |
| CHAPTER 2 | Elections: 509 - 445 B.C. | |
| | The Political Issues | 123 - 132 |
| | The Elections | 132 - 181 |
| | Conclusion | 181 - 182 |
| CHAPTER 3 | Elections: 444 - 367 B.C. | |
| | The Political Issues | 183 - 188 |
| | The Elections | 189 - 236 |
| | Conclusion | 236 - 237 |

| | | |
|--------------|---------------------------|-----------|
| CHAPTER 4 | Elections: 366 - 304 B.C. | |
| | The Political Issues | 238 - 243 |
| | The Elections | 243 - 296 |
| | Conclusion | 296 - 296 |
| CHAPTER 5 | Elections: 303 - 241 B.C. | |
| | The Political Issues | 297 - 307 |
| | The Elections | 307 - 355 |
| | Conclusion | 356 - 356 |
| CHAPTER 6 | Elections: 240 - 219 B.C. | |
| | The Political Issues | 357 - 370 |
| | The Elections | 370 - 390 |
| | Conclusion | 391 - 391 |
| SUMMARY | | 392 - 395 |
| BIBLIOGRAPHY | | 396 - 402 |

PREFACE

Modern work on the subject of the election of Roman magistrates during the Republic may be divided into three major stages of development. Firstly, in reaction to the nineteenth century representation of *optimates* and *populares* as government and opposition parties (1), Gelzer established that in the last centuries of the Republic, all magistrates belonged to an exclusive nobility within which political power depended on family name, personal relationships and mutual obligations (2). Then Münzer developed his views for the period from the mid fourth century B.C., arguing that this aristocracy was divided into family factions whose members' main aim was to promote the election of their candidates by using available constitutional means such as the electoral president's powers as well as by marshalling their dependants. On these grounds he reconstructed the membership of such factions from evidence in the narrative sources of marriages, adoptions and family friendships and from the

.....

1. See T. Mommsen, History of Rome, trans. Dickson (London, 1894)(=HR)3 303f, identifying *optimates* with Prussian Junkers. However he did recognise that by Cicero's day the *optimates* and *populares* were not divided by distinct political ideas. See F. Cassola, I Gruppi Politici Romani nel III secolo A.C. (Trieste, 1962)(=GPR) 7f on the misleading use of the terminology by twentieth century historians.

2. M. Gelzer, The Roman Nobility, trans. Seagar (Oxford, 1975)(=RN). His view is the basis of works such as H. Strasburger, 'Optimates', PWRE XVIII.1 (Stuttgart, 1939) 773f; L.R. Taylor, 'Caesar and the Roman Nobility', TAPA 1942, 1-24, Party Politics in the Age of Caesar (Berkeley and Los Angeles, 1949)(=PPAC); E. Badian, Foreign Clientelae (Oxford, 1958)(=FC).

lists of magistrates (3). More recently, Scullard, in reaction to Münzer, suggested that frequently the principal *raison d'être* of such family parties in the first half of the third century B.C. was to promote their policies, although he accepted that their members still depended on personal backing to win the elections (4). There have also been stronger reactions against Münzer; Cassola, for example, has questioned the extent of the president's influence in elections, and outlined shorter lived factions whose members were less concerned with loyalty to their *gentes* than with promoting policies influenced by those outside the nobility in the third century B.C. (5).

.....

3. F. Münzer, Römische Adelsparteien und Adelsfamilien (Stuttgart, 1920)(=RAA). His methods have been directly used by F. Cornelius, Untersuchungen zur Frühen Römischen Geschichte (Munich, 1940)(=UFRG) for the fifth century B.C.; A. Lippold, Consules (Bonn, 1963)(=C) and W. Schur, Scipio Africanus und die Begründung der Römischen Weltherrschaft (Leipzig, 1927) for the second half of the third century B.C., and R. Syme, The Roman Revolution (Oxford, 1939)(=RR), for the transition from Republic to empire.

4. H. Scullard, Roman Politics (Oxford, 1951)(=RP), defended in BICS 1955, No.2, 15-21. For some earlier doubts about Münzer's approach, see A. Momigliano, rev. Syme, RR, in JRS 1940, 75f; R. Haywood, Studies on Scipio Africanus (Baltimore, 1933)(=SA) 45f; M. Patterson, 'Rome's choice of magistrates during the Hannibalic War', TAPA 1942, 319f.

5. Cassola, GPR. For other recent reactions to both Münzer and Scullard, see L.R. Taylor, rev. Scullard, RP, AJP 1952, 302-6; M. Henderson, rev. Scullard, RP, JRS 1952, 114-6; E. Staveley, rev. Cassola, GPR, JRS 1963, 182f; C. Meier, 'Pompeius' Rückkehr aus dem Mithridatischen Kriege und die Catilinarische Verschwörung', Ath. 1962, 112 n.35; A. Toynbee, Hannibal's Legacy, (Oxford, 1965) (=HL) 1. 326f; R. Rilingar, Der Einfluss des Wahlleiters bei den römischen Konsulwahlen von 366 bis 50 v. Chr. (Munich, 1976)(=EWRK) 1-11.

No historian, however, has made a detailed study of the direct role that magistrates' views on matters of policy played in their election. This thesis attempts to fill the gap for the important period from 509 to 219 B.C., when the state developed from a small primitive city ruled by army generals to an Italian federation, dominated by an oligarchy maintaining control through both magistracies and senate. The thesis question may be considered at two levels. Firstly, what relevance did matters of policy have to the formation of factions in the senate? Did the members of a family group tend to share the same views on policy, and if so, why? If not, could nobles ever have ignored the bonds of *amicitia* based on traditional family loyalties and formed themselves into new associations according to their common views on policy? Or would family ties have been strong enough to bind senators to particular programmes regardless of their views on individual issues? Secondly, in what way were a candidate's political views relevant to the final choice made by the electorate? Would he have made direct appeal to the voters with his policies? Or would he or his supporters in the senate have controlled the vote in some other way?

Before these questions are applied to individual elections, they must be considered in a more general sense, and certain basic assumptions must be made. This is the purpose of Chapter 1. In part A the criteria for judging the surviving evidence are determined.

In part B I establish my position on relevant constitutional issues: electoral procedure, legal methods of influencing the vote, and the roles of the executive, legislative and consultative in the implementation of policy. In part C, I examine the nature of the governing class, the reasons for the existence of parties within it, the system of clientela and the likely extent and nature of control of elections by the senatorial parties. Then, in a chronological review in Chapters 2 to 6, I relate the various possible factors noted in Chapter 1 to the political issues - insofar as they can be identified - to determine the extent to which the latter influenced the results of the elections (6).

.....

6. Throughout the thesis, the dates will be B.C., unless otherwise defined.

CHAPTER 1 - SOURCE MATERIAL AND THE CONSTITUTIONAL, SOCIAL
AND POLITICAL BACKGROUND TO THE ELECTIONS

A: The Nature of the Evidence

Historical evidence for this subject falls into two categories. Firstly, there are coins, archaeological remains and inscriptions, which together comprise only a small proportion of the total (1). Secondly, there are literary works written from the early second century onwards, which provide the bulk of our information; their authors gathered their material, directly or indirectly, from four types of source.

Firstly, various state records were kept. From the beginning of the Republic the pontifex maximus published tablets, dated with the names of annual magistrates, publicising major events such as portents, victories, festivals and famines; their contents were preserved by the pontifices together with notes from regal times to serve as a record of precedents and a

.....

1. For coins, see M. Crawford, Roman Republican Coinage (Cambridge, 1974)(=RRC). For archaeological evidence, see I. Scott Ryberg, An Archaeological Record of Rome from the 7th to the 2nd c. B.C. (London, 1940) (=ARR) and E. Gjerstad, Early Rome (Lund, 1953-1966) (=ER) i-iv. For inscriptions, see Corpus Inscriptionem Latinorum, ed. Mommsen (Berlin, 1893)(=CIL) vol. 1, ed. 2, and Inscriptiones Italiae, ed. Degrassi (=II) 13.1, 'Fasti consulares et triumphales' (Rome, 1947) and 13.3, 'Elogia' (Rome, 1937). For recent bibliography, see review articles by J. Reynolds, etc. in JRS 1960, 204f; 1966, 116f; 1971, 136f; 1976, 174f; 1981, 121f.

calendar (2). Some of them survived the sack of Rome in 390 (3). At intervals they may have been compiled into annals for easier access, storage and safety; in 130, in the pontificate of Q. Mucius Scaevola, the use of tablets was ended altogether (4). Having always been

.....

2. For evidence of a priestly chronicle in the regal period, see J. Crake, 'The Annals of the Pontifex Maximus', CP 1940, 383-4; B. Frier, Libri Annales Pontificum Maximorum; the origins of the Annalistic Tradition (Rome, 1979)(=LAPM) 107-114. For evidence of annual tablets being produced by the pontifices from 509, see K. Beloch, Römische Geschichte (Berlin, 1926)(=RG) 88-95; Crake, art.cit. 379-382; Frier, LAPM 116-127, 152-9, 175f. For the contents of the pontifical tabula, see Beloch, RG 46-52; Frier, LAPM 83f. On their provision of precedents, see Livy, 8.18.12, 27.8.10; on their function as a calendar, see P. Fraccaro, 'The History of Rome in the Regal Period', JRS 1957, 60, and H. Scullard, A History of the Roman World: 753-146 B.C. 4th ed. (London, 1980)(=HRW⁴) 407. Frier, LAPM 93-9, 127-132, 175f sees the purpose of their publication as political; cf. Ogilvie rev. Frier, LAPM, JRS 1981, 200.

3. On the sack of Rome, see Plut. Cam.22.6, 30-2; D.H. 13.12.2; Diod. 14.115-116; Livy 5.41-2, 50. For hints that the pontifical records survived see Livy 5.49.3, 50. 2-3, 6.1.2; Plut. Numa. 1.2; Ogilvie, A Commentary on Livy, books 1-5 (Oxford, 1965)(=CL) 6; A. Alföldi, Early Rome and the Latins (Michigan, 1965)(=ERL) 166f; Gjerstad, ER vol.3, index s.v. Gallic invasion; Frier, LAPM, 126.

4. For the early compilation of annals, see Cic. de dom. 86, de leg. 1.6; Quint. 10.2.7; Livy 8.18.12. M. Henderson, rev. Walsh, 'Livy: His Historical Aims and Methods' (Cambridge, 1961), JRS 1962, 277-8, and Frier, LAPM 100-1, 175, suggest that this was for convenience. Editors of the annals are postulated in the late fourth century (T. Mommsen, Römische Forschungen (Berlin, 1964) (=RF) 151; A. Bernardi, 'Dagli Ausiliari del Rex ai Magistrati della Repubblica' Ath. 1952, 13-14; Alföldi, ERL 167) and the mid third century (E. Kornemann, 'Die Altteste Form der Pontifikalannalen', Klio, 1911, 249). For the view that no annals existed before the annales maximi, see Beloch, RG 87; Crake, art.cit. 377, 382f; Fraccaro, rev. Beloch, RG, Riv.Fil. 1928, 61. Mommsen's view (HR 3, 348) that in 130, the annales maximi (attested by Cic. de orat. 2.52, de rep. 16.25; Serv. ad Aen 1.373; Macrob. 3.2.17; Fest. 113L; Gell. 4.5) were compiled by Mucius when he ended the publication of tablets has been generally accepted; however Frier, LAPM 27-67, 179-200, has recently argued that they were produced in the late Augustan period; cf. Ogilvie, art.cit. 200 for criticisms.

public, unlike the sacred laws, the pontifical records are likely to have been available to the earliest historians such as Fabius Pictor, whose work may have had an annalistic form because they used such records as a basic framework. The nature of the information and the style of many surviving histories of Rome suggest that their writers inherited information from the pontifical lists through Pictor and other annalists (5). The general agreement of Livy, the Capitoline Fasti, Dionysius of Halicarnassus and Diodorus on the names of the principal magistrates in the early Republic which survive almost complete, suggests that they had a common source, and the pontifical records, being the only

.....

5. Cic. ad Att. 6.1.8 implies that the earliest annalists had easy access to the records of the pontifices who, like them, were members of the ruling class; cf. A. Michels, The Calendar of the Roman Republic (Princeton, 1967) 8-9; Frier, LPM 96. On Fabius Pictor being the earliest annalist and historian of Rome, see Livy 1.44.2, 2.40.10, 8.40.5; D.H. 1.6.2; Cic. de leg. 1.6; Lippold, C 7-12. On the use of pontifical records by the earliest annalists, see Gell. 5.18.6f; Cic. de rep. 1.25; F. Walbank, A Historical Commentary on Polybius (Oxford, 1957)(=CP) 1 64-5; Frier, LPM 139f, 259-260, 269-274; cf. M. Gelzer, 'Römische Politik bei Fabius Pictor', *Hermes*, 1933, 129f, 'Der Anfang Römischer Geschichtsschreibung', *Hermes*, 1934, 46f, and (a modified view) 'Nochmals über der Anfang der Römischen Geschichtsschreibung', *Hermes*, 1954, 342f. For objections to Gelzer's view that the early annalistic style was the result of Greek influences on Pictor, see Walbank, 'Polybius, Philinus and the first Punic War', *CQ* 1945, 15-18, and Frier, LPM 69-81. For the independent development of the annalistic tradition see Livy 9.44.4; Beloch, *RG* 95-107; Frier, LPM 112, 123-5, 152f, 161-284. For objections to the recent view of T. Wiseman, Clio's Cosmetics (Leicester, 1979)(=CC) 12f that the *Annales maximi* were based on the research of Piso, the first Roman annalist, see the review by J. Briscoe, *CR* 1981, 50.

continuous original source, are the most likely candidate (6). There was also an independent chronicle, the *libri lintei*, established in the fifth century, and housed in the temple of Juno Moneta from 344, which we know retained at least the names of curule magistrates (7); it was used by the annalists Aelius Tubero and Licinius Macer, who were in turn sources for Livy and Dionysius (8). The infrequency of Livy's notes of discrepancies between the names given by the *libri lintei* and those of other annalists using the pontifical records suggest that both retained largely reliable records (9). From 449, the *senatus consulta* were kept in the temple of Ceres (10). Copies of them were stored in the *aerarium*, where laws and treaties, some of which were also on public display, were kept (11). By the late Republic, the *aerarium* may

.....

6. cf. Beloch, RG 1-21; L.R. Taylor and T. Broughton, 'The order of the two consuls' names in the yearly lists', MAAR, 1949 3; Cornelius, UFRG 50-8; G. Perl, Kritische Untersuchungen zu Diodors Römischer Jahrzahlung (Berlin, 1957) 31f; Frier, LAPM 145f.

7. For various theories on them cf. R. Palmer, The Archaic Community of the Romans (Cambridge, 1970) (=ACR) 203, 232-8; Ogilvie, CL 11, 544 and 'Livy, Licinius Macer and the *libri lintei*', JRS 1958, 40-6; Frier, LAPM 137-159.

8. Beloch, RG 105-7; Ogilvie, CL 7-12, 16-17.

9. Since the differences in magistrates' names in the *libri lintei* and other sources quoted by Livy (4.7.12, 13.7, 20.8, 23.3) appear in a single decade they may have been the result of chronological confusion or the fading of names on part of the linen. Cornelius, UFRG 51f and Beloch, RG 3 argue for the authenticity of both lists.

10. Livy 3.55.13.

11. Frier, LAPM 127-135.

have contained details of trials and records of legislative and electoral voting, but we have no evidence of such records being kept as early as the third century (12).

A second source of information dating from the beginning of the Republic was the family records retained by the aristocratic gentes. In the earliest times they took the form of carmina, eulogies and legends (13); later they were also recorded in inscriptions, family portraits, written accounts and the private papers of the magistrates (14). They retained details of magistrates' family origins, cognomina, paternities, marriages, careers, censorial records, and possibly senatorial debates (15). The extensive use of them by writers such as Gellius and Valerius Antias, who were sources for Livy and Dionysius (16)

.....

12. Scullard, RP 251-2.

13. Bernardi, art.cit. 14-15; Momigliano, 'Perizonius, Niebuhr and the Character of the early Roman tradition', JRS 1957, 104-114.

14. See e.g. Polyb. 6.53.1-1.54.3; Hor. Sat. 1.6.17; Pliny NH. 35.2.7, 12; Cic. Brut. 62, 75; Tusc. Disp. 4.2.3, de off. 1.55, de rep. 6.10; Degrossi, II 13.3.

15. See D.H. 1.74.5; Polyb. 6.53; Livy 10.7.11; Pliny NH. 35.2.7; Scullard, RP 252; art.cit. 20. Family records and legends may have been the only means of preserving senatorial debates; see Scullard, RP 251; W. Harris, War and Imperialism in Republican Rome, 327-70 B.C. (Oxford, 1979)(=WIRR) 6-7, 255. Many speeches in surviving histories are later compositions to make narration more vivid; see P. Walsh, Livy: His Historical Aims and Methods (Cambridge, 1962) 219-244. They contribute to the length of annalistic writing of the late Republic, which is often attributed to the publication of the Annales Maximi; cf. Beloch, RG 103-7.

16. D.H. 1.7.3-4, 6.11.2; Ogilvie, CL 7f; Walsh, op. cit. 121f; Frier, LAPM 65, 186-9, 209-210.

may partly explain the great length of their work. Many details from them, some taken direct from the archives of current leaders, others transcribed by the genealogical historian Atticus, were used in the Augustan period to fill out the state records to form the Capitoline Fasti, which are lists of consuls, censors, dictators, magistri equites and decemviri, with full paternities and cognomina, and the Acta Triumphales; parts of both, together with other fasti produced in the later period from the annalistic tradition, survive today. The Capitoline Fasti were probably used by Dionysius, but not by Livy; this may explain some of the minor differences between them in the names of the magistrates (17).

A third source of material for histories of the early Republic, about which the Romans had no clear or detailed evidence of their own, was the historical tradition of Greece. While some of this material would have reached Roman writers through early Greek historians such as Timaeus (18), some would have formed part of the general cultural and religious influences from Greece which had been permeating Rome's traditions since earliest

.....

17. Degrassi, II 13.1 xiv-xv; L. Taylor, 'The Date of the Capitoline Fasti', CP 1946, 1-11; 'Degrassi's Edition of the Consular and Triumphal Fasti', CP 1950, 84-95; 'New Indications of Augustan Editing in the Capitoline Fasti', CP 1951, 73-8; Frier, LAPM 140f.

18. R. Laqueur, 'Timaios', PWRE (Stuttgart, 1937) 6. 1, 1201f; A. Momigliano, 'Linee per una valutazione di Fabio Pittore' in Terzo Contributo alla Storia degli Classici e del Mondo Antico (Rome, 1966)(=TC) 61f.

times, through the Etruscans, traders, envoys and colonists (19). The rest would have become directly available once Rome gained political control of Greece in the late third and second centuries (20). Some results of this Greek contact were the traditions that Trojan and Greek heroes and gods were the Romans' ancestors (21), the prominence of women in accounts of major changes at Rome (22), the appearance of details from Greek legends in tales of Republican heroes (23), and the explanation of the

.....

19. Cic. de rep. 2.19.34; R. Bloch, 'Rome de 509 à 475 environ avant A.C.', REL 1959, 124-7; J. Heurgon, The Rise of Rome, trans. J. Willis (London, 1973)(=RR) 75-98; Palmer, ACR 282f; Ogilvie, CL 710f; Scullard, HRW⁴ 22-5, 31, 39-41, 361f.

20. For full details of the Greek sources, both direct and indirect, of Pictor, Varro, Cicero, Livy and Dionysius, see E. Pais, Ancient Legends of Roman History, trans. M. Cosenza (London, 1906)(=ALRH) passim; Beloch, RG 96; Walsh, op.cit. 117f; Lippold, C 22-7; Momigliano, TC 56-68; E. Gabba, 'Considerazioni sulla tradizione letteraria sulle origini della repubblica', EFH vol. xiii (1967) 133-174; E. Rawson, 'Cicero the Historian and Cicero the Antiquarian', JRS 1972, 33-42; Palmer, ACR 14f; Frier, LAPM 260-265.

21. Two basic traditions were 1) that the Romans were descended from Aeneas and the Trojans, through Alba or Lavinium (see Palmer, ACR 290-1; E. Gjerstad, Legends and Facts of early Roman History (Lund, 1960)(=LF) 37f; Heurgon, RR 128-130; Scullard, HRW⁴ 450-1) and 2) that Romans were descended from Spartans, through the Sabines (see Palmer, ACR 17-19, 290-1). T. Cornell, 'Aeneas and the Twins; the Development of the Roman Foundation Legend', PCPS 1975, 1f has recently shown that the story of Romulus and Remus being reared by a wolf was based on a native legend, and mingled with the legend of Aeneas by the earliest historians of Rome.

22. Alföldi, ERL 147-159.

23. For examples, see Ch.2 145, 152.

origin and development of the constitution according to Greek theories, often in rigid terms of numbers, laws and lawgivers (24). Finally, historians of Rome often tried to correlate Greek and Roman events chronologically, although the Greek system of dating could not always be successfully combined with that of the Roman; attempts to do so by ancient writers have resulted in the creation of fictions such as a period of anarchy from 375 to 371 and four dictator years from 334 to 300 (25).

The fourth and most important source of material for the surviving histories was the work of other writers; most of what we read has passed through the hands of several annalists and historians, who would generally not have consulted the original sources. Only a few writers, such as Polybius, Varro, Cicero and Calpurnius Piso, who was a source for Valerius Antias, Livy and Dionysius,

.....

24. F. Walbank, Polybius (Berkeley and Los Angeles, 1972)(=P) 130-156; Palmer, ACR 14-25; Rawson, art.cit.

25. For the ancients' attempts to correlate Greek and Roman events, cf. Gjerstad, LF 36-9; Walbank, CP 1 339, 665-9; E. Bickerman, Chronology of the Ancient World, 2nd ed. (London, 1980) 77-8. For Greek methods of dating, see Bickerman, op.cit. 75f; Walbank, CP 1 35f, 669f. For the Roman method of counting years by magistracies, see Bickerman, op.cit. 70; these years did not necessarily correspond to calendar years; see T. Mommsen, Römische Staatsrecht (=RSt) (Leipzig, 1887) 3rd ed. 1 597f; Ogilvie, CL 404-5. Diodorus repeated consulships to co-ordinate his chronology; for details, cf. E. Schwartz, 'Diodorus', PWRE (Stuttgart, 1905) 663-704; Beloch, RG 43-4; 110-2; Perl, op.cit. 4f, 106f; Badian, rev. Perl, Gnomon, 1958, 295-300. For the supposed anarchy from 375, see Degrassi, II 13.1 103, 396-7; T. Broughton, The Magistrates of the Roman Republic (New York, 1951) Vol. 1 (=MRR) 109-110. For the dictator years in the Capitoline Fasti, see Degrassi, II 13.1 110; Broughton, MRR 141, 148-9, 163.4, 171. In this thesis I will follow the standard Varronian system used by Broughton and most modern writers.

seem to have shown much regard for accuracy as a necessary component of historical writing (26). Thus, as each historian copied errors, omissions and those prejudiced interpretations of material to which they were indifferent or which they favoured, and added their own personal views, distortions accumulated in the Roman historical tradition through the centuries (27).

Firstly, a distinguished ancestry being very important for a successful political career, the numbers of magistracies and triumphs may sometimes have been exaggerated in the family records (28). It is unlikely that major alterations of state records of the leading magistracies by individual pontifices to enhance their personal family traditions or those of their allies would have been tolerated by their successors, or the rest of the governing class, and the use of such records by the later compilers of annals and official lists would often have prevented the exaggerations in family records seriously contaminating the tradition as a whole (29).

.....

26. Münzer, RAA 4-5; G. Szemler, The Priests of the Roman Republic (Brussels, 1972)(=PRR) 11, 15-16; cf. Frier, LAPM 150f.

27. Rawson, art.cit. 40-1; Walbank, CP 1. 13-14; P. 50f, 71f.

28. Cic. Brut. 62; Livy 8.40.5; Plut. Numa 1.2.

29. It has been argued, e.g. by Kornemann, art.cit. and Beloch, RG 9-32, that the consular Fasti from 509 to 367 were interpolated by biased pontifices or annalists, because plebeians, who according to the tradition did not hold the consulship until 366, appear in them. For objections, see Cornelius, UFRG 51f; Bernardi, art.cit. 12-13; Ch.1B 59f; Ch.2 146f.

However, this would not always have been the case for lesser or extraordinary magistracies and triumphs, and even the records of consuls in the exceptional year of 509 and early cognomina seem to have been distorted as a result of family prejudice (30). Family bias is more clearly apparent in the stories in the annalistic tradition. Historians from Pictor onwards tended to exaggerate heroic tales from the family records of their ancestors and those of their political allies or patrons at the expense of others - particularly those whose descendants were their political opponents or whose families no longer had much power (31). Often the same

.....

30. Although dictatorships and triumphs would generally have been entered in the pontifical records, they did not occur yearly, and were particularly prestigious for their families; hence they were liable to be duplicated, or wrongly placed; see Beloch, RG 1f, 63-76, 87-92; cf. Fraccaro, art.cit. 559-560. The lesser curule and plebeian magistracies were probably never recorded in state records; hence evidence of them is patchy and contradictory. See Ch.2 132f on the consuls of 509. On the general unreliability of cognomina, see Beloch, RG 50-2; Fraccaro, art.cit. 558-9; Taylor, CP 1946, 8-10; Ogilvie, CL 563, 568-9. (However, the early names to which clearly anachronistic cognomina are attached (see Cornelius, UFRG 50-1) may still have been genuine) Topographical cognomina, indicating a family's place of origin or residence, are generally accepted; see Ogilvie, CL 615; L. Taylor, Voting Districts of the Roman Republic (Rome, 1960) (=VDRR) 40; P. Willems, Le Sénat de la république romaine (Paris, 1978) (=SRR) 1. 11-14; J. Gagé, 'La 'Rogatio Petillia' et le procès de P. Scipion', RP 1953, 42; cf. Mommsen, RF 2. 291f. Early honorific cognomina are not so readily believed; see Mommsen, RF 2. 294f; cf. Degraffi, II 13.1 108. However, Livy himself (4.17.7, 30.45.6) is confused about the date of their introduction, and probable cases may be found in the fifth century (see, e.g. Ch.2 138, n.78).

31. Livy 7.9.5; Beloch, RG 96-8; Ogilvie, CL 9-10; Frier, LAPM 281-2.

tales were repeated for several different members of a gens because the family records, especially the early oral legends, did not retain clear dates or because historians assumed hereditary traits within gentes. A clear example of the latter tendency is Valerius Antias' portrayal of all the early Valerii as popular leaders (32). It is less certain who was responsible for the depiction of all the Claudii as arrogant patricii in the early Republic (33); there is a case to be made for it being based on a certain amount of truth (34). Stories from family records were popular with later writers like Livy, although he was aware of their unreliability (35), because they livened up their chronicles of events, particularly those of the early Republic, for which there was often little more material than the dry facts of the pontifical annals (36).

.....

32. Livy 3.5.12; J. Heurgon, Recherches sur l'Histoire, la Religion et la Civilisation de Capoue Préromaine, (Paris, 1942)(=CP) 163f, 271; Ogilvie, CL 14-15. R. Laroche, 'Valerius Antias and his numerical totals, a reappraisal', Hist. 1977, 358-368 warns against attributing too much to Antias' family bias.

33. For various views of the originator of the tradition of Claudian arrogance, see Alföldi, ERL 159f (Fabius Pictor); Mommsen, RF 1 287-318 (a post-Gracchan annalist); Ogilvie, CL 15 and Wiseman, CC 113-139 (Antias) (see Briscoe's review, CR 1981, 50-1 for criticisms of the latter).

34. Authority within the patriciate, or concern with the constitution of the curule state, both of which could have contributed to the hostile tradition, were often particularly relevant to the posts to which Claudii were appointed; see, e.g. Ch.2 139, 162f, 170f. Since the Claudii were consistently absent from military activity and the priestly lists, they might have developed as family traditions.

35. Livy 8.40.5.

36. Cic. de leg. 1.6; Ogilvie, CL 17-18.

Polybius, Calpurnius Piso, and Cato, whose work was used by Cicero, Livy, Dionysius and Plutarch (37), were the first major historians of Rome to view history's purpose as being not merely to narrate events, occasionally glorifying specific leaders, year by year, but also to provide instruction from the past on how men should behave in the future. Their idealised view of past Roman virtues, and their use of historical figures to give moral lessons often contributed to the distortion of facts in their accounts, or those of the writers who used them; for example, anecdotes illustrating moral truths were freely moved from one character to another, according to the personal prejudices of the writers (38).

Little direct evidence of the constitution or domestic policies in the early Republic is likely to have been retained in state or family records, and what was available is unlikely to have been thoroughly or impartially consulted by later historians. The views of Polybius, Cicero,

.....

37. D. Kienast, Cato the Censor (Heidelberg, 1954) 10f; D. Russell, Plutarch (London, 1973) 21, 54f, 135.

38. See G. Forni, 'Manio Curio Dentato, uomo democratico' Ath. 1953, 172-183 and Cassola, GPR 353-4, 349-50 (Cato); Walbank, P 84f (Polybius); Frier, LAPM 211-2 (Piso); M. Rambaud, Cicéron et l'histoire romaine (Paris, 1953) 27f (Cicero); Walsh, op.cit. 10f, 82f (Livy); Gabba, 'Studi su Dionigi da Halicarnasso', Ath. 1960, 175f (Dionysius); Russell, op.cit. 84f (Plutarch). The single combat of Valerius and Manlius against a Gaul (see Ch.4 255 n.58), the frugal practices of Curius and Fabricius (see Ch.5 332 n.111), the 'devotio' of three generations of Decii and the severe military disciplining of their sons by Manlius and Postumius (see Ch.4 260 n.76) are examples of repeated moral tales.

Dionysius and Tacitus on the early Roman constitution may have been based not just on Greek patterns, but also on assumptions made from their own experience and their idealised view of the past (39). Political bias is particularly evident in the work of annalists involved in the turbulent politics of the late Republic; for example, Licinius Macer's support of Marius and Valerius Antias' support of Sulla are clearly reflected in Livy's early books, especially his account of the struggle of the orders (40).

Similarly, political bias and patriotism influenced historical accounts of Rome's foreign policy. Rome's historians and possibly even those who stored the laws and treaties naturally maintained a favourable picture of the city's relationship with other states, by discarding evidence both of early weaknesses and later imperialist behaviour (41). The occasional use of writers with

.....

39. Walbank, P 130-156; Gabba, art.cit.; E. Berti, Il 'De republica' de Cicerone e il pensiero politico classico (Padua, 1963) 64f; R. Syme, Tacitus (Oxford, 1958) 27f, 547f.

40. Tacit. Hist. 1.1; Ogilvie, CL 7-12, 15-16; Frier, LAPM 154 n.41. It is now generally agreed that Livy's earliest books were written too early to contain much propaganda for Augustan domestic policies; see T. Luce, 'Livy's First Decade', TAPA 1965, 209-240.

41. On the possibility of laws being altered or hidden, see Cic. de leg. 3.20.46, pro Sulla 40f; M. Cary, 'A Forgotten Treaty between Rome and Carthage', JRS 1919, 67-70; Toynbee, HL 1 552-5. Such changes and cover-ups are more likely than distortions of the lists of magistrates, because they were in the interests of the whole governing class. See Ch.2, 128-9 on the playing down of Rome's weaknesses in the fifth century. See Harris, WIRR 105-130 on late Republican writers playing down Rome's imperialism. Pride in Rome's achievements was revived in the Augustan age; see Livy 9.17-19, 21.5.1; Walsh, op.cit. 64f, 144f, 151f.

opposing prejudices, such as Philinus, the pro-Carthaginian writer (42), who was a source for Polybius and Diodorus for the first Punic war (43), helps to redress the balance here. Historians' personal attitudes and aims may also have affected their accounts. Fabius Pictor's interpretation of Roman expansion probably reflected the defensive military policy of his immediate forefathers, and his concern to establish Rome's cultural and political position in Greece, which may have been part of the reason that he wrote his history, may have affected its content (44). Polybius' ideas of the role of Tyche in the affairs of men (45), and of Rome's deliberate aim to dominate the world (46) - the latter possibly partly resulting from the

.....

42. Walbank, CP 1 65; cf. R. Laqueur, 'Philinus', PWRE 19.2 (Stuttgart, 1938) 2192f.

43. Philinus and Pictor were contrasting sources for Polybius for the first Punic War; Pictor then became his main source for the period up to the second Punic War; cf. G. De Sanctis, *Storia dei Romani* (Turin, 1907-64) (=StR) 3.1 224-230; Gelzer, *Hermes*, 1933, 129f; Walbank, CQ 1945, 1-18; Lippold, C 4f, 22-7; Cassola, GPR 356-361. On Diodorus' use of Philinus, see Diod. 23.8.1, 24.11.1; De Sanctis, StR 3.1 231-235; Lippold, C 25-6.

44. See Ch.5, 315f, 328-9, 335, 349f, Ch.6, 373-9, 387, for the Fabii's defensive military policy and interests in developing Rome's diplomatic and cultural relations with Greece in the third century. For the influence of such interests on Pictor and other early historians, see F. Münzer, 'Fabius', PWRE 6.2 (Stuttgart, 1909) 1837, noting that Pictor himself went on an embassy to Delphi in 216; Polyb. 1.14.1-3; Beloch, RG 98-100; Gelzer, *Hermes*, 1933 129f, 1934 48f, 1954 342f; Frier, LAPM 201-284. However, their use of the Greek language, and interest in Greece need not suggest, as Gelzer proposes, that propaganda to the Greek world was their sole aim; see n.5; Momigliano, TC 64f; Lippold, C 13,22.

45. See Walbank, P 58f.

46. See Polyb. 1.3.6, 63.9.

influence of his patrons, the Scipionic circle, whose forebears had led in the imperialist adventures of the third century (47) - may have sometimes caused him to make biased or over-generalised judgements on Roman foreign policy. However, his use of Fabius Pictor as a basic source for the period before the second Punic war, the impossibility of combining his general theories with each other, and his concern with truth may have often counter-balanced this tendency in his writings (48).

In view of the possible distortions in our information touched on above, we may now establish a few broad criteria for judging its value. It is clear that archaeological remains from the period under consideration are the most reliable form of evidence, being subject only to distortions of interpretation by their modern discoverers. After them, distinctive facts from state and family records - the magistrates' names, both curule and plebeian, genealogies, laws, treaties and major events - retained in literary works and inscriptions are the most reliable available, largely because their transcribers had to make

.....

47. Thus imperialist aims noted by Polybius, which Harris, WIRR 105-130 argues were quite accurate, may have only been maintained by this sector of the Roman ruling class. For hints of Polybius' use of evidence from the house of the Scipios see Polyb. 10.9.3; Cassola, PG 183-190, 358-360; Ch.6 386 n.80, 390 n.94.

48. Polybius' view of Rome's deliberate aim of world conquest contradicted his view of Tyche (Walbank, P 60f, 'Polybius and Rome's Eastern Policy', JRS 1963, 1-13) and could not always be easily explained in a way favourable to his Scipionic patrons. For examples of his willingness to criticise Roman imperialists, even Scipios, see Polyb. 1.21.4-8; Harris, WIRR 113-5. The philhellenism of Pictor in the third century and that of the Scipios in the second century (Scullard, RP 120f, 212f) meant that their views did not always clash.

deliberate changes to them if they wanted to make them comply with their views. Except when well established in the tradition, flaws in such evidence are indicated by contradictions between different surviving sources, and we can often make good guesses about whether family pride, political prejudice, patriotism, chronological difficulties, or errors in transmission are responsible for them (49).

The least reliable evidence is what makes up the rest of the literary tradition - policies, opinions, causes of events and anecdotes, which, being more nebulous by nature than factual details, were more susceptible to exaggeration and distortion through prejudice and simple confusion in the course of transmission. Yet we do not have sufficient information for our subject without such material (50). Often it may be judged according to its compatibility with archaeological evidence (51), or the facts from the official lists (52). Otherwise, the more frequently that anecdotes and the like appear in historical accounts with different original sources, the more credible they are. Where available histories contradict each other, those written nearest the times they describe are likely to be the most accurate.

.....

49. Fraccaro, art.cit. 557-8; Adcock, CAH 7 581-2; cf. W. Frederiksen, rev. Samnium and the Samnites, E.T. Salmon (Cambridge, 1967), JRS 1968, 226.

50. Fraccaro, art.cit. 552-3.

51. A. Momigliano, 'Origins of the Roman Republic', in Interpretations: Theory and Practice, ed. C. Singleton (Baltimore, 1969) 3-4.

52. Münzer, RAA 4; T. Frank, 'Roman Census Statistics from 508 to 225 B.C.', AJP, 1930, 313-324.

Sometimes, for example in certain periods of the third century, because Livy, the Capitoline Fasti and Dionysius are all missing, it is necessary to fall back on the less reliable writers from later times, such as Appian and Zonoras (53). Where all the literary sources contradict themselves and each other, and are of similar credibility in terms of age and type of information, then one often has to simply choose that which is most compatible with the rest of one's account. When assumptions have to be made about details concerning the constitution, political views and political factions on which we simply lack information, they can sometimes be consolidated by cautious comparison with other states and later periods of Roman history (54).

So much important information for our subject is lacking - most notably, details of electoral, legislative and judicial procedure, senatorial debates, direct hints of individuals' political views, factional attachments and family backgrounds, the nature of the struggle between patricians and plebeians, and the names of junior and plebeian magistrates, and candidates - that little work has been done on elections in the period. Yet certain important details - above all, the names of the leading magistrates - do survive, and appear to be authentic; together with inferences from the remaining material they can provide a credible, if murky picture of the likely basis of the electoral results.

.....

53. See A.H. Macdonald, 'Appian', OCD 2nd ed. (Oxford, 1970) 87, on Appian, and F. Millar, A Study of Cassius Dio (Oxford, 1964) 2-3 on Zonoras.

54. See A. Momigliano, 'An Interim report on the origins of Rome', JRS 1963, 113-4 for comments on the comparative method.

B: The Constitutional Background

I will now outline my views on aspects of the Roman constitution most relevant to the subject at hand - the conduct of elections and the implementation of policy.

1) The Regal Period

The ancient writers' concern to define all stages of the early evolution of the state numerically and to attribute them to specific kings, especially Romulus, has resulted in some rather unlikely and contradictory accounts of the regal constitution; I give here a version that is more historically probable to set the scene for the development of the Republic.

In the early monarchical period, the Roman population was divided into thirty curiae and three tribes (1). The thirty curiae were primitive village groups which were joined together to form the city-state in the legendary age of Romulus. Once united, each curia continued to maintain some land and its own religious practices; together, the curiae shared a common leader, fought in a state army and developed common cults. Romans inherited membership of the curiae; immigrants probably had to join them to become

.....

1. Cic. de rep. 2.14, 15, 20; Livy 1.13; Fest. 42L; D.H. 2.7.2-4, 47; Varro, l.l.5.55; Plut. Rom. 20.1-2.

true members of the city (2). When the number of curiae was restricted to thirty, they were grouped in three tribes mainly for the sake of the organisation of the army; hence the numbers of units of infantry until the Servian reforms and of cavalry throughout the Republic were divisible by three (3). The patres of the leading gentes or familiae in the curiae were nominated by the king to a senate to give him counsel (4). Many gentes established increasingly

.....

2. For full details, see W. Warde Fowler, The City State of the Greeks and Romans, (London, 1893), 27-34, 44-5; H. Last, 'The Servian Reforms', JRS 1945, 30, 33-4; P. Grimal, 'L'enceinte servienne dans l'histoire urbaine de Rome', MEFR 1959 43f; Gjerstad, LF 32; Momigliano, art.cit. 99-103, 111-112; Palmer, ACR 76-175, 284-6, (for valid reservations on parts of his theory, see review by H. Drummond, JRS, 1972, 176); J. Richard, Les Origines de la plèbe Romaine (Rome, 1978)(=OPR) 135f, 197-214, 227; Scullard, HRW⁴, 43-6, 50-1. Kinship being the sole criteria for membership of the curiae seems unlikely, since the curiae survived into the Republic, through the regal period of heavy immigration (Momigliano, art.cit. 101-3; Richard, OPR, 270-286, 290-310) and the Servian reforms.

3. cf. Heurgon, RR 120-1 (arguing against the tribes' Etruscan origin); Momigliano, art.cit. 110-4 (arguing against the tribes being class distinctions); Palmer, ACR 5f, 152-6 (emphasising the tribes' military functions); Richard, OPR 195-6 (arguing against the tribes' ethnic origin); Scullard, HRW⁴ 67 (pointing out the tribes' lack of political significance). For the recruitment of 3000 infantry from the tribes, see Varro 1.1.5.81, 89; Plut. Rom. 13.1. The ancients' accounts of the development of the cavalry (Plut. Rom. 13, 20, 26; Livy 1.13.8, 15.8, 30.3, 36.2-8, 43.9, 21.17.3; Serv. ad Aen 5.560; Polyb. 1.16.2, 6.20.9-21; Varro 1.1.5.81, 89, 91; Val.Max. 1.4.1; Fest. 48L, 168-9L, 452L, 475L; D.H. 2.13, 3.70f; Cic. de rep. 2.8.14, 36; Flor. Epit. 1.1.5) are contradictory and over-schematic, but all are based on the number three. For a summary of modern interpretations of the cavalry's development in the regal age, see Richard, OPR 337-9, 379-382.

4. D.H. 2.14.1-2, Cic. de rep. 2.14-15, Livy 1.49.7 and Plut. Rom. 27, Num. 2.2 attest to the senate's counselling role. Again, ancient accounts of the increase in its numbers are schematic and contradictory, it is more likely that it naturally expanded with the state (Willems, SRR 1 19-21, 24-6; Ogilvie, CL 63-4; Richard, OPR 156 n.70, 232-3) See Ch.1B 76 and Ch.2 147-8 for arguments that the minores gentes, conscripti and a maximum of three hundred senators were all Republican concepts.

secure hereditary places in the senate, cavalry and priest-hoods; some became the patrician gentes of the Republic (5). The king, who had absolute authority, led the army, acted as supreme judge, and performed priestly functions (6). After each king died the senators chose interreges every five days to name a replacement until one of them named a man who met with the approval of the senate and Jupiter (7).

.....

5. Richard, OPR 230-264, 311-354, 394-404, 416-428, outlines the theory that gentes later defined as patrician were developing into an elite increasingly at odds with the Tarquin dynasty, which tried to undermine it by enlarging the senate, creating a timocratic constitution, building up a hereditary monarchy, avoiding interreges and senatorial ratification and, finally, decimating senatorial numbers. cf. Momigliano, art.cit. 117-120; A. Alföldi, Der Frührömische Reiteradel und seine Ehrenabzeichen (Baden-Baden, 1952)(=FRE) and T. Gantz, 'The Tarquin Dynasty', Hist. 1975, 347-8, 552, for similar views. For objections to details in these schemes see notes 40 and 79, and E. Staveley, rev. Richard, OPR, in Gnomon, 1981, 34.

6. cf. Cic. de leg. 3.3.8, Brut. 53; D.H. 2.14.1; U. Coli, 'Regnum', SDHI 1951, 77f; Richard, OPR 225, n.123, 124; Scullard, HRW⁴ 69-71.

7. D.H. 2.14.3, 57-8, 60.2,3.1, 36.1, 46.1, 62.1,4.5, 38, 40-1; Cic. de rep. 2.23-5, 31-8; Plut. Num. 2.6-7; Livy 1.17, 18.5f, 22.1, 32.1, 35, 41f. For some alternative views, see e.g. A. Magdalain, 'Cinq Jours Épagomènes à Rome?', REL 1962, 201-227 (interreges were annual, for religious reasons) and E. Friezer, 'Interregnum and patrum auctoritas', Mnemosyne, 1959, 302f (there were no regal interregna). The validation of the interrex's choice by auctoritas patrum seems unlikely (A. Guarino, 'Notazioni romanistiche' in Studi in onore di Siro Solazzi (Naples, 1948) 1.21f, contra Willems, SRR 2 57f, and P. De Francisci, 'Intorno Alla Naturae alla Storia Dell'Auspicium Imperiumque' in Studi in memoria di Emilio Albertario (Milan, 1953) (=St.Alb.) 412 n.4); it could have been retrojected by the ancients because of the basis of the patricians' claims to it in the Republic (see 52-3 below). On the ceremony of inauguratio, see Coli, art.cit. 79f.

It is unlikely that the people gathered in their curiae contributed more than a shout of acclamation; the ancient accounts of their role may be distorted by Greek ideas of popular sovereignty and their retrojection of later conditions (8).

The Etruscans who filtered into Rome in the seventh century were a trading people with many connections in Italy and Greece, and were therefore familiar with the Greek hoplite fighting methods, which depended on heavily armed infantry fighting in formation (9). This system required the organisation of fighting units according to the personal wealth of the soldier. Servius Tullius, king of Rome during the period of Etruscan supremacy (10), facilitated the creation of such a hoplite army at Rome by registering citizens in locally based tribes and

.....

8. Coli, art.cit. 60f, 79f, Bernardi, art.cit. 30, P. De Francisci, Primordia Civitatis (Rome, 1959)(=PC) 580f and Palmer, ACR 184f, 210-3, contra Mommsen, RST 1.3 212f, G. Botsford, The Roman Assemblies from their origin to the end of the Republic, (New York, 1909)(=RA) 182f, and De Sanctis, StR 1 345, 353-4, 2 233, who all accept the ancients' view of popular sovereignty. Cicero (de rep. 2.23-5, 31-8) even suggests that the people not only assented to the interrex's choice, but also passed a lex curiata; this would be a natural assumption if he knew that the curiae were most significant in the regal age.

9. A. Snodgrass, Arms and Armour of the Greeks (London, 1967), 48f; Richard, OPR 355-359, 366-7, 374-5.

10. De Sanctis, 'Mastarna', Klio, 1902, 96-104 and StR 1 375; Last, CAH 7 391, 402; Gantz, art.cit. 342-553, and Richard, OPR 266-270, 292-3 and 354-9 all argue that Servius Tullius was a Latin who continued the Tarquins' policy of expanding and modernising the state. For the alternative view that he was Etruscan, see De Francisci, PC 599, 638f; Heurgon, RR 144-5; R. Ridley, 'The Enigma of Servius Tullius', Klio, 1975 147-177, and R. Thomsen, King Servius Tullius (Copenhagen, 1980)(=KST) 57-114.

recruiting them in centuries according to their wealth (11). There were nineteen original Servian tribes; the Claudia tribe was created about 505 when the gens was said to have come to Rome, while the Clustumina tribe was formed after the capture of the major city of the region in 499 (12). Tribes were then created in pairs in the rest of the Republic, to facilitate the working of the tribal assembly; the last fourteen of the final total of thirty-five were created as the state expanded in the fourth and third centuries. Fraccaro shows that only the eighteen centuries of cavalry, formed according to the old curiate system, and the first three classes of iuniores, which made up sixty centuries, comprised the regular fighting army of Servius' day. This means that Servius effectively doubled the number of fighting units from thirty curiae

.....

11. Tribal lists (Livy 1.42.5f; Zon. 7.9; Cic. de leg. 3.3.7) were the basis of levying and taxes (Taylor, VDRR 7-9 and 'The centuriate assembly before and after the reform', AJP 1957, 337-42; contra Beloch, RG 283f, Walbank, CP 1 698-9 and Richard, OPR 396, 406-413). The tribal system ensured that immigrants and the non-landed were included in the citizenry and thereby the army (Last, art.cit. 40f; Bernardi, art.cit. 20f, 31; Richard, OPR 311, 348-9, 400-8). Hence D.H. 4.22.3f states that Servius enfranchised the freedmen (Ogilvie, CL 241-2); slaves may have been increasing rapidly in number since the conquests of Tarquinius Priscus (Livy 1.35.38; D.H. 3.49f). The tribes were based on the old gentile estates (Mommsen, RSt 3³ 166f) and the ancient divisions of the city (Scullard, HRW⁴ 45).

12. The Claudii probably settled in Rome during the regal age (Mommsen, RF 1 293f, RSt 3³ 26 n.1); the tradition that they only arrived about 505 may be due to the Claudia tribe being founded then (Ogilvie, CL 273-4, 292; Taylor, VDRR 6 35-7). For Crustumina's capture in 499, see Livy 2.19.2; D.H. 5.49.6. For the creation of the tribe Clustumina, in 495, see Badian, rev. Taylor, VDRR, JRS 1962, 201-2; Ogilvie, CL 284-5.

to sixty centuries (13). After this reform the curiae were largely only of significance for religious and family rituals (14).

2) Electoral Procedure

i) Electoral Assemblies and the Voting Structure

The most important electoral assembly was the comitia centuriata where the consuls and praetors who had military and judicial powers, the censors, and, for a brief period, the quaestors were elected (15). The day of election and the candidates were announced at a preliminary contio, or assembly of the people, by the electoral president, who was one of the consuls, the dictator or the interrex (16).

.....

13. P. Fraccaro, 'La Storia dell'Antichissimo Esercito Romano e l'Eta dell'Ordinamento Centuriato', in Opuscula (Pavia, 1956-7)(=Opusc.) 2 287f. The view is defended by Fraccaro, 'Ancora sull'Eta dell'Ordinamento Centuriata', in Opusc. 2 293-304, Last, art.cit. 42f, Heurgon, RR 149f, Staveley, 'The Constitution of the Roman Republic', 1940-1954, Hist. 1956, 76f and Gnomon, 1981 35, and Richard, OPR 351-2, 359-376, 394-7, 408-413, against e.g., Beloch, RG 284f, De Sanctis, StR 1 374, 2 192f, and 'Le Origini dell'Ordinamento Centuriato', Riv. Fil., 1933, 289f, A. Momigliano, 'Studi sugli ordinamento centuriati', SDHI 1938, 509f (all arguing that the system was not created until the late fifth century) and Bernardi, art. cit. 3f, 21f (only the first class was created by Servius). For outlines of the full centuriate system, see Livy 1.43; D.H. 4.15.6-16.1, 20.1; Cic. de rep. 2.39-40. For arguments against the ancients' view that Servius intended the centuries to be used for political purposes, see Fraccaro, Opusc. 2 291, 295f; Last, art.cit. 34-5, 42f; Bernardi, art.cit. 21; Richard, OPR 353-5, 378-383.

14. Immigrants might still have joined the curiae for these reasons. For activities of the curiae in the Republic, see Mommsen, RSt 3³¹ 318f; W. Liebenam, 'Comitia', PWRE (Stuttgart, 1901) 4 684-6.

15. See Botsford, RA 229, 469 and n.21 below.

16. Botsford, RA 139f, 469f; E. Staveley, Greek and Roman Voting and Elections (New York, 1972)(=GRVE) 143f.

On the appointed day of the election, all the citizens cast as many votes as there were places to be filled. They voted within their Servian centuries; a candidate required a relative majority within each century to win its vote. The centuries voted successively in a specific order - the first eighteen cavalry centuries, led by the sex suffragia, which acted as the praerogativa, then classes one to five. Results were announced as they voted. The vote of the praerogativa was reputed to be of some influence on subsequent voters. A candidate was officially declared as being elected by the president, in a process known as renuntiatio, once he gained an absolute majority of century votes, which, until 230, was possible after only the cavalry and first class centuries had cast their votes (17). In 230 a change was made to this procedure with the direct co-ordination of at least some of the voting centuries with the thirty-five Servian tribes. One senior and one junior century was created in each tribe. This made a total of seventy voting centuries in the first class, which, with twelve cavalry centuries, voted first, followed by the sex suffragia. The voting centuries in classes two to five were created by amalgamating the senior and junior centuries from each tribe in groups of two or three, so that the total number of voting centuries remained as before at one hundred and ninety-three. The special privilege of casting a prerogative vote was given to one

.....

17. For outlines of the procedure, see Mommsen, RSt 3³1 290f, U. Hall, 'Voting Procedure in Roman Assemblies', Hist. 1964 267f, correcting Mommsen's view that originally the voting was successive, and Ogilvie, CL 667, arguing that the sex suffragia were the original praerogativa, as indeed their name suggests (see n.40 below).

of the first class centuries chosen by lot (18). It may be noted that with the reduction of centuries in the first class in this new system, the second class centuries had to cast their votes before it was possible to reach an absolute majority. Possibly for this reason, simultaneous voting of all centuries within each class, save the *praerogativa*, was introduced at the same time to speed up the electoral process. The order of the results announced within each class, which was significant for the final result, would have been decided by lot for the second class onwards (19).

There were two forms of tribal assembly, the comitia tributa which included all citizens and held elections at the same time of year as the *comitia centuriata*, and the concilium plebis, which included only plebeians, and was held at a different time of year (20). Several minor magistrates were elected in the *comitia tributa*. From 421 quaestors, whose numbers had increased from two to eight

.....

18. Cassola, PG 268f argues for this date. For the development of this interpretation of the reform, see Mommsen, RSt 3¹ 270-9; F. Tibiletti, 'Il Funzionamento dei Comizi Centuriati alla Luce della Tavola Hebana', Ath. 1949, 201f; J. Nichols, 'The Reform of the Comitia Centuriata', AJP 1956, 220f; L. Taylor, art.cit. 337f; Roman Voting Assemblies (Michigan, 1966)(=RVA) 85f; Walbank, CP 1 683-7. For other views, see E. Staveley, 'The Reform of the Comitia Centuriata', AJP 1953, 2-23; Hist. 1956, 114f (voting centuries were directly co-ordinated with tribes in the first two classes); De Sanctis, StR 3.1 353f, A. Dell 'Oro, 'Rogatio e Reforma dei Comizi Centuriati', in Parola del Passato, 1950, 132f, and E. Schönbauer, 'Di Centurienreform' in St. Alb. 1 699f, 711f and 'Di Römische Centurienverfassung in neuer Quellenschau', Hist. 1953, 21-49 (all three arguing that voting centuries were directly co-ordinated with tribes in all classes in various ways).

19. cf. Staveley, GRVE 171.

20. Mommsen, RSt 1³ 600f.

by 219, and who dealt largely with justice and finance (21), and from 367 two curule aediles, who were largely concerned with public buildings and games (22), were elected there. Military tribunes, six from 362 and sixteen from 311, and duoviri navales for a short time from 311 were also elected in the assembly (23). By 471, plebeian tribunes, who acquired legislative and judicial powers (24), were being regularly elected in the concilium plebis; also elected in this assembly were their assistants, the plebeian aediles, who were concerned with guarding the plebeian cult, public building and certain archives (25). Procedure was much the same in both types of tribal assembly as in the centuriate assembly; each tribe in succession returned a single vote until candidates had won the votes of an absolute majority of tribes. There was a particular order in which the tribes voted, but the decision on which tribe was to begin the voting - the principium - was made by lot. In the third century, possibly at the time of the comitia centuriata reform, the process may have been speeded up by

.....

21. See further on the quaestors, Ch.2, 126-7; Ch.3, 201; Ch.5 306. E. Staveley, 'The significance of the consular and tribunate', JRS 1953, 34 and 'Provocatio during the fifth and fourth centuries', Hist. 1954 425 suggests that when their numbers were increased to four in 421, their election was moved from the comitia centuriata to the comitia tributa. For alternative views of their development see K. Latte, 'The Origin of the Roman Quaestorship', TAPA 1936 24-33 and W. Harris, 'The Development of the Quaestorship', CQ 1976, 92-106.

22. Mommsen, RSt 2³ 480f; A. Lintott, Violence in Republican Rome (Oxford, 1968)(=VRR) 92-101.

23. Mommsen, RSt 1³ 118 n.1; Staveley, JRS 1953, 32; Hist. 1956, 80 n.37.

24. See 70-72; Ch.2 126-8.

25. Mommsen, RSt 2³ 470f; W. Quinn-Schofield, 'Observations on the Ludi Plebeii', Latomus, 1967 678f; Lintott, VRR 93f.

the simultaneous vote of the tribes, the results being announced in an order decided by lot (26). Theoretically, therefore, the tribal assemblies were more democratic than the centuriate (27).

Altogether, however, it is clear that elections in both assemblies were not devised or maintained for any democratic purpose. They only met in Rome, even when citizens lived in many parts of Italy. Many individuals might not agree with the vote of their group. The successive voting, or announcement of votes, meant that the votes of many groups were irrelevant to the result. Tribal assemblies were biased against the urban tribes, which were only four of the thirty-five voting groups by 241; the centuriate assembly was biased against the poor. The whole system reflects the love of hierarchy and lack of concern for the individual which, as we shall see, pervaded all spheres of Roman political and social life (28).

ii) The Competence of the Assemblies

Having concluded that the assemblies had no clear democratic purpose, we may now go on to consider how their role in the magisterial elections developed, with particular emphasis on the comitia centuriata, where the leading curule

.....

26. For outlines of the whole procedure, with varying views of the tribal order, cf. Mommsen, RSt 3.1 369f; Fraccaro, 'La Procedura del Voto nei comizi Romani', in Opusc. 2 235f; Taylor, VDRR 46, 69-79; Hall, art.cit. 276-8, 284-6, 293-7; Staveley, GRVE 154-6, 172-182.

27. Cic. de leg. 3.19.44.

28. cf. Scullard, RP 22-3; H. Hill, The Roman Middle Class in the Republican Period (Oxford, 1952)(=RMC) 13f; Hall, art.cit. 267-271; Rilingar, EWRK 133f.

magistrates were elected. This involves a more detailed explanation of the origin and powers of the leading magistrates.

Faced with the embellishments and contradictions of ancient accounts of the change from the monarchial to the Republican state, and the constitutional problems that the change involves, scholars have varied widely in their opinions on the origin of the Republican system of consuls being annually elected by the *comitia centuriata*. While many have argued that it only gradually evolved over a period of two hundred years or more, the traditional view that it resulted from a revolution against Tarquinius Superbus, the Etruscan tyrannical king of Rome, is generally accepted today (29). It is supported by the Romans' traditional hatred of kings (30), and by subsidiary evidence that he met his downfall, after carrying out an active building programme and aggressive policy abroad (31), in approximately 509, the date universally accepted for the

.....

29. For summaries of the alternatives, and defence of the traditional view, see De Francisci, PC 672f; Staveley, *Hist.* 1956, 74f; Scullard, *HRW*⁴ 462-5. The traditional view is based on two premises already noted above: the basic reliability of the *Fasti*, and Fraccaro's interpretation of the Servian reforms.

30. Livy 2.1.9, 8.2; Cic. *de rep.* 2.52.

31. R. Ogilvie, *Early Rome and the Etruscans* (London, 1976) (=ERE) 71-8; CL 194-7; Richard, *OPR* 416-428.

start of the lists of magistrates (32).

The use of fasces and triumphs, which were developed by the Etruscans, in the Republic (33), and the appearance of Etruscan names among the earliest known consuls indicates that the revolution was not against the Etruscans as a whole; the appearance of the names of ancient aristocratic gentes among the earliest consuls suggests that it was also not a popular rebellion against the ruling class. It seems most likely that the revolution was led by the generals of Tarquinius' army who were as ambitious as their king and included both Etruscans and Romans of more ancient descent. In the vacuum after Tarquinius was expelled the army may then have acclaimed new leaders of the state from among them, who became the first Republican consuls. Dionysius retains hints of this in his general account of events in 509. Such an interpretation of events explains how the consulship and the comitia centuriata became

.....

32. The statement of Polybius 3.22 that the treaty with Carthage and the dedication of the Capitoline Temple were carried out by the first consul in the list of magistrates after the expulsion of the Tarquins is credible because: 1) Circumstances in the rest of Italy in the late sixth century show that it was a likely time for the fall of Etruscan leaders in Rome (Ogilvie, ERE 81-6; Scullard, HRW⁴ 75-6);

2) The Carthaginians could well have wanted to renew the treaty they had with the Etruscans with the new political leaders of Rome (see Ch.2 129);

3) The new leaders might have been anxious to gain the gods' approval by dedicating the temple that had been under construction.

For arguments against the views held by K. Hanell, Das Altrömische eponyme Amt, (Lund, 1946) 79f, 179f; Gjerstad, CF 44-68; R. Bloch, Origins of Rome (London, 1960)(=OR) 92-101 and others, that the kings continued to reign into the fifth century, with one or more magistrates acting as their subordinates, see Staveley, art.cit. 90-2; De Francisci, PC 757f; Ogilvie, CL 477-8; Thomsen, KST 35f, 232-3; Scullard, HRW⁴ 463-5.

33. See 41 below on the fasces; see L. Warren, 'Roman triumphs and Etruscan kings: the changing face of the triumph', JRS 1970 49f, on the triumph.

fundamental elements of the Republican constitution (34).

The most important duty of the consuls in the early years of the Republic, to lead the army, is reflected in all their most ancient powers and duties (35) and in their original name of praetor (36). With the downfall of the Etruscan leader, Rome had to cope with more than one area of attack; this explains why two consuls were elected and why there were two legions in the early Republican army (37). The two consuls had equal power, with the right of intercessio over each other except when one of them was presiding over the election of their successors; this exception was presumably originally established to ensure the transfer of command (38). Their equal powers and

.....

34. Bernardi art.cit. 24f, and 'Patrizi e plebei nella costituzione della primitiva repubblica romana', in RIL 1945-6, 5f has a similar view of the revolution; however, he believes that the praetors were already military officials in the monarchy, which is disputed by Staveley, art.cit. 92-4, De Francisci, PC 761f and Ogilvie, CL 231-2. For the names of the early magistrates, and a full explanation of events in 509 see Ch.2 132f.

35. These powers and duties included levying the troops (Livy 2.24.7), taking the census (Livy 4.8.3), disposing of booty (I. Shatzman, 'The Roman General's Authority over Booty', Hist. 1972, 177-205) and moving war and peace in the assemblies (see 71 below).

36. Mommsen, RSt 2³ 74f.

37. Staveley, art.cit. 80-1 notes that this is an essential part of Fraccaro's theory of the centuriate state.

38. The consuls' collegiality (Mommsen, RSt 1³ 27f, 2³ 81f) is indicated by their monthly alternation of fasces (Taylor and Broughton, MAAR 1949, 10-11). Since the question of which consul should be president never appears as a controversial issue in the Republic, it was presumably usually peacefully settled according to the personal authority of each, the military circumstances, mutual agreement, or the lot; see Mommsen, RSt 1³ 41 n.5. For other theories, cf. Taylor and Broughton, art.cit. 3-14; 'The Order of the Consuls' Names in Official Republican Lists', Hist. 1968, 166-171; Lippold, C 106f; Rilingar, EWRK 41-59.

the annual election of new consuls may have been instituted at this stage not only as a precaution against regnum, but also to satisfy competition for the leadership of the new state among the officers of the army (39).

The development of the comitia centuriata from the army's approval of leaders after the revolution is indicated by its organisation in army units. The six most prestigious equestrian centuries were known as sex suffragia in the Republic, and had the prerogative position in the voting order of the assembly. They may have remained the traditional preserve of the aristocrats; perhaps some of the leaders of the revolution had been in their ranks or were trying to ensure their support with this mark of respect (40). Further indications of the comitia centuriata's origin are that it met outside the pomerium, the sacred boundary of the city, on the Campus Martius, the army training ground, and maintained many military features (41).

.....

39. Mommsen, HR 1 313f, RSt 2³ 82, Staveley, art.cit. 92f, De Francisci, PC 744f, Momigliano, art.cit. in Singleton, op.cit. 18-20 and Scullard, HRW⁴ 463-4 outline the principal arguments against those such as Beloch, RG 230f, A. Guarino, 'La formazione della repubblica romana', RIDA, 1948 95f, and 'Dal regnum alla respublica', Labeo 1963, 347f, and F. De Martino, Storia della costituzione romana (Naples, 1972) Vol.1 ed.2, 234f, who believe that there was a period of unequal or single magistrates before the collegiate consulship was established.

40. For the view that the sex suffragia were the elite of the cavalry, see Mommsen, RSt 3³ 254; De Sanctis, StR 1 247-8; H. Hill, 'Equites and Celeres', CP 1938, 283-290; RMC 208-211; Alföldi, FRE 93-101. For arguments against the conclusion that they were exclusively patrician, see A. Momigliano, 'Procum Patricium', JRS 1966 18f, and Richard, OPR 486.

41. Liebenam, art.cit. 689-690.

While the power of the old kings was based on the consent of Jupiter and the patres of the senate, the only basis of power for the first consuls, except for the *lex curiata*, was the consent of the army to their leadership. The use of twelve fasces by the consuls to symbolize their imperium, or military and judicial power, may have been inherited from the Etruscan federal leader, who used them to represent the voluntary investment of power in his hands by the twelve Etruscan towns, through the Roman kings, who used them to signify their authority over people allied with Rome in a military league. The first consuls may have used such fasces to indicate that their *imperium* was based on the similar consent of the army centuries to their power (42). The lowering of the fasces by one of the earliest consuls, Valerius, before the civilian population may therefore have been in acknowledgement of his lack of legal authority over them (43). In order to rectify this, and provide the consuls with civil powers, the centuries which gathered to elect the consuls quickly came to include not only those serving in the army, which was disbanded each winter in any case, but also the rest of the citizens, including the fourth and fifth classes of centuries, the five centuries of non-combatants, and the *seniores*, who were classified in centuries duplicating those of the Servian system. Thus was created the full political assembly of one hundred and ninety-three

.....

42. Coli, art.cit. 153f, followed by Staveley, art.cit. 107-112, contra Mommsen, RSt 1³ 22f.

43. Livy 2.7.7; Plut. Popl. 10.5; Cic. de rep. 2.43; cf. Ogilvie, CL 251.

centuries; the numbers of lower and senior centuries formed may have been arranged partly so that the assent of only the cavalry and the first class centuries was required to return magistrates (44). The traditional removal of the axes from the magistrates' fasces when they entered Rome probably only developed later to acknowledge that their military judicial powers were subject to *provocatio*, or appeal, within the city (45). Although the dictator was not directly chosen by the centuries, he, and in turn the *magister equitum* whom he named, indirectly gained *imperium* from the centuries through the consul who nominated him (46). The dictator's twenty-four fasces, and the praetor's six, symbolize the extent of their powers in relation to that of the consuls, and incidentally, support the view that both offices were only created after the consulship had

.....

44. See Last, JRS 1945 44-5; Bernardi, Ath. 1952, 29f; Staveley, art.cit. 78, 81f, 109f. For some other views see U. Coli, 'Tribu e Centurie dell'antica Repubblica Romana', SDHI 1955, 186-7, followed by Cornelius, UFRG 75-80 and Richard, OPR 383 n.262 (the political assembly must have been created after the *concilium plebis* in 471 and before the 12 tables); Bernardi, Ath. 1952, 48, 51, 57 (the military activity of the seniors in the late fourth century must have preceded their political participation); Guarino, Labeo, 1963, 352-5 (only when plebeians were regularly elected, from 366, would the full assembly have existed).

45. See Ch.2 126-7 on the development of *provocatio* in the mid fifth century.

46. cf. Mommsen, RSt 2³ 150f; Rilingar, EWRK 25-34.

been established (47).

After the first year of the Republic the validity of the consuls' power depended not only on the consent of the centuries, or designatio, but also on the voluntary transfer of power from their predecessors, creatio. This term could not be used for dictators, since their power was superior to that of the consuls; indeed they may have taken their name from the alternative process of nomination, dictio (48). It is unlikely that in the early years of the Republic the consul presiding over the election of his successors allowed the centuries to do anything more than vote their agreement to his choice of names. The reason for their participation, after all, was not that their views should be expressed, but simply that they should provide a valid basis for the consuls'

.....

47. For the dictators' powers and fasces, see Mommsen, RSt 2³ 153f. His fasces symbolized his freedom from intercessio. For the development of the view that the dictator developed as an emergency³ magistrate in the early Republic, see Mommsen, RSt 2³ 167f, Staveley, art.cit. 101-7, De Francisci, PC 774-6 and Scullard, HRW⁴ 80. Livy 2.21.3 and D.H. 5.71-7 suggest that at first he was one of the consuls elevated by his colleagues; in subsequent emergencies, however, an extra person was named for the post. For the powers and fasces of the praetor, see Mommsen, RSt 2³ 193f; Staveley, art.cit. 108-9.

48. F. Tibiletti, 'Evoluzione di Magistrato e Popolo nello Stato Romano', St. Ghis. II 1 (1950) 6-21.

power (49). Comparison may be made here with the tribal assemblies which were originally formed to elect plebeian magistrates to represent the people and their grievances; with this very different basis, the voters in these assemblies probably always made a real choice from a list of candidates (50).

Gradually, however, powers of selection were developed for the *comitia centuriata* in order to curb the powers of the electoral presidents and improve the chances of winning the elections for a greater number of senators. The initial change was made as a political compromise between a group of patricians, who had monopolised offices for many years in the first half of the fifth century simply by naming each other as successors, and their plebeian opponents. From 444 the procedure in the elections of consuls remained the same, but when the senate

.....

49. The undemocratic structure of the assembly, the likely voting by acclamation in the earliest period of the Republic (Staveley, GRVE 157-8) and the use of some of the same terms (e.g. 'rogator') as were used in legislative assemblies, where the voters could only give a yes or no, also suggest that no choice was given to voters in the early electoral centuriate assembly. cf. A. Schwegler, *Römische Geschichte* (Tübingen, 1870) (=RG) 2 147-152; Mommsen, RSt 1³ 470f. I would accept the objections made by Staveley, art.cit. 83-4 to the interpretation of *provocatio* of H. Siber, *Römische Verfassungsrecht in geschichtliche Entwicklung* (Lahr, 1952) 47f, which is the basis of his taking this view; however, I would dispute Staveley's point that plebeian magistrates would not have been willingly nominated by patricians (see 59f below). Plut. Popl. 11 suggests that Valerius, the consul of 509, introduced free candidacy; this might be retrojection, or simple invention; see Schwegler, op.cit. 149f and Ch.2 133.

50. See Schwegler op.cit. 147 n.2 and below, 54f, for further support for this.

agreed to it, there was implemented an alternative form of election of consular tribunes. These magistrates were elected by the centuries, which were presented with a choice of candidates greater than the number of places available. This method of election had perhaps recently been instituted for the quaestors, previously nominated by the consuls, because the responsibility they gained in the Twelve Tables for dealing with appeals from the consuls' judicial decisions required that the consuls' influence over their appointment be reduced. The process was similar to the method of electing the large colleges of plebeian tribunes, whereby places not filled after the electoral process were taken by tribunes co-opted by those already elected (51).

.....

51. See 59f below and Ch.10, 99-100 on the patrician method of maintaining office in the first half of the fifth century. See Ch.2 127 on the development of the quaestors' election. It is likely that the law against the co-option of colleagues by the plebeian tribunes was passed, not in 448, as Livy 3.64-5 suggests, but in 401, when Livy 5.10-11 notes that plebeian tribunes co-opted their colleagues, and a Trebonius was plebeian tribune, as in 448. By 401, links between patricians and plebeians were close enough (see Ch.3 211-4) for Trebonius (whose gens shows no sign of patrician connections, being absent from the lists after 383), to fear that plebeians within patrician-dominated groups might take over the plebeian tribunate elections. In 401, client control of these elections may not have been effective enough for Trebonius to fear it as an alternative means of such plebeians gaining power. Livy may have placed the Lex Trebonia in 448 partly because another Trebonius was then tribune, and partly because in that year two of his colleagues were Tarpeius and Aeternius, whom he had noted as consul in 454; Livy believed that all consuls were patrician at that time (6.42.9) and that all tribunes were plebeian (2.33.1); if he knew the reason for Trebonius' law, and found a Trebonius in the list of plebeian tribunes, he might have tried to explain this contradiction away with the story of the law being a reaction against the co-option of patrician allies. On the law, see Ogilvie, CL 514 and 648.

In the case of the consular tribunes, however, those co-opted to make up the full number of six in such circumstances were not given consular power, for it was the direct transfer of consular power from one magistrate to another within the same clique that the new system was designed to avoid. It may have been because of a similar precaution that consular tribunes did not at first appoint dictators (52).

Because changing circumstances meant that in the early years of the experiment those who had supported it did not always co-operate in the senate, so that few consular

.....

52. See Mommsen, RSt 2³ 188f for a summary of the consular tribunes' powers.

This interpretation of the consular tribunate explains: 1) why, according to all the ancients, the institution of the consular tribunate was intended to resolve disputes between the patricians and plebeians and yet clearly did not work (see Livy 4.1-6, 31, 43-5, 6.37; cf. 4.7.2; D.H. 11.53-60; Zon. 7.19); 2) the large number of direct references to the free election of consular tribunes (and quaestors) after 444 (e.g. D.H. 11.56; Livy 4.6.8f, 7.9, 25.14, 36.1, 43.5f, 5.12.12); 3) the variation in their number; only three, four and six are attested for certain (see Mommsen, RSt 2³ 184 n.2); perhaps this was so they could evenly rotate the fasces among them in the twelve regular calendar months. The steady increase in the number returned may be explained by the increasing ability of senators to manipulate the voters and co-operate with each other (see Ch.1C 100f, 117f). In 426, the first year that four were returned, the consular tribunes first named a dictator (Livy 4.31.4f); this may have been because their elections were already controlled by a powerful senatorial faction. While the military and administrative explanations of the consular tribunate (see e.g. Cornelius UFRG 59-67 and K. Von Fritz, 'The reorganisation of the Roman Government in 366 B.C.', Hist. 1950, 39f) do not adequately account for the conflict between the patricians and plebeians, other political explanations (see e.g. Staveley, JRS 1953, 34-6) do not adequately explain the steady increase in the numbers of consular tribunes. Schwegler, RG 3 141f has a similar view to the above - that in reaction to the patrician domination of office, the comitia centuriata was given a choice of candidates from 449, for the posts of both consul and consular tribune.

tribunates were voted, and in the later years methods of efficiently controlling the voters had been developed, as is attested by the increasing numbers of consular tribunes returned by the assemblies, the system of the consular tribunate was abolished in 367. Henceforth the only apparent attempts made to prevent monopoly of office were by rules on candidature. At the same time the system of allowing the centuries to choose from many candidates was extended to the election of consuls and all other magistrates because it gave a greater chance of office to any who could control the voting in the assembly. This set the pattern for the rest of the Republic (53).

Finally, I should note the nature of elections conducted by the extraordinary presidents, the interreges and dictators. Because, unlike the kings, the magistrates did not go through the ceremony of inauguratio, the magistrates had to take the auspices before every state act (54). I would support the view that Republican interreges were introduced after the Republic began by the patricians as a means of recreating the magistrates' auspicia publica from their own auspicia privata, when their transfer from one magistrate to another was for some reason impossible. The patricians claimed authority to do this on the basis of their gentes' ancient

.....

53. The introduction of choice in all the elections may partly explain conflict over methods of electoral control in the second part of the fourth century (see Ch.1C 110). For the view that it was only introduced in the late third century, see C. Meier, 'praerogativa centuria', PWRE Suppl.8 (Stuttgart, 1956) 586.

54. Coli, SDHI 1951, 81f, 98.

histories of representation in the regal senate and priest-hoods (55). Occasions for interreges generally arose when the consuls died or their election was decreed invalid, in times of religious crisis and when there was such great political conflict that the normal elective system might not yield acceptable results. In the latter case the purpose of the interreges was primarily to make a compromise between warring factions. Interreges were chosen by lot from among the patricians after all other magistrates had resigned. The first interrex could not name consuls; possibly his role was simply to establish that the auspices were favourable to the whole interregnum. Each subsequent interrex, who did name consuls, probably made no personal choice, but simply acted as the spokesman of all the patricians (56). They acknowledged the need for the assent

.....

55. The link between the patricians' revival of interregna and their auspicia (see Coli, 1951 72, 93f) is indicated by the fact that many of the references to the patrician claim to be the sole repositories of auspicia (for objections to it, see Livy 4.63; Botsford, RA 100f) concern the transfer of these auspicia (e.g. Livy 6.41, 7.17.10, 8.23.16; Cic. de domo 14.38). The institution of interregna after the Republic began is indicated by:

- 1) the likely origin of auspicia publica in the lex curiata (n.63);
- 2) the fact that the first certain interregnum is in 482 (Ch.2 133, 150);
- 3) the fact that interregna declined rather than becoming opened up to the plebeians, like other offices dominated by the patricians (see 59f below) which suggests that they were not an inherent part of the Republican state system, but were a specific patrician device of political control.

56. The fact that the interrex had no place in the fasti of magistrates (Staveley, Hist. 1954, 195) or the senatorial hierarchy (Willems, SRR 1 67-8), and the continuance of the regal practice of rotating the post every five days suggest that the interreges acted merely as the spokesmen of the whole patriciate.

of the comitia centuriata for imperium by presenting the names to it for approval, but probably never allowed it to make a choice(57). After their frequent use in the political conflicts in the second half of the fourth century, often after the augurs had used their powers to cause the consuls' abdications, interregna declined, because the patricians no longer formed a united body, nor did they fairly represent the political and religious leaders of the state. However, they were still occasionally required in the third century (58).

The superiority of the dictators over the consuls was principally due to the fact that they were unencumbered by the intercessio of any colleague; since the consuls were also immune from this when presiding over elections, there was no legal difference between their powers as electoral presidents. However the dictators had much greater prestige, since they were single magistrates, and the post was otherwise used for emergency tasks such as the leadership of the army at times of military crisis, the quelling of civil disturbances, and special religious functions. Hence the dictator's personal recommendation to the voters at the preliminary contiones might have been more effective

.....

57. For the procedure in the interregnum, see Mommsen, RSt 1³ 650f; E. Staveley, 'The Conduct of Elections during an Interregnum', Hist. 1954, 193-207. J. Jahn, Interregnum und Wahldiktatur (Kallmünz, 1970)(=IW) 25f suggests that the interrex only named one consul; however, this would have been time-consuming and less likely to end deadlock; cf. J. Briscoe, rev. Jahn, IW, JRS 1972, 188; Rilingar, EWRK 16-24.

58. After seven interregna from 355 to 320, there were only five until 82; see Palmer, ACR 300-1 for a complete list of Republican interreges.

in swaying their choice than that of the regular electoral presidents (59). Dictators were named by consuls at the decree of the senate, which had an increasing amount of influence on their choice as its general authority strengthened (60), to hold elections when the consuls still remained in office but were unable for some reason, usually because they were too far from Rome, to hold them themselves. This most frequently happened in the second half of the fourth century, a time of heavy war. In the third century, because the number of curule magistrates had been increased and the senate was concerned to prevent curule magistrates prolonging distant campaigns, the number of dictators declined (61).

Summing up, it is clear that the electoral assemblies were an essential part of the Republican electoral system. Their competence was limited in the early Republic and during interregna by the lack of opportunity to make a choice of candidates, but this was not so during most of the Republic. At the same time, it should be repeated that the system of voting successively in groups meant that there was little chance for the individual voter or certain groups to make a mark on the result.

.....

59. Staveley, *Hist.* 1956, 107; Rilingar, *EWRK* 34f.

60. Mommsen, *RSt* 2³ 148f, 3³ 1033 n.2, 1218f; cf. Lippold, *C* 110; Rilingar, *EWRK* 31f.

61. Lippold, *C* 106f; Jahn, *IW* 32f.

(iii) Overriding the Result from the Electoral Assemblies

Our conclusions on the ways in which the results returned by the electoral assemblies might be overridden are particularly tentative, since we cannot expect direct evidence of their use in cases when they caused the repetition of the whole electoral procedure.

While the assembly vote was essential for a valid election, the president may have always retained the legal authority to refuse to accept the assembly's decision, based on his right of transferring power, or, in the case of the interrex, his authority as representative of the patricians. However, after the centuriate assembly was given the choice of candidates for the purpose of curbing his authority, it would have been more difficult for him to use this theoretical power without offending the rest of the governing class. It was probably only viable when he had much personal influence, and the governing class was weak and divided (62).

To enable them to take on religious duties after the state army had given them imperium in 509, the first consuls used their *auspicia privata* to call the *curiae*, which authorised, with a lex curiata, the use of these *auspicia* on behalf of the whole community. The consuls handed on the right to their successors, and the *curiae* acknowledged it with their law. Once the patrician claim to the right

.....

62. cf. Mommsen, RSt 1³ 472; Staveley, GRVE 148 n.266; Jahn, IW 50 n.178; contra Willems, SRR 1 63-6.

to renew the auspices by the interreges when this chain was broken was accepted, the lex curiata became less significant (63). By the time censors were introduced in 444, the religious standing of the curiae was declining, as the state augurs gained importance (64), and the comitia centuriata was fully established as the main citizen assembly; hence the censors' auspicia were approved by an equivalent lex centuriata (65). The lex curiata rapidly became a formality of little political or even religious significance (66).

One of the privileges retained by the patricians throughout the Republic was passing the auctoritas patrum to validate the curule magistrates' election (67). It is likely that they established it in the mid 480's as part of their attempt to monopolise Republican government. The

.....

63. cf. Mommsen, RSt 1³ 609 (the consul took auspicia privata before he called the curiae); Coli, art.cit. 77f, 98; (auspicia publica were of Republican origin); Staveley, art.cit. 84-90 (the lex curiata acknowledged auspicia). For some alternative views of the purpose of the lex curiata, see Mommsen, RSt 1³ 609-615 (an oath of fealty); De Sanctis StR 1 354, 2 60 (to bestow imperium); Tibiletti, art.cit. 16f (confirmation was required after creatio); Bernardi, Ath. 1952, 31f (patrician authorisation); A. Magdalain, 'Note sur la loi curiate et les auspices des magistrats', RHDFE, 1964, 198-203 (a formal investiture).

64. Szemler, PRR 25-6; De Francisci, PC 772-3; Palmer, ACR 80-175, esp. 90-5, 121, 150, 203-4 n.11, 210.

65. Cic. de leg.agr. 2.11.26.

66. cf. Mommsen, RSt 1³ 613f; Staveley, art.cit. 88-90; D. Shackleton Bailey, Cicero Epistulae ad Familiares, (Cambridge, 1977) 1 316-7.

67. Cic. de domo 14.38; D.H. 9.41.3; Livy 6.42.10f.

phrase *auctoritas patrum*, used in order to emphasise the origin of the practice in their ancestors' role in the election of the king as *patres*, is one example of the alternative use of the term *patres* to signify *patricii*, rather than senators in general, which contributes to confusion over the definition of the patriciate (68).

The *lex Maenia* passed in 338 decreed that *auctoritas patrum* should precede rather than succeed the elections, thus validating all candidates rather than simply those elected. This made it more difficult for patricians to use *auctoritas patrum* to impede elections, and saved a lot of time when they insisted on objecting to a candidate. It was part of the general challenge to the use of patrician privileges to monopolise offices at that time (69). As a result of the reform, and the decline in the patricians' unity and their overall importance in the governing class, *auctoritas patrum* was probably only a formality in the elections by the third century.

.....

68. For examples of the use of '*patres*' to denote '*patricii*', see Willems, *SRR*, 1 37f. This need not imply, as Willems assumes, that the early senate was exclusively patrician; whenever '*patres*' complemented '*plebeii*' (e.g. in the law of 450 forbidding inter-marriage between the two sectors: *Cic. de rep.* 2.63) it would have been understood that the term was being used with its more specific meaning.

69. For the *lex Maenia*, see *Cic. Brut.* 55; cf. *pro Planc.* 3.8. For arguments for this date, see Willems, *SRR*, 2 69-73 and Staveley, *Hist.* 1954, 201, contra G. Niccolini, *I Fasti dei Tribuni Della Plebe* (Milan, 1934) (=FTP) 77-8, 391-2 and Forni, *art.cit.* 187f. For the purpose of the law, see Forni, *art.cit.* 192 (it reduced patrician power) and Staveley, *GRVE* 187-190 (it saved time), contra Willems, *SRR*, 2 73-4 (it increased the senate's power).

The augurs were able to halt electoral proceedings - or any other act of state - at any stage by announcing that the auspices were unfavourable (70). The practice in elections noticeably increases after the use of *auctoritas patrum* was curbed in the second half of the fourth century. The priesthood was probably still then dominated by patricians, some of whom may then have used it as an alternative means of obstruction. When augural intervention caused certain magistrates to abdicate, this resulted in interregna, in which all the patricians chose the magistrates. In the third century, since equal numbers of patricians and plebeians in the priesthood had been ensured by legislation passed in 300, and the unanimous consent of the augural college was probably not required for one of them to obstruct the election, it remained a potential weapon of general political obstruction (71); this may be the reason why many of the known augurs of the third century were leading political figures (72).

Finally, electoral results could be overridden by the veto of the plebeian tribunes, who were originally simply the representatives of the people agitating about

.....

70. Mommsen, RSt 1³ 104-116, 2³ 18-73, 3³ 110-111; Rilingar, EWRK 96f.

71. See 63-4 for the legislation of 300. New augurs were chosen from the *amici* of the existing augurs (Cic.Fam. 3.10.9), and held office for life (Szemler, PRR 29). Any single augur could report *auspicia oblativa* (e.g. see Cic. Phil. 2.33.83). For examples of augurs using their powers for political reasons, especially after 338, see Botsford, RA 100f; Palmer, ACR 252-3. For the ethical justification for this, see Cic. Sen. 11; Szemler, PRR, 36-44, 179-184.

72. Szemler, PRR, 64-100, 179-184.

economic grievances, but after the formation of the patriciate included those within the governing class who had been excluded from major offices of state by the patrician monopoly and were primarily concerned with political grievances. By the Volerian law in 471, regular elections by the concilium plebis of these tribunes were established (73). The powers of the tribunes were based on the sacrosanctitas, or sacred inviolability, that they claimed, which was acknowledged in consular law in 449 (74). These powers included their obstruction of levies and their veto of acts in the centuriate assembly, which were never in themselves formally recognised. In the early Republic, when there was much economic distress, they were often acknowledged simply because they were

.....

73. After the first tribunes were elected at the secession from levying in 494 (Mommsen, RSt 2³ 272f; Niccolini, FTP 1f; A. Momigliano, 'L'origine del tribunato della plebe', in Quarto contributo alla storia degli studi classici e del mondo antico (Rome, 1969)(=Quart. C) 294f) others were probably also occasionally elected to represent the people, meeting in the tribes in which they were levied (see E. Herzog, Über die Glaubwürdigkeit der aus der Römischen Republik (Tübingen, 1881) 14f; Ogilvie, CL 380f and Richard, OPR 559f contra the ancients' view (see Mommsen, RSt 2³ 274) that they met in curiae) before the Volerian law decreed that a fixed number of tribunes (five according to Livy 2.58.1 and D.H. 10.70.2, followed by Niccolini, FTP 16-17, and four according to Diod. 11.68.8, followed by Mommsen, RSt 2³ 274-7 and Ogilvie, CL 381-2, 446) would be annually elected in an exclusively plebeian assembly (Livy 2.56.9, 2.60.4-5; Mommsen, RSt 1³ 487 n.2).

74. On the law of 449, see E. Staveley, 'Tribal legislation before the lex Hortensia', Ath. 1955, 116; Ogilvie, CL 494-5, 500-1. The fact that the tribunes required no auspices (Livy 6.41.6; D.H. 9.41.2, 10.4.3; Mommsen, RF 1 165-6) may have contributed to the ancient belief that the patricians alone had the right to them (see n.55).

backed by great popular support (75). After the political disputes between the patricians and plebeians ended, in the middle Republic, tribunician vetoes were generally accepted as potential weapons in political disputes for all factions, although in practice the size of the tribunician colleges meant that it was rarely possible for a united group to control the whole college; thus one tribune would usually be impeded by his colleagues (76). The many examples of the use of the veto in the late Republic (77) suggest that it was a well established custom, but at the same time suggest that some ancient writers might have exaggerated its earlier use.

(iv) Rights of Candidature

We may now turn to consider restrictions on candidature for curule elections by law or custom. It is generally agreed that only members of the equestrian or

.....

75. For the tribunes' obstruction of levies by holding tribal assemblies, see A. Greenidge, Roman Public Life, (London, 1922) 96-7. While there was no direct means whereby the curule magistrates could over-ride the tribunes, since they had set themselves up in opposition to them (Cic. de rep. 2.58; Polyb. 6.12.2) their vetoes of interreges, dictators, the comitia curiata and the senate (e.g. Livy 4.6.6, 7.7.12-13; D.H. 9.13; Cic. de leg. agr. 2.12.30) are likely to have been restrained by the authority of these institutions (Staveley, Hist. 1954, 427-8; Hist. 1956 107; Walbank, CP 1 691; Ogilvie, CL 599). Similarly, it was necessarily accepted that the tribunes represented only the civilians, and could take no action against the consuls in their capacity as army generals (D.H. 8.87.6; Livy 3.20.5-7).

76. e.g. See D.H. 9.1-5, 10, 31; Livy 2.44.1, 4.48, 4.53-7, 6.37f.

77. See Taylor, PPAC 22f.

senatorial class were able to stand for office (78). More specifically, there were three possible forms of restriction that should be examined; denial of rights of candidature to plebeians by patricians, the president's rights over candidates, and laws and customs concerning frequency and order of office.

Firstly, I should explain my position on the origin of patricians and plebeians, a subject on which there are widely divergent opinions. I would support the view that the patriciate was only formed after the beginning of the Republic, probably immediately after the attempted coup of Spurius Cassius in 486, and comprised a group of powerful aristocrats with long family histories of leadership in the regal senate; this explains their name, which means 'sons of the patres', and the ancient stories that they existed in regal times. They formed themselves into an exclusive hereditary group, claiming ancestral rights to religious

.....

78. Willems, SRR 1 183-210; Gelzer, RN 3-53.

and political control of the state (79). In so doing, they did acknowledge the Republican system of magistrates and the comitia centuriata, trying to establish their authority within it (80). Although the development of

.....

79. For the etymology of 'patricius', see Mommsen, RSt 3³ 13f. This, together with the patricians' emphasis on their heritage has naturally caused confusion about their origin among the ancients; see Richard, OPR 79-134 for an extensive survey of their views. Richard, OPR 1-78 also gives an outline of the development of modern views on the subject. There are three basic categories:

1) The patricians were the only full citizens of the regal state; see e.g. Mommsen, RF 1 71f, 140f, RSt 3³ 9f (plebeians were the patricians' clients, in the curiae but not the comitia curiata); Bernardi, Ath. 1952, 28f (plebeians were not in the curiae). See Botsford, RA 25f, Jones, CAH 7 417-420, Last, JRS 1945 30f and Scullard, HRW⁴ 64-5 for objections.

2) The patricians gradually formed from those frequently represented in the fifth century magistracies, see A. Magdalain, 'Auspicia ad patres redeunt', in Hommages à J. Bayet (Brussels, 1964) 427-473. See Thomsen, KST 28 n.8 for objections.

3) The patricians were the elite of the regal ruling class. See Richard, Momigliano and Alföldi, cited in n.5. I would accept this with the proviso that only those with authority at the time of the patricians' formation were included.

There are several reasons for dating the formation of the patriciate to 486. The names of the magistrates change distinctly at that time (see Ch.2 146f). The ancients make frequent reference to the role of patres and patricii in the elections of the late 480's (Livy 2.42.7-8, 43.11, 48.1f, 56.5; D.H. 8.77.1, 82.4f, 80.3f, 9.1, 14, 42.3f, 10.17). The first likely interrex was in 482 (n.55). After the decimation of the senate by Superbus and the army revolution, it would have taken some time for the patricians to form a united group. Many would have been army officers at first trying to gain power within the new regime. Possibly only when the senate was regularly called by the consuls would they have come together, and only after Cassius had attempted his coup (Ch.2 146) would they have realised the need and opportunity for their establishing their corporate authority.

80. While the revival of interregna and the patrician adoption of the calceus inherited from the Alban kings (Willems, SRR 1 123-132; Mommsen, RSt 3³ 15 n.2) are signs of their claims to government on the grounds of inheritance; their attempts to control the consulship and the possible 'centuria procum patricium' (Momigliano, JRS 1966 20f) are hints of their concern to work within the Republican system.

the early plebeian state from a popular secession and the portrayal of fifth century political struggles in late Republican colours suggests that the plebeians comprised only the lower classes, they may in fact be defined as all the citizens who were not patricians and thus included all classes (81).

The ancient writers tell us that until the second half of the fourth century the patricians denied curule office to plebeians, and this has been accepted by Mommsen and many subsequent historians. However I would accept the alternative view that plebeians were not actually ineligible for office, on the grounds that some of the magistrates in this period were plebeian, as will be shown in Chapters two and three, and the patricians' monopoly of office may readily be explained simply by their political loyalty. They could have dominated office when the assembly had no choice of candidates simply by agreeing to hand office over to each other; when the president of elections had to present the comitia with a choice they could have then joined forces to manipulate the electorate (82). Their plebeian opponents sometimes won office when they were able to muster enough popular support to combat this (83); for example, three plebeian quaestors probably won office in the tribal assembly in 409 because they made direct appeal to the people suffering economic distress (84).

.....

81. cf. Jones, CAH 7 417-422; Richard, OPR 265f.

82. cf. Schwegler, RG 2 147f; Bernardi, RIL 1945-6, 7f, Ath. 1952, 33-4. Such an informal agreement best explains their holding most, but not all, curule offices. For their methods of manipulating the electorate, see Ch.1C 100f.

83. Staveley, JRS 1953, 35.

84. Scullard, HRW⁴ 91.

More frequently, however, plebeians were able to win office when some patricians developed greater political loyalty to them than to their fellow patricians. The consular tribunate system described above was instituted in 444, the year after the repeal of the *lex conubii*, which banned marriage between patricians and plebeians, and which had been carried just five years before; the failure of this law clearly attests to the lack of loyalty among the patricians at the time (85). By the second half of the fourth century many patricians had more political ties with the increasingly powerful plebeians than with each other; thus the legislation carried to ensure that plebeian candidates would win places would have had the approval of some of the patricians (86). The Licinian-Sextian law in 367 decreed that one consul must be plebeian (87), the Genucian law in 342 allowed two plebeians to be consuls in one year (88) and the Publilian law in 339 decreed that one censor must be plebeian (89). The Genucian law was not used until the second century because of the continued authority of the patricians; even the Licinian-Sextian law, which was not permissive, was not consistently obeyed until 342.

.....

85. Last, JRS 1945 31-3 argues that the *lex conubii* was an innovative law, cf. Ogilvie, CL 527-8. Livy 4.1-6 links its repeal with the introduction of consular tribunes.

86. For details of the supporters of the Licinian-Sextian law, see Ch.3 232-3.

87. Bernardi, RIL 1945-6, 7f.

88. Livy 7.42.2; Zon. 7.25.

89. Livy 8.12.

I would suggest that the latter was because it had been denied auctoritas patrum in a final attempt to retain their monopoly of office by those who relied most upon their patrician status as a political weapon (90). Further signs of the weakening of patrician political loyalty in this period are that the first known plebeians reached the curule aedileship in 364, the dictatorship in 356, the censorship in 351 and the praetorship in 336 (91); it appears that no legislation was necessary to open up these posts.

It has been noted that the creation of new magistratures - inevitable as the state expanded - tended to be at the times when measures were taken against patrician monopoly of office (92). In 444 when the consular tribunate was instituted, there was also created the post of censor, whose duties at that time were largely the drawing up of the census and the control of public morals. A monopoly was at first retained over this post by patricians, again claiming that only they had the religious authority

.....

90. This is suggested by Livy 6.42.9f, 7.6.11.
 91. Livy 7.1.6, 7.17.7-9, 22.6f, 8.15.9.
 92. Bernardi, art.cit. 18; Staveley, art.cit. 30.

and right by tradition to carry out such duties (93). The post may have been created partly to compensate the patricians for the creation of the consular tribunate (94). Then in the year of the Licinian-Sextian law one post of praetor and two of curule aedile were created (95). Although they may have been partly to compensate for the loss of six consular posts with the abolition of the consular tribunate, they may also have formed part of a compromise with the patricians who had obstructed the passage of the *auctoritas patrum* for the Licinian-Sextian law; perhaps such patricians agreed to treat the law as binding on the understanding that plebeians would not take these new offices. In fact, both sides of the bargain rapidly broke down, as we see, on the one hand, from the dates of the first plebeian curule aedile and the first plebeian praetor noted above, and, on the other, from the fact that each of seven consular colleges from 355 to 343 was held by two patricians. It was presumably in the period of protest against the use of patrician privileges from 342 to 338 that the Licinian-Sextian law

.....

93. For the creation of the censor, and his powers, see J. Suolahti, *The Roman Censors* (Helsinki, 1963)(=RC) 32f; Taylor, *VDRR* 17-24. The ruling against suffect censors may have been partly to emphasise the censors' religious aura; see Mommsen, *RSt* 1³ 216, 2³ 341; Ogilvie, *CL* 696-7. If there was a restriction on the length of the censor's office, it was probably waived when his tasks were incomplete; see, with reference to the famous case of Caecus, Suolahti, *RC* 26f; Mommsen, *RSt* 2³ 348f; A. Garzetti, 'Appio Claudio Cieco nella storia politica del suo tempo', *Ath.* 1947 192f; E. Staveley, 'The Political Aims of Appius Claudius Caecus', *Hist.* 1959, 412.

94. Staveley, *JRS* 1953, 30; Suolahti, *RC* 28.

95. *Livy* 6.42, 7.1; *Lyd. Mag.* 1.38.

was acknowledged as binding by all patricians (96).

Finally, the patricians' common religious pride meant that they dominated the priesthoods in the early Republic (97), but their monopoly over those priesthoods with some political power was naturally eventually broken when political loyalty developed between patricians and plebeians. In 367 it was decreed that half the decemviri sacris faciundis, who consulted the Sibylline books for advice on state action, and had recently been particularly active in the aftermath of the siege of Veii and the Gallic sack of Rome (98), should be plebeian (99). In 300, after the obstruction of state procedure by augurs had become common practice, the lex Ogulnia decreed that half the augurs should be plebeian. In the same law it was decreed that half the pontifices should be plebeian (100).

.....

96. For some other interpretations of the two patrician colleges, see Münzer, RAA 30f (in 356 it was agreed that plebeians would be elected in alternate years); Scullard, HRW⁴ 479 (the Licinian-Sextian law was only permissive); Von Fritz, Hist. 1950, 28-33 (the Licinian-Sextian law only applied to 367); Beloch, RG 344-7 (the Licinian-Sextian law was passed in 321); Staveley, Hist. 1954, 208-211 (the third praetorship in 366 created a loophole in the Licinian-Sextian law).

97. Mommsen, RF 1 77f; Richard, OPR 238-247. As with the consulship, we cannot assume from the legislation reserving priesthoods for them that plebeians were absolutely excluded from the major priesthoods.

98. The Sibylline books had been introduced to Rome from Greece through Cumae (D.H. 4.62). The decemviri sacris faciundis later took general charge of many foreign rites at Rome; see Szemler, PRR 26-8; J. Gagé, Apollon Romaine (Paris, 1955)(=AR) 148, 155f.

99. Livy 6.37.12, 42.1, 10.8.1-3.

100. Livy 10.6-9; Mommsen, RF 1 80f.

This was just four years after the civil law and the *fasti* kept by the pontifices had been published, in an effort to reduce the political power that the patricians gained by their domination of the pontificate; however their traditional legal knowledge, their control of the religious calendar and the authority of the pontifex maximus over the other priests meant that the pontifices still had political power (101). By 219 the patricians retained exclusive control only over the priesthoods with little political power, the *rex sacrorum* and the *curio maximus* who simply carried out ancient regal religious practices, and the *flamines maiores*, who were unable to leave Rome or enter the senate, and thus were greatly restricted in the magistracies (102).

Summing up, the patricians' monopoly of state and priestly offices was due not to their restriction of candidature, but to their mutual loyalty; accordingly this monopoly gradually collapsed with their failure to co-operate with each other.

We may now turn to the question of the rights of the president of elections once the practice of allowing the assemblies a choice of candidates had been instituted. Theoretically, because he still had the duty of presenting

.....

101. Szemler, PRR 22-4, 47-63, 78-9; Taylor, PPAC 78-80, 90f; Bickerman, *op.cit.* 43-7; Frier, LAPM 132-5.

102. See Mommsen, RF 1 78 for the patrician domination of these priesthoods. The plebeian Marcius was possibly accepted as *rex sacrorum* because he was descended from a king; see Palmer, ACR 147. For the lack of political power of these priests, see Ogilvie, CL 408-9; Coli, SDHI 1951 77f; Szemler, PRR 34f, 76f, 95f; Scullard, HRW⁴ 79 n.5.

the names of candidates to the voters, he could omit or add candidates to the list; he could also show his favour to particular candidates at the preliminary contio. However, like his right to refuse the centuries' verdict, the president's omission or insertion of names would not have been customary; it would probably only have been tolerated by the rest of the governing class when the latter was weak and divided, and the electoral president had particular personal authority, for it restricted the voting groups' choice of candidates, which had been originally instituted for the very purpose of curbing the president's power (103). There seems to have been no legal requirement until the late Republic that men make professio - that is, register their names sometime before the election on the list of candidates presented to the assembly at the preliminary contio by the president - in order to be elected, although they probably generally did so to ensure the assemblies' awareness and the president's approval of their candidature (104). There were also no legal restrictions on the president himself or his colleague standing for office until laws were passed restricting frequency of office in the mid fourth century, but again this would not always have been tolerated by the governing class under normal conditions, for it ignored one of the

.....

103. For this view, see Staveley, JRS 1953, 73, Jahn, IW 50 n.178 and Rilingar, EWRK 105-113 contra Willems, SRR 2 63f. The electoral president's right to insert names could explain cases where individuals not standing for office were elected.

104. Mommsen, RSt 1³ 501f; A. Astin, 'Professio in the Abortive Election of 184 B.C.', Hist. 1962, 252 n.4; Staveley, GRVE, 145f; Rilingar, EWRK 63-91.

earliest safeguards of the Republican system - the transfer of power (105).

In 342, in his attempt to broaden opportunities for candidates already noted above in relation to patrician monopoly, Genucius introduced a law stating that two posts could not be held simultaneously and no magistracy could be repeated within ten years (106). This law became a major weapon of the governing class in its drive to curb the power of individual magistrates in the late fourth and third centuries. However several leaders were able to have it waived at times of military crisis, or retained military command for more than a year by standing for the praetorship the year after their consulships (107). The law was implemented more effectively once there had developed the system of promagistrates, whose appointments were closely monitored by the whole senate. In 265 it was decreed that no one could be censor twice because the post had become so prestigious by that time; for the same reason it became customary for censors to hold the consulship first (108). By 219 magistracies were generally held in a certain order; candidates for the praetorship were expected to have held the quaestorship and curule aedileship; candidates for the consulship were expected

.....

105. Jahn, *IW* 96. For some early examples of conflicts over the president or his colleagues being elected, see Livy 3.21, 35-39, 64, 7.9.4, 24.11-25.2.

106. Livy 7.42; Zon. 7.25.

107. R. Develin, *Patterns in Office-Holding, 366-49 B.C.* (Brussels, 1979) (=POH) 12, 15-18; Lippold, *C* 111f.

108. Mommsen, *RSt* 1³ 520 n.2; Suolahti, *RC* 77f.

to have held the praetorship; dictators were expected to have been consuls. This meant, assuming that they did some military service first, that most consuls in the mid Republic could reach office in their mid thirties. There were no set rules on this until the laws defining the cursus honorum were passed in the second century; general pressure from the rest of the governing class fearing individual ambition was sufficient to establish it (109).

Altogether, once the assemblies made a choice of candidates, there were few formal restrictions on candidacy; the system functioned satisfactorily because on the one hand it was not in the interests of those with power to restrict their numbers or stand for office frequently themselves to offend the rest of the governing class, and on the other, methods of electoral control, as we shall see in part C, were such that only a limited number of candidates would have found it worthwhile to stand for office.

(v) Conclusion

Three major themes of significance have emerged in the above account of electoral procedure - the lack of democracy and the hierarchical structure in the assembly; the dependence of the system on a combination of rules and customs that were continually developing according to the immediate circumstances throughout the Republic; the dependence of all those with influence in the elections on each others' co-operation. There was

.....

always potential conflict between the great theoretical power in electoral procedure which remained with the presiding magistrate, and the agreement that a choice of candidates be given to the voting assembly, both being based on their fundamental roles in the foundation of the Republic. The electoral president could only fully use his power if he had enough personal influence within the governing class (110). The steady growth of the corporate authority of the governing class despite its complete lack of legal power will be further demonstrated in the rest of Chapter 1.

3) Implementing Policy

The other constitutional question of basic importance is the extent to which a curule magistrate could implement his views on policy. For most of the Republic the three major institutions of the state - the magistracies, popular assemblies and senate - played some part in putting policies into practice; like the different bodies of influence in the elections, the three were closely dependent on each other's co-operation and their respective powers varied in different periods of the Republic. However we shall see that current and recent magistrates were likely to have exercised decisive influence on policy within at least one of them at all times.

Magistrates presented motions to the various assemblies of the people, who voted for them successively in groups

.....

110. cf. Münzer, RAA 3; Scullard, RP 19-20; Cassola, GPR 14f; Rilingar, EWRK 9-10, 132-9, 172.

as in elections; these were known as leges rogatae (111). The reason for the comitia curiata's law has already been noted. The others may have developed from the consuls' practice of summoning the army centuries in the camp to gain support for their military decisions in the earliest days of the Republic; they may have then continued this practice with the full citizen centuries to ensure that they might exercise their civilian powers (112). After the institution of regular concilii plebis in 471 the consuls copied its example and often called the citizens together for legislation in tribal rather than centuriate formation for the sake of efficiency; this was the origin of the comitia tributa (113). Laws in all these assemblies required the validation of auctoritas patrum (114). The concilii plebis passed resolutions known as plebiscita which, at first, like all their other acts, had no legal validity for the whole state until they were passed by curule magistrates in the comitia centuriata or comitia tributa (115). With the laws of 449 the validity of

.....

111. Mommsen, RSt 2³ 725, 3³ 311-2; E. Weiss, 'lex', PWRE (Stuttgart, 1925) 2315-7; G. Rotondi, Leges Publicae Populi Romani (Milan, 1962) (=LP) 14f.

112. Mommsen, RSt 3³ 326f; Botsford, RA 230-4; P. De Francisci, 'Dal 'regnum' a 'res publica'', SDHI 1944, 162f.

113. Staveley, Ath. 1955, 3f; Ogilvie, CL 381.

114. Presumably this was in reaction to Sp. Cassius' programme. For examples see Livy 3.10, 25, 30.5-6; D.H. 10 15.7, 26.5, 30-1, 41. See also on it Staveley, art.cit. 26; Rotondi, LP 114.

115. For the definition of plebiscita, see Gai. 1.3; Gell. 15.27.4. When Livy (2.56.2-4, 3.18.6) describes tribunician vetoes and Dionysius (9.41.4f, 49f, 10.26.5, 30-1) describes lack of senatus consulta hindering plebiscita, they may in fact be misinterpreting the refusal of the full citizen assemblies to pass them.

plebiscita was confirmed on the same conditions as the legislation and elections in the other three assemblies - that they received auctoritas patrum and were not vetoed by plebeian tribunes or priests (116). As the power and unity of the patricians declined, the condition of auctoritas patrum became onerous; in 339 it was decreed that it should precede the vote of the comitia centuriata and should be abolished for the comitia tributa. It was retained for the concilium plebis, to counterbalance the exclusion of the patricians from that assembly, but in 287 it was abolished for it too (117). It is significant that the first two stages of the developments of the legislative assemblies coincided with measures to restrict the powers of the presidents in elections, reduce the patrician dominance of the magistrates and reduce the judicial powers of the magistrates; all were part of the same general reaction to executive authority and the monopoly of power. It should be emphasised however that the authority of the magistrates presiding over the legislative assemblies remained great in all periods, for only the presidents could decide when the vote was to take place and what the motion was. This he decreed in a preliminary contio as in an election. The president could also summon subsequent contiones to discuss the issues, and had the right of granting permission to individuals to address the audience and cancel those summoned by his inferiors. He was, however, subject to intercessio by

.....

116. Staveley, art.cit. 12f. Scullard, HRW⁴ 469-470 summarises alternative interpretations of the law.

117. Staveley, art.cit. 26f.

his colleagues; this was a particular handicap for the plebeian tribunes with their many colleagues (118).

The nature of the laws passed in the different assemblies varied. The comitia curiata passed little more than the law confirming the magistrates' religious powers. It was expected that the army, in centuries or tribes, should vote only on military issues (119). The full comitia centuriata was the chief law making body of the state until the development of the comitia tributa; then the comitia centuriata came to be reserved for formal matters such as the censors' lex centuriata, the removal of citizenship and important issues of foreign policy such as the ratification of treaties and the declaration of peace and war (120). It was probably because of the

.....

118. For outlines of legislative procedure, see Mommsen, RSt 1³ 191f; Rotondi, LP 119-147; Hall, Hist. 1964 276f, 290f; Staveley, GRVE 171-2.

119. Livy 7.16.7-8.

120. For the legislative activity of the comitia centuriata, see Mommsen, RSt 3³ 340-6; Rotondi, LP 57-9; Walbank, CP 1 687-8; Taylor, VDRR 17f. There is no clear evidence of which assembly voted on peace or treaties in the third century (see Cassola, GPR 181f); I would suggest that the comitia tributa took over the task after the reform of the comitia centuriata. Votes on war were carried either after the fetiales' attempt to gain redress from the enemy in the early Republic (Ogilvie, CL 127-9) or as provisional measures for legates to take to the enemy once they became too distant for the fetiales' procedure (J. Rich, Declaring War in the Roman Republic in the Period of Transmarine Expansion (Brussels, 1976) 60-104; Harris, WIRR, 166f, 267f). It may have been partly because Claudius only took out indirect authorisation for war against Carthage, in the form of the comitia's vote for alliance with the Mamertini that the senate refused him a triumph after he declared war in 264; see Rich, op.cit. 119-127; Cassola, GPR 185f.

special nature of such duties that the auctoritas patrum was retained as a preliminary to the vote of the comitia centuriata after 339 (121). When the concilium plebis was still a revolutionary body plebeian tribunes often presented it with laws that included both measures against political monopolies and measures for the relief of economic hardship. The former were the major concern of many of the tribunes, while the latter were included to persuade the people to pass them and to give them and their allies future support (122). Once plebiscita and plebeian tribunes were fully incorporated within the state, however, the concilium plebis, like the comitia tributa, was concerned with all forms of regular legislation (123).

A senate was called by the consuls in the earliest days of the Republic to give advice on policy and religious matters and arbitrate in disputes, the latter being most clearly illustrated by the arrangement whereby the senate decided whether consular tribunes should be chosen from 444 to 367 (124). Senatus consulta were already common

.....

121. Staveley, art.cit. 29.

122. For some examples, see Livy 6.39; D.H. 7.14f, 9.45.14, 10.36f.

123. Rotondi, LP 71f shows the breadth of tribal legislation.

124. For some examples of the senate's early role, see Livy 2.56.7, 3.21, 4.7f, 6.1.9; D.H. 4.75.4, 9.49, 11.5-21, 62. Given that (a) the senate had been decimated by Superbus, (b) the consuls sought confirmation of their auspices from the curiae and (c) the patricians tried to monopolise government through the interregna and magistracies, the senate cannot have played an original or basic part in the Republican constitution, despite suggestions to the contrary by D.H. 4.80.2, 5.13.2, 9.47, confused by the senate's later supremacy.

enough by 449 for a decree that they should be kept by plebeian aediles in the temple of Ceres to be part of the compromise with the plebeian leaders to amalgamate the plebeian and curule state (125). Yet they had no legal force; they could only be implemented after a magistrate converted them into *leges rogatae* in the assembly (126). Their real importance may only have developed in the second half of the fourth century, when the senate represented the governing class better than the patriciate, and the *auctoritas patrum* was losing force as a validation of *leges rogatae*. It then became required by custom that a *lex rogata* should have first been voted by the senate; this became a useful means of curbing the executive power of the magistrates (127). For example, when the senate and the curule magistrates did not agree over policy, a *senatus consulta* might still be implemented through a plebeian tribune as a *plebiscita* (128). On occasions the authority of *senatus consulta* and the extent of senatorial control over the legislative assemblies might have been such as to force a magistrate to introduce a *senatus consulta* to the assembly for ratification against his own personal will.

.....

125. Livy 3.55.13.

126. Mommsen, RF 1 264 n.19; RSt 3 977, 1022f.

127. For the increasing significance of *senatus consulta*, see Greenidge, *op.cit.* 272f; and E. Meyer, *Römischer Staat und Staatsgedanke* (Zurich, 1961) (2nd edition) (=RSS²) 210f. Another reason for the refusal of Claudius' triumph in 264 might be that the alliance on the basis of which he declared war had not been preceded by a *senatus consulta*; see Polyb. 1.11; Walbank, CP 1 60-1; T. Frank, *Roman Imperialism* (New York, 1929) (=RI) 88-91.

128. For the development of the plebeian tribunes into tools of the senate, cf. De Sanctis, StR 2 220f, 4 535f; Toynbee, HL 1 326.

By 232 it was considered revolutionary for the plebeian tribune Flaminius to present a law to the assembly that was not a *senatus consulta* (129).

In the early Republic, the consuls, being first and foremost army generals, had complete executive authority in the sphere of military and foreign policy, carrying out their own strategy in the field; the senate only gave general advice, decreed triumphs, suggested provinces of command which the consuls arranged between themselves either by lot or mutual agreement (130), and sent and received envoys (131). However the need for authority that lasted more than a year to provide continuity in the increasingly complex military and foreign policy, and the need for a watchdog over the army generals, who had increasing opportunities to develop ambitious policies in the field for their personal benefit from the late fourth century (132) caused the senate to take a more

.....

129. P. Fraccaro, 'Lex Flaminia de Agro Gallico et Piceno Viridium Dividundo', in *Opusc.* 2 194f; Z. Yavetz, 'The Policy of C. Flaminius and the plebiscitum Claudianum', *Ath.* 1962 336; J. Bleicken, *Lex Publica* (Berlin, 1975) (=LP) 307f. Disputes between the senate and the plebeian tribunes were more common after the Gracchan period; see Taylor, *PPAC* 15f; Lintott, *VRR* 132-174.

130. When the personal benefits of available commands were similar, or consuls were qualified by local knowledge or experience for certain commands, the lot may not have been taken; see e.g. Livy 4.45.7-8, 6.30.3, 10.24. cf. Mommsen, *RSt* 1³ 50f; Ogilvie, *CL* 395.

131. For the extent of the magistrates' and senate's authority over all these affairs in the early Republic, cf. Willems, *SRR* 2 521-6; Mommsen, *RSt* 3³ 1071f; F. Adcock, *The Roman Art of War under the Republic* (Cambridge, Mass., 1940)(=RAW) 83f; De Francisci, *PC* 769f.

132. Adcock, *op.cit.* 84f; Cassola, *GPR* 192; Lippold, *C* 73f; 121f; Harris, *WIRR* 27f.

decisive role in this sphere. From the time of the second Samnite war, its influence grew as it more frequently advised generals on strategy, acted as a court to foreign envoys, appointed embassies, commissions and promagistrates, awarded triumphs, controlled the funds of the consuls on campaign, and developed a real say in the magistrates' choice of dictators and spheres of military activity (133). However, the senate could still do little to prevent a consul extending his sphere of activity with his own military strategy thereby indirectly influencing future foreign policy, nor could it prevent a consul with extensive personal authority holding a triumph by his own imperium or by the vote of the legislative assembly. From 321 onwards, there are several examples of conflict over these matters between such magistrates and the senate (134).

While executive action by the magistrates was curtailed during the Republic by the senate and assemblies, whose combined powers could be used to implement policies against the magistrates' will, in normal circumstances the consuls did support the policies voted in the senate

.....

133. The increase in minor magistrates from 367 and the curbing of the consuls' military authority in 342 (see Ch.4, 259-261) were early stages in this weakening of executive authority. For the senate's increasing authority, cf. Willems, SRR 2 472f, 525f; Mommsen, RSt 1³ 641f, 2³ 675f, 3³ 345-6, 1071f; Walbank, CP 1 675-696; Adcock, op.cit. 75f, 90.

134. Mommsen, RSt 3³ 1084f notes the consuls' freedom from the senate once in their provinces. While the senate did not have sole rights over triumphs (Livy 3.63.8-11, 7.17.9, 10.37.8f) full prestige was gained from triumphs to which the senate allocated funds (Walbank, CP 1 689). For details of the disputes from 321 see Ch.4, 277, 288; Ch.5, 318, 331, 337-8; Ch.6, 358, 376-7, 383-5.

and presented by themselves to the assemblies, because they themselves had great influence in the senate. Since the senate was only revived in the Republic by the consuls, they naturally established a powerful role for themselves in both its formation and procedure. In the early Republic the senate included not only the patres of gentes with traditional places in the senate - patricians and other ancient families - but also those who had been curule magistrates. The latter became known as the conscripti, because they won their position by selection rather than inheritance. Thus before they were acknowledged as part of state government plebeian tribunes and aediles only held places in the senate through hereditary right (135).

.....

135. Willems, SRR 1 49f, 132-6 argues that curule magistrates were included in the senate from 509. Momigliano, 'The rise of the plebeians in archaic Rome', Riv. Stor. Ital. 1967, 303f and Richard, OPR 479f argue that 'patres' and 'conscripti' formed distinct groups of the 'inherited' and 'selected' in 509. However, Momigliano believes that conscripti comprised all non-patrician senators, and Richards believes that they were recruited in 509 to make up the number of senators to 300 after Superbus' decimation. Both base their views on Livy 2.1.10-11; Fest. 304L and Plut. Popl. 11. However these ancients may have confused evidence of conscripti first appearing in the senate in 509 with the mistaken view that all senators in the monarchy were patrician (see n.5), and have derived their idea that 164 senators were recruited in 509 from a genuine record that 136 were left after Superbus' decimation, and their erroneous belief that the senate always comprised 300 from the monarchy. With regard to the latter, (cf. D.H. 3.67.1, 5.13, 7.55.5) a maximum of 300 may only have been required once the curule magistrates became more numerous (cf. Plut. C. Gracch. 5.2). Other ancients describing the conscripti being recruited during the monarchy (Lyd. de Mag. 1.15; Schol. Bob. Cic. 374; Zon. 7.9; Serv. ad Aen 1.426) may have done so to accommodate their knowledge of plebeians in the regal senate with the tradition that the patricii were the regal patres.

It is unclear how membership of the senate was maintained in the first two centuries of the Republic; the consuls probably filled vacant places as they arose and ejected senators as they pleased (136). Since the number of curule magistrates rose in the fourth century, and there was an increasing need for the senate's authority over the implementation of policy, however, a more organised system of recruitment was introduced in the lex Ovinia in about 313 (137). According to this law, every five years the censor carried out a lectio senatus. He could only expel a senator for specified reasons, and had to register in the senate 'ex omne ordine optimum quemque'; this probably meant that all ranks of magistrates, including the plebeian tribunes, who were by this time full members of the governing class, were henceforth regularly recruited in the senate. Thus the lex Ovinia caused the senate to mirror the magisterial governing class more precisely, and depleted the consuls' powers over its composition, contributing to the general curbing of their executive powers evident in other spheres in this period (138). By 220, it has been estimated that curule magistrates comprised one third, and patricians one fifth of the whole

.....

136. Willems, SRR 1 29-34, 109.

137. For this date, see Willems, SRR 1 153-6, 186; Rotondi, LP 233-4.

138. Willems, SRR 1 157-171. Thus curule magistrates were only registered every five years. A safeguard over the censors' new powers was that consuls could refuse to accept the lectio senatus; this happened after Claudius Caecus registered the sons of freedmen in the senate in 312; see Willems, SRR 1 182f; Garzetti, Ath. 1947, 202; Staveley, Hist. 1959, 413.

senate (139).

The magistrates' powers over senatorial procedure were always extensive. Throughout the Republic the consuls, praetors, dictators, interreges and magistri equites had the right to summon the senate while only the praetors and consuls could lay questions before it. From the time of the lex Ovinia plebeian tribunes were also able to convene it, and lay questions before it (140). Throughout the Republic, senators made their opinions known orally to the president in a certain order as in the comitia. First came the princeps senatus, the man placed at the head of the list of senators by the magistrates who carried out the lectio senatus; this position was retained by the patricians. He was followed by the ex-magistrates in order according to the number and nature of offices they had held. Those who had not held curule magistracies, the pedarii, voted last of all; they were ordered according to their family and age. The opinions of the princeps senatus, consulares and censorii, whose position in the senate was boosted in the lex Ovinia, on the motion presented by the president had a prerogative influence on the other senators. Thus while the curule magistrates could have great influence over senatorial policy because of their powers of calling the senate and presenting motions to it, their influence was very much greater if they also had political allies among those who

.....

139. E. Cavaignac, 'Le Sénat de 220', REL 1932 458-468.

140. Mommsen, RSt 1³ 209-210, 2³ 129-130.

had recently held curule posts (141).

Summing up, it is clear that by the end of the third century the powers of the magistrates to implement policy were as great as in the early Republic, but were frequently regulated by their dependence on the approval of the senate, which, by providing some continuity of government, allowed the necessary development of relatively long term policies which was impossible under a system of annual magistrates. Under normal circumstances the senate and the magistrates were in agreement over policy, which they implemented by passing legislation in the assemblies; on the odd occasion when the senate and magistrates differed, the assemblies were manipulated by one against the other.

4) Conclusion

The emergence of the Republic from a revolution led by army generals meant that the constitution was founded on the interdependent bases of magistrates and populus. Then in the early Republic, the patrician attempt to monopolise government influenced its evolution; most notably, it caused the development of the plebeian state's tribal system of voting, the creation of various legal obstructions and restrictions on elections and legislation, and the introduction of the element of choice into the centuriate elections. Once the patrician attempt to form an exclusive governing class had failed, the need to increase the power

.....

141. cf. D. Monro, 'On the Pedaarii in the Roman Senate', J. Phil. 1872, 113-8; Willems, SRR 1 137-144; Greenidge op.cit. 267f; Scullard, RP 25-6.

of the governing class over the magistrates with their considerable theoretical powers in order to preserve the stability of the system was satisfied not by modifications of the constitution, but by the natural increase in the power of the senate, as the numbers of former magistrates within it increased, the development of unofficial but effective restrictions on the electoral presidents, and the foundation of a *cursus honorum*.

C: The Social and Political Relationships of Voters and Candidates

We may now consider the composition of the ruling class, the formation of parties within it and the relationship of its members with the voters. This will enable us to evaluate fully how and why senators controlled elections and implemented policy.

1) Factions within the Ruling Class

We have already noted that the patricians' attempt to restrict the governing class to an exclusive oligarchic sect by only handing over magistracies to each other failed when individual patricians developed common economic and political interests and family ties with plebeians. Some of these plebeians were from ancient Roman *gentes* whose members had taken part in developing the alternative plebeian state system and might have been in the background of the senate for generations. Some of them, and many other plebeians who reached curule office from the fourth century, seem to have had family associations with areas outside Rome where patrician families, expanding from their

main gentes, were developing interests, largely through the military activity of their members (1). The plebeians with links in these areas may be divided into two main categories. Many of those whose names are unknown before the fourth century would have belonged to families from towns beyond Rome which had been incorporated in the Roman federation (2). Several, for example, are attested to be from Tusculum, the first Latin town to be enfranchised, in 380 (3). Their ties with Roman leaders might have been of ancient origin, since from regal times the ruling families of central Italy had been intermarrying to form a sort of international aristocracy (4), or they might only have developed as a result of Rome's conquest of their states. Those plebeians with provincial associations whose names appear in the lists of plebeian tribunes in the fifth century may often have belonged to gentes which spread out when

.....

1. Of course senators had to live in Rome to exercise their duties; see Willems, SRR 1 178.

2. cf. Münzer, RAA 46f; Heurgon, CP 260f, 284f; Toynbee, HL 1 337-340. Families in a gens such as the Annii, represented by a leader of the Latin revolt in 340 (Livy 8.3-6) who was possibly a freedman by 304 (n.92), and by Roman senators in 307 (Willems, SRR 1 265 n.1) and 218 (Livy 21.25.4) might have entered the Roman governing class by different routes.

3. Taylor, VDRR 290f; Toynbee, HL 1 324-5.

4. Livy 1.24; D.H. 6.1.1-3, 18-21, 7.2, 11.2.2; Münzer, RAA 46f; Gantz, Hist. 1975 539-554; Richard, OPR 273-4, 282-4. Gentes immigrating to Rome retained ties with their places of origin; e.g. in 450, Claudius retired to Regillum, his town of origin (D.H. 11.15.4, 22.4f).

Rome was a thriving city in the prosperous days of the Etruscan trading empire, or divided up to seek better fortunes in Latium, Campania and Etruria, when economic decline set in at Rome with the fall of this empire. Those who reached curule office in the fourth century might either have been newly enfranchised members of the emigrant branches who gained influence at Rome through their kinsmen, or members of the branches which remained at Rome who rose to power because the areas where their kinsmen had settled were becoming involved with Rome and they had interests and influence in them.

The general expansion of the governing class to include all these different types of plebeians is indicated by the increase in the numbers of novi homines, as the first members of their gentes to reach curule office were known (5), in the fasti in the hundred years beginning in the mid fourth century. Several established their gentes as leading members of the ruling class and forced minor patrician gentes into decline. But many enjoyed success for only a few generations, for once the minimal number of new gentes necessary to consolidate the authority of a balanced ruling class had been included by the mid third century, it was in the interests of all its members to maintain its exclusive nature (6). By the end of the

.....

5. Cic. de off. 1.39, 138; Fam. 3.18.1. For a recent discussion of the precise definition see P. Brunt, 'Nobilitas and Novitas', JRS 1982, 1f.

6. Scullard, RP 9-12; Cassola, GPR 89f; Toynbee, HL 1 325-6, 344-9; Brunt, art.cit. 15-17.

third century most of the *novi homines* reaching the consulship only did so because of their particular talent or knowledge (7). This closing of the ranks of the governing class contributed to the development of loyalty to its interests, the basis for the increasing authority of the senate and the restriction of magisterial power noted above.

Some historians have entirely discarded the view that senators within such a governing class ever divided into effective opposing political groups; others have acknowledged the possibility, but assumed that evidence is not sufficient to allow a worthwhile study of them (8). Admittedly, there is little direct evidence of them in this period, and the few references that our sources do make to them are of dubious value, since they may well be portraying them in late Republican terms, whose meaning even for that period is not clear (9). Hence we must assess the probability of the existence of factions by considering the more indirect evidence of the likely aims and interests of the magistrates. Here there are two main schools of thought. Münzer believed that senators joined together

.....

7. Sall. Jug. 63.6-7, Cat. 23.6; Cic. in Cat. 1.18, Verr. 2.3.7.

8. cf. Henderson, JRS 1952, 114-6; A. Bernardi, rev. Scullard, RP, Riv. St. Ital. 1953, 105-111; C. Meier, *Res Publica Amissa* 2nd ed. (Wiesbaden, 1980) xxxiif, 7f, 174f, 182f; T. Carney, 'Prosopography: Payoffs and Pitfalls', Phoenix, 1973, 164f.

9. Taylor, PPAC 6-24; Scullard, BICS 1955, 15f; P. Brunt, 'Amicitia in the late Roman Republic', PCPS 1965, 1-20; R. Seagar, 'Factio: some observations', JRS 1972, 53-8. A. Sherwin-White, 'Violence in Roman Politics', JRS 1956, 1-9, and Meier, op.cit. xxxiif warn against similar anachronisms by modern historians.

in factions purely to win the elections, while Scullard believed their aim was to promote their policies; both believed that individuals had long term commitments to their factions which were based on their family allegiances (10).

There is clear evidence of the role in political life of the loyalties and traditions maintained by the gentes, or clans, and the familiae into which they divided throughout the Republic. The paterfamilias (11) retained certain judicial powers over his family even after the development of similar functions by state officials (12). The religious bonds of gentes, which had their own rites, places of worship, household gods and burial grounds from primitive times (13), are reflected in Republican political life in the associations of certain gentes or familiae with particular gods and their members' inheritance of certain priesthoods and religious duties (14). The inheritance of gloria

.....

10. cf. Münzer, RAA 133f, 427f and Scullard, RP, 1f, art.cit. 17f.

11. A pater gentis doubtless existed (Scullard, RP, 8-9; Richard, OPR 153-4) but the paterfamilias had direct legal authority.

12. The Twelve Tables recognised his judicial authority; cf. Willems, SRR 1 265; Mommsen, RSt 3³ 22f; A. Watson, Rome of the Twelve Tables (Princeton, 1975)(=RTT) 40f.

13. See P. Fraccaro, 'La Tribus Veturia e i Veturi Sabini', in Opusc. 2 1f; A. Jones, CAH 7 417; Cornelius, UFRG 120; Ogilvie, CL 250; Watson, RTT 67.

14. Livy 2.42.5 and 10.6.7 notes sons dedicating their fathers' temples. On inheritance of public and private cults, cf. Mommsen, RSt 3³ 19; G. Wissowa, Religion und Kultus der Römer (Munich, 1912) 2nd ed. (=RKR²) 398f; J. Bayet, Les Origines de L'Hercule Romain (Paris, 1926) (=Hercule) 248f. Hence the Romans readily adopted the Greek idea of gentes being descended from gods; see Wissowa, RKR² 32f; Pais ALRH 169; Cornelius, UFRG 106 n.57.

gained from military service, which was such a major part of a political career, was clearly important to the leading families (15). Wealth, which was an essential requirement for political success, was inherited within the family and gens mainly in the form of landed estates but also, especially by the third century, in commercial and industrial enterprises (16). When they inherited property from their families, individuals also inherited clients and the same tribal registration, both of which will be shown below to be important for political control. Finally, the facts that senators held ancestral magistrates

.....

15. Harris, WIRR 10-41.

16. For the importance of agriculture throughout this period, see T. Frank, An Economic Survey of Ancient Rome (Baltimore, 1933) 1 1-108; Cassola, GPR 25f, 89f; Richard, OPR 372-3. Whether or not there was ever a system of joint landholding by gentes, (suggested by Mommsen, RSt 3³ 22-9, followed by Last, CAH 7 468f, 478-9; for objections see Jones, CAH 7 416f), there are a few hints that whole gentes were still centred on agricultural estates in the early Republic, as in the original village communities of the curiae. 1) Not just the primitive ('pagi' and 'prata', but also ten of the rural tribes formed in the later monarchy and the Claudia tribe, founded in 505, took the names of gentes of Republican magistrates, the Claudii being attested as settling in one area; see Ogilvie, CL 148, 226, 442 and Taylor, VDRR 5-6, 29-30, 35-45, 283, deducing the position of tribes from evidence of gentes' burial sites, legends, etc. 2) The Twelve Tables note the gentes' right of inheritance of property of intestate members (Gai. Instit. 3.17; Watson, RTT 67f, 183-4). 3) Stories of modest farming plots of the early Republican leaders (Livy 3.26.8) and the low first class census qualification (Frank, ES, 1 22-3) are more explicable if such farms formed part of a larger unit with those of their kinsmen. Of course leading gentes maintained town residences too (Livy 2.7.5-12, 41.11) and their country estates would have become less significant as the state expanded and the number of families in each gens increased.

within their gentes in great honour throughout the Republic (17), patricians retained great pride in their status throughout the Republic (18), many fathers, sons and brothers can be detected in the lists of magistrates (19) and certain families or gentes dominated certain offices over centuries (20) all indicate the importance of gentile or family traditions of political participation (21).

Since family tradition was such an important part of political life, kinsmanship, both direct and by intermarriage and adoption, and family friendships, became the structural basis of the governing class, on which was built the corporate loyalty and authority of the senators. As we have noted, intermarriage and family friendship with existing members allowed new gentes to enter the ruling class; at the same time, senators' concern to link their families with those with prestigious traditions of political participation helped to preserve its exclusive nature. By the middle Republic, most senators could probably trace indirect family links with each other; at the same time, rival family cliques, whose members had particularly strong traditional and contemporary ties,

.....

17. Livy 6.20.14, 8.32.15; Cic. de domo 13.35; Gelzer, RN 27f; Münzer, RAA 156f; Brunt. art.cit. 1f.

18. Mommsen, RF 1 69f; Taylor, PPAC 26-7; Cassola, GPR 9f.

19. Beloch, RG 52-61; Develin, POH 55-7.

20. e.g. Seven Valerii were interreges from 462 to 320; seven Papirii were censors from 443 to 272.

21. cf. Polyb. 2.30.3; Cic. de off. 1.116.

would have been continually forming within the loose structure. Noting the repeated juxtaposition of the names of certain gentes and families in the lists of magistrates, and odd pieces of information in the ancient histories about intermarriage and adoption, Münzer came to believe that senators worked together for electoral success solely on the basis of such family ties (22).

However it is not credible that family loyalty alone would have dictated the composition and purpose of political factions within the governing class. Leading senators must usually have had views on current political issues and wanted to implement them. These views might well have prompted them to rebel against their relations and family friends, and join other political circles (23). For example, if a senator had personal ambitions to gain military glory, new ideas on strategy, or interest in a new sphere of influence which he had conquered, he might have supported the promotion of a war which members of his family group opposed. Certainly such fluctuations within family circles are attested in the last century of the Republic (24). It would seem to be a reasonable assumption

.....

22. Münzer, RAA 6-7; cf. Scullard, RP 1-3, 30; Taylor, PPAC 33-5; Toynbee, HL 1 332f. Of course, the more exclusive the governing class and the larger the gentes, the less the significance of sparse evidence of individual marriages etc.

23. This point is made by M. Gelzer, rev. Scullard, RP, Hist. 1950, 636f, H. Last, rev. Taylor, PPAC, Gnomon, 1950 361-2, Yavetz, Ath. 1962, 329f and Harris, WIRR 34.

24. See Syme, RR 62f; E. Gruen, The Last Generation of the Roman Republic (Berkeley and Los Angeles, 1974) 47f; J. Briscoe, 'Supporters and Opponents of Tiberius Gracchus', JRS 1974, 125-135; Meier, op.cit. xxxii, xxxixf.

that family associates co-operated politically only if they agreed on matters of policy of immediate concern to them.

In fact there are several reasons for believing that there was generally little conflict between family loyalty and political opinions in the early and middle Republic (25). Common concerns - such as those of families with neighbouring estates to defend their region against hostile intruders - would often have been the basis of friendship between two families (26). Senators' views on policies, especially those of a long term nature, such as patrician monopoly of government, or military expansion into a certain region, were usually dictated by their concern to increase military glory, religious authority, economic interests and political power, which, as we have seen, were firmly based in the family. Even families from one gens with interests in different spheres of influence in Italy and no immediate ties of kinship might retain political loyalty because of common interests in broad issues such as the development of commerce, which might have caused them all to branch out originally from their central gens (27). Finally, if a member of a gens or family was indifferent to the immediate issues at hand, he might revert to supporting his kinsmen's views on them

.....

25. cf. Scullard, RP 6; Rilingar, EWRK 5.

26. Cornelius, UFRG 119, suggests this for the Fabii and Corneli in the fifth century.

27. A likely example is the Claudii, who, in the third century, had personal connections in Corsica, Campania, Tarentum, Etruria and Sicily, all trading areas (E. Rawson, 'The Eastern Clientelae of Clodius and the Claudii', Hist. 1973, 219f and 'More on the Clientelae of the Patrician Claudii', Hist. 1977 340f).

for the sake of family loyalty; this may have been partly the reason that a few large patrician gentes with many families, such as the Cornelii, built up much power by the middle Republic (28).

An important corollary of this is that we may often draw conclusions about a senator's political views from his family background. The location of family spheres of interest - their towns of origin, their landed estates, or the areas where they had commercial connections - which may be suggested by hints of registration in particular tribes, cognomina, the location of family or gens burial grounds, and the activities of other members of the family, may often provide clues about an individual's attitudes. In particular, if members of one gens or family fight in a certain area over several generations, this is likely to be because they inherited personal connections there, which they could use to further Rome's interests and their own influence in the area.

If we assume that factions only existed as long as there was harmony, or at least indifference, within them over political issues of immediate concern, their composition would have been liable to much fluctuation, especially in the middle Republic, when family ties were more complex than earlier, and political issues and views were constantly changing with the circumstances (29).

.....

28. e.g. Livy 35.10 notes the whole Cornelian gens supporting a candidate in the second century.

29. Scullard, RP 5, 97-8; Taylor, AJP 1952, 302-6; Rilingar, EWRK 3.

But two factors besides the family basis of political loyalty would have contributed to their stability and permanence. Firstly, the great dependence of senators on each other in elections, which will be fully outlined below, suggests that a senator who had given active support within a faction for several years might have retained political allegiance to its members when he no longer shared positive views on matters of policy with them in the hope that they would support his candidature. Secondly, the dependence of a magistrate on the support of leading senators - that is, those who had recently held magistracies - in implementing his policies would have encouraged the operation of stable factions with long term political aims in the magisterial elections.

All we may conclude is that family friends and relations with common political views would have formed factions within the increasingly exclusive governing class, and that the composition, purpose, duration and cohesion of these groups would have varied according to circumstances. Hence when the term 'faction' is used in this study, it will signify no more than a group of senators sharing some sort of common interest. A clear distinction must be made between such factions and, say, a modern British political party. The latter may be distinguished by a traditional support base and outlook, a nationwide organisation developed in response to the constituency system of voting, and party manifestos, all of which contribute to party loyalty, which generally supersedes individual views on policy. In Rome, however, where none of these conditions existed, the only analogous long term loyalties of individual politicians

were to the maintenance of the governing class as a whole (30).

2) Clientela and other Relationships based on Fides

Before considering how members of political factions might control voting, it is necessary to note the extent and nature of the relationships of mutual dependence between them, junior senators, and other voters, which, since the time of Gelzer, have been accepted as forming the basis of political control throughout the Republic (31). In such relationships the parties involved provided each other with beneficia according to long term obligations bound by fides (32). When such relationships were defined as amicitia and hospitium, the parties to them were generally of equal standing; under a bond of clientela, however, the client was always inferior to his patron, although sometimes he might rise to the status of an amicus (33).

Such relationships originated in the primitive age when the family rather than the state was the social, legal and political focus of the individual. Clientela described the inferior position of those who were attached to other households because they had lost their own; hospitium was the favour shown to an individual temporarily without a

.....

30. The breakdown of the attempt to form a patrician government in the early Republic shows that such loyalties only developed gradually; they probably only superseded other loyalties when the whole governing class was threatened.

31. Gelzer, RN 62f.

32. A. von Premerstein, 'Clientes', PWRE 4 (Stuttgart, 1901) 23-4, 32-3, 38-40; E. Badian, FC 1-2; Watson, RTT 101-4; Richard, OPR 166-170.

33. Von Premerstein, art.cit. 23, 39-41; Gelzer, RN 65-66; Badian, FC 7, 11-13.

household; *amicitia* was a bond between two households (34).

The increasing importance of the state's authority and relative decline of that of the *gens* with the introduction of Servian tribes based on property rather than *gens*, the development of state law and growing economic prosperity suggest that clients would have become less dependent and less numerous as the Republic wore on. Yet we have seen that the *gens* or family remained a powerful force throughout the Republic, and it is likely that relationships founded on it, such as *clientela*, also remained an essential part of social and political life. Our direct evidence of them from the fifth to the third century may be tainted by the colours of the late Republic and early empire, but they could not have then become such a powerful political force without having some basis in the earlier phases of the Republic (35). Four basic ways of becoming a client are attested in the Republic. Firstly, slaves, who lost their households when captured, automatically became clients when manumitted (36). Such freedmen retained particularly

.....

34. A. Watson, 'Roman Private Law and the *Leges Regiae*', *JRS* 1972, 100f; Richard, *OPR* 157-189, 226-230. The ancients' view that Romulus made each plebeian the client of a patrician (*Cic. de rep.* 2.9.16; *D.H.* 2.9-11; *Plut. Rom.* 13) developed because they always tended to attribute ancient institutions to Romulus, the patricians emphasised their *gentes'* ancient heritage, 'patrician' and 'patron' shared the same etymology, and patricians did have many plebeian clients from the date of their formation (see 99-100 below).

35. cf. *D.H.* 2.10.4; *Plut. Rom.* 13.6; Watson, *RTT* 98f.

36. For the origin of slaves, and their manumission, see Watson, *RTT* 81f and Ch.1B 31 n.11.

strong bonds with their patrons throughout the Republic (37). Secondly, client status was theoretically inherited, although it tended to die out after a few generations; this may have put many individuals in ambiguous positions (38). Thirdly, client status was gained by deditio, the handing over of body and goods to the discretion of a superior, which came to refer largely to the succumbing of an entire city or state to conquest by a Roman general, representing the Roman state (39). Finally, an individual could voluntarily become a client by applicatio, which, by dint of its origin, probably created the least onerous obligations (40). Altogether, the extent of the clients' duties and the duration of their bonds varied widely from one individual to another. The duties themselves also covered a broad range of activities. Three general categories of clients of political significance in the early and middle Republic may be outlined.

Firstly there were the ordinary voters in the assembly. Although the bonds between soldiers and their generals would have been very much looser than they were before the

.....

37. For the client status of freedmen, see Von Premerstein, art.cit. 30f, 43f; Steinwenter, 'Libertini', PWRE 13.1 (Stuttgart, 1926) 109-110; Badian, FC 2-4; Cassola, GPR 272; Watson, RTT 104-110. Their retention of particularly strong bonds with their patrons is indicated by their taking of their patron's gens name (Mommsen, RSt 3³ 424f) a practice which later lapsed for other clients (Von Premerstein, art.cit. 37-8).

38. cf. Mommsen, RSt 3³ 70f; Von Premerstein, art.cit. 35-6; Badian, FC 4; Taylor, PPAC 44f.

39. For its precise definition, cf. Von Premerstein, art.cit. 23-4, 26-9, Badian, FC 4-7 and Heurgon, CP 167-170.

40. Badian, FC 7f argues against the legalistic view of 'applicatio' of Mommsen, RSt 3³ 57-8 and Von Premerstein, art.cit. 32-5.

Servian (41) and after the Marian (42) reforms, they still represented a form of clientela, the soldiers exchanging their loyal services for shares in booty and the hope of promotion in the army ranks (43). In law a patron acted as legal advisor and advocate for clients in return for financial aid in his own suits (44), even after the publication of legal procedure (45), since an aristocratic patron's superior influence and knowledge was necessary for a member of the *nouveaux riches* or a more humble client to win his case (46). Dionysius notes many other forms of financial aid given to clients which include helping to cover the cost of their patrons' magistracies; these may only have prevailed in the early Republic (47).

.....

41. Before Servius, clients provided military service in the *gens*; see Von Premerstein, art.cit. 37, 49 and Alföldi, ERL 315-6. References by D.H. 6.47.1, 7.19.2, 9.15.12 and 10.43.2 to clients following their patrons in war in the fifth century may be the result of his use of details from Greek histories, his knowledge of Scipio taking his clients to war in 134 (App. Hisp. 84) and his concern to compare the Roman client system with the serfdom of her neighbours (J. Heurgon, 'Les pénestes Étrusques chez Denys d'Halicarnasse', Latomus, 1959 713-723).

42. Gelzer, RN 117-8, 121; Last, CAH 9 133-7; Taylor, PPAC 47f.

43. See e.g. Livy 3.29.3, 7.16.3-6, 10.25.1-3.

44. Mommsen, RF 1 374-385; Von Premerstein, art.cit. 39, 41, 47-8; Watson, 102-3.

45. For the publication of *dies fasti* and the civil law formulae in 304, see Cic. ad Att. 6.1.8; Livy 9.46.5; Pliny NH 33.6.17.

46. Von Premerstein, art.cit. 35, 41 and 47; Gelzer, RN 63-5, 70-86, 126; Scullard, RP 16-17.

47. D.H. 2.10.1-4; Von Premerstein, art.cit. 40-1, 43, 45. Scullard, RP 16; Watson, RTT 104.

Most important of all, the client's duty of voting for his patron in the political assemblies is clearly attested by Dionysius (48), and by the complexity of the system of marshalling clients in the late Republic outlined by Cicero (49), which suggests that it was well established in custom. The full political reasons for this, and details of how it worked will be given later.

It is likely that most of the rank and file of the senate had some sort of relationship of dependence with leading senators, marshalling their own clients to support them in the assemblies, voting themselves in the upper centuries and supporting them within the senate, in return for promotion as lesser magistrates and officers in the army, which would have resulted for some in their eventually reaching the status of equal amici of the leading senators within the political factions noted above (50). For the lieutenants and commissioners in the late third and early second centuries from families previously known only in the early Republic, however, such a role might have become established in their families (51). Fear of clients being manipulated by their patrons while in power is indicated by the ruling that curule magistrates could not be clients (52).

.....

48. D.H. 2.10.3.

49. See Taylor, PPAC 42f, 50f.

50. For hints of this, see Livy, 5.8.13, 12.12, 7.26.10, 10.44; Gelzer, RN 101-9; Scullard, RP 2, 17; cf. A. Lintott, 'The Traditions of Violence in the Annals of the early Roman Republic', Hist. 1970, 24-9.

51. e.g. Titinii, Trebonii, Maenii, Cassii, Antonii, Antistii, Cominii, Genucii, Canuleii, Pinarii.

52. Plut. Mar. 5; cf. Ti Gracch. 13.

A third category of clients which overlaps with the first two is that of those living beyond the immediate vicinity of Rome. Roman armies were not renowned for their siegecraft (53), and may often have won towns only because their generals already had personal connections with factions within them or promised them patronage in return for their support (54). Once a provincial area was fully under Roman control, Roman leaders patronised more of its inhabitants, including citizens from Rome with whom they provided conquered land in allotments and colonies (55). These relationships were of great mutual benefit. The Romans gained prestige, political influence and economic benefits in the provincial areas; *hospitia* and *amicitia* with provincial leaders might often result in lucrative marriages, especially in Campania and south Italy, where rich land was given as dowries and there were many trading opportunities (56). In return, Roman leaders could provide public works for their dependants, and speak on their behalf in Rome (57). When the provincial area

.....

53. Adcock, RAW 67f.

54. For examples of towns being taken thus, see Livy 9.16, 24-5, 10.10.1-5; A. Bernardi, 'Rome e Capua nella seconda meta del quarto sec. av.c. (2)', *Ath.* 1943, 26. For examples of the subsequent rewards to the enemy, see T. Frank, *CAH* 7 794; Taylor, *VDRR* 301.

55. *D.H.* 2.11; *Cic. pro Sull.* 21.60f; Von Premerstein, *art.cit.* 34; Scullard, *RP* 17.

56. Livy 4.13.2; Cassola, *GPR* 71, 122f, 170, 217f, 381f; Toynbee, *HL* 1 332-6.

57. Von Premerstein, *art.cit.* 34-5, 40; Gelzer, *RN* 90f; Taylor, *PPAC* 44-5.

was enfranchised, or the settlers from Rome retained their citizenship, such dependants could provide their Roman patrons with valuable political support in the Roman assemblies, in return for their own political advancement (58). Inherited personal ties with provincial people in Italy and beyond became of basic importance in forming the political views of Roman senators. Often the military defence of their personal associates was the basis of Roman attacks on other states; for example, the Samnite wars were largely the result of the Romans' defence of their Campanian allies; once this happened, the state could be said to have taken over the role of patron (59). Thus *hospitia*, *amicitia*, *clientela* and the most extreme means of attaining the latter, *deditio*, came to be used as diplomatic terms referring to the relationship between Rome and other states (60).

To sum up, there was an intricate structure of relationships of mutual dependence between the leading senators and individuals of all classes and in all spheres of political and social life. Within such a system, one client might easily have several patrons, and the exchange

.....

58. This is the basis of Münzer's view of the fourth century *novi homines* noted above. Beloch, RG 338-9 argues that provincial leaders would not have wanted to come to Rome, but surely once their states were part of Rome, greater political power was to be had there.

59. On Roman leaders developing and inheriting patronage of states, see Livy 5.50.3; Mommsen, RF 1 361 n.10, 651 n.2, RSt 3³ 65 n.1; Gelzer, RN 63; Taylor, PPAC 44; Cassola, GPR 122f, 166f. On the use of such relations to maintain peace in the federation, see Harris, Rome in Etruria and Umbria (Oxford, 1971)(=REU) 114-144; E. Salmon, Samnium and the Samnites (Cambridge, 1967)(=SS) 293.

60. See n.39 above and Badian, FC 55f.

of favours could approach bribery. It would have been largely the identity of the parties involved, and the original basis of their bond which dictated the nature of the clients' duties, and the extent to which they felt obliged to carry them out (61).

3) The Senators' Control of the Assembly Vote

There appear to have been two principal methods of electoral control in the final century of the Republic. Optimates, wealthy senators concerned to conserve the existing system of senatorial authority and their own family traditions of political leadership, tried to control the elections in the centuriate and tribal assemblies by marshalling their own extensive resources of dependants, and persuading their amici to marshal theirs, from enough tribes as was necessary to win absolute majorities (62). Populares, many of whom were novi homines in the late second century, but who by the final generation of the Republic largely belonged to the senatorial class (63), concentrated on winning the support of the urban dwellers,

.....

61. Gelzer, RN 139; Badian, FC 11f; Rilingar, EWRK 137.

62. On the optimates' use of personal patronage, see Gelzer, RN 54f, 123f, Taylor, PPAC 1-75, VDRR 309-313, A. Von Premerstein, art.cit. 51-55 and Von Werden und Wesen des Prinzipats (Munich, 1937) esp. 15-22, 112, 267f, and Syme, RR 12f, 276f, 369f, 404f, the last two arguing that Augustus established himself as emperor by these means.

63. For the change in the definition of 'populares' cf. H. Last, CAH 9 137-9; H. Strasburger, 'Optimates', PWRE 18.1 (Stuttgart, 1939) 776f; Taylor, PPAC 12-23, 65; Ch. Meier, 'Populares', PWRE, Suppl. X (Stuttgart, 1965) 550f; R. Seagar, 'Cicero and the word Popularis', CQ 1972, 328-338.

many of whom retained registration in rural tribes (64), by introducing popular legislation and giving lavish games and handouts to the people in the city. The populares also used devices such as vetoing the elections as plebeian tribunes until the clients marshalled by the optimates had returned home (65). Intimidation, violence, soliciting of votes and bribery were also methods widely practiced by the very late Republic (66). Evidence about similar methods in the early and middle Republic from the Sullan annalists may be distorted by their familiarity with this system, as well as their own political prejudices; we can hardly expect all aspects of electoral control used in the period when the system was breaking down into civil war to have prevailed in earlier, more stable times (67).

The patricians would have had large numbers of clients in the early fifth century. Since patrician gentes had been in Rome since earliest times, and were able to re-establish their political power in the early fifth century, when the Etruscan empire was declining, most had large landed estates to which many suffering from the slump in

.....

64. cf. H. Last, rev. F. Marsh, History of the Roman World, 140-30 B.C. (London, 1935) (=HRW) in AJP, 1937 468-471, Taylor, PPAC 4-5, 53-62, VDRR 141, 149 and Lintott, VRR 86-8.

65. Taylor, PPAC 1-75 and Meier, art.cit. outline 'populares' methods.

66. Gelzer, RN 110-123; Taylor, PPAC 18f, 68-75, 167-8; Lintott, VRR 74f, 173-4.

67. Taylor, RVA 17, PPAC 15, 61-2 and Scullard, RP 3 note the distinct features of the late Republic. The basic constitutional structure and family traditions of patronage and leadership, of course, are likely to be well established.

commerce and industry would have come to join their inherited clients (68). All these clients presumably supported their patrons in the assembly as part of their duties. However, the prestigious family name, religious authority, military experience, and connections with the wealthy voters, especially the prerogative centuries, of the patrician electoral president and his nominees were probably of greater significance in the centuries' acceptance of the patrician names presented to them before they were given a choice of candidates (69).

It would have only been after the plebeian leaders won the free choice of consular tribunes by the centuries in the hope of preventing monopoly of office, that the practice of deliberately marshalling rich amici and clients obliged to obey their patrons to vote in the centuries gradually developed. Together with the personal authority of the patrician candidates and recommendation of the president, which are likely to have remained significant factors, it could be used against plebeian candidates who hoped to win the elections because of the direct appeal of their policies to the people, which would have been the standard method of control in the plebeian assembly, since tribunes were elected to represent the people's grievances (70). The harsh measures taken against Sp. Maelius in

.....

68. cf. Beloch, RG 333-6; Meyer, RSS² 33f; Richard, OPR 316f, 353f, 376f and 426f.

69. cf. Schwegler, RG 3 145; Bernardi, RIL 1945-6, 10f; Staveley, Hist. 1956 82-3; Rilingar, EWRK 138.

70. cf. Staveley, JRS 1953 35-6.

439 (71) and M'. Manlius in 384 (72) and the passage of a law against the whitening of a toga to indicate candidature in 432 (73) indicate that Sp. Cassius' attempted coup in 486 had caused a firm reaction against the use of mass popular appeal as an ethical means of winning elections among the patricians, whose authority depended essentially on traditional personal obligations (74). The effectiveness of client control is indicated by the continued monopoly of office by the patricians and their allies in the period of the consular tribunate, when only six per cent of consular tribunes belonged to gentes which had not already held consular or Decemviral office, and thirty three per cent belonged to gentes with the names of rural tribes, which, being named after prosperous estates in Servius' time, would have retained many clients. Such clients, living quite close to the city, could have been readily marshalled for the vote; the dependence of many of them on their patrons' legal, political or financial support would usually have been such as to ensure their appearance at the assembly (75). Clients from all classes would have been called upon to vote until their patrons

.....

71. Livy 4.14f.

72. Livy 6.20.

73. Livy's account of the election of 444 (4.6.9-12) suggests that he was mistaken in representing the law of 432 as a tribunician measure directed against the patricians (4.25.9-14). Later the practice of whitening the toga was re-established; see Ogilvie, CL 574-5.

74. cf. Staveley, GRVE 193.

75. Taylor, VDRR 14. In this respect the situation was similar to that of the late Republic, when many rural tribesmen were living in Rome.

were sufficiently well organised and united for all six consular tribunes to be returned by the centuries, as they were almost every year from 405. When this happened, the bias towards the wealthy centuries in the assembly may have contributed to the patricians' success.

By the mid fourth century, the plebeians developing common interests with the patricians would have had more solid client bases, either being recently enfranchised landed aristocrats from outside Rome, or having recovered from the economic slump within Rome. Thus the client system of controlling the elections would have been maintained by the new plebeian-patrician nobility, and used to squeeze out the minor patrician families. By this time some plebeian leaders could also have begun to use their clients and amici in the tribunician elections in the plebeian assembly, but only to a limited extent, since rich men had less power there, and they still depended on popular backing in order to use their vetoes and threaten secessions effectively.

The extension of citizenship beyond the area of Rome was of basic importance to client control of elections. In the fifth and early fourth centuries there was some enfranchisement of members of neighbouring states and settlement of Romans on conquered land near the city to satisfy land hunger at Rome (76). After this time it became less acceptable to most of the Roman governing class,

.....

76. Frank, ES 1 37f; Toynbee, HL 1 115f, 133f, 189f, 204-5; E. Salmon, Roman Colonization under the Republic (New York, 1970) (=RC) 48f; A. Sherwin-White, The Roman Citizenship (Oxford, 1973) 2nd ed. (=RC²) 19-20, 58f, 195f.

partly because people conquered from this time on tended to have well developed political systems of their own, and partly because it did not at first seem feasible that citizens who lived at some distance from the city would be able to play a full part in the city state's political life (77). Thus several alternative methods of incorporation in the state were devised. Cives sine suffragio had no voting rights and no independent foreign policy, but had full trading rights, and could marry Roman citizens, their offspring becoming full citizens; this status was given, for example, to the Campanians, who lived in well established city states (78). Socii, for example the southern Greek cities, were fully self governing allies with individual treaties with Rome, which usually promised military or naval support (79). A special category of allied states, including some former members of the Latin league and large Latin colonies founded for strategic reasons, were those with the ius Latii, whose members could obtain citizenship by moving to Rome (80). At the same time, the citizenry did expand by other means in the late fourth and third centuries. The inhabitants of

.....

77. Fraccaro, Opusc. 2 199f; Frank, CAH 7 661-2; A. Bernardi, 'Rome e Capua nella seconda meta del quarto sec. av. A.C. (1)', Ath. 1942 94f; Toynbee, HL 1 105-6, 296f, 311f; Harris, WIRR 132f.

78. Bernardi, Ath. 1942 86f, Ath. 1943, 21f; Toynbee, HL 1 204f; Sherwin-White, RC² 39f, 200f.

79. Adcock, RAW 75f; Toynbee, HL 1 130f, 142f, 258f, 424f; J. Thiel, A History of Roman Seapower before the Second Punic War (Amsterdam, 1954)(=HRSP) 27-78; Harris, REU 85-113; Sherwin-White, RC² 119f.

80. Fraccaro, Opusc. 2 198-202; E. Salmon, 'Rome and the Latins', Phoenix, 1953 93-104, 123-135, and 'Roman Expansion and Roman Colonization in Italy', Phoenix, 1955 63-75; Toynbee, HL 1 157-161, 249f; Sherwin-White, RC² 97f.

citizen colonies in vulnerable and distant areas of Italy were obliged to stay in the colonies because they gave their military service to the state in the form of garrison duty, and retained their citizenship as compensation, although since they could not leave the colonies they were effectively disenfranchised (81). Settlements of citizens were made at some distance from the city in certain parts of Campania, central Italy and Etruria in the late fourth century and in north east Italy in the third century, to ensure that citizen numbers were maintained after the heavy drain on them by Latin colonies and war casualties and again to compensate the settlers for their protection of the conquered areas (82). Distant peoples such as the Sabines and Picentes in north east Italy in the third century were enfranchised partly to maintain citizen numbers, and partly because they were primitive tribes with no political organisation of their own (83).

Apart from natural concern to maintain the loyalty of the city state federation, other political factors influenced its development. The economic benefits to individual senators of unsettled ager publicus were probably less significant in causing objections by the governing class to the expansion of the citizenry than the prospect of those with clients and amici among the citizens beyond Rome's

.....

81. Toynbee, HL 1 178-189; Salmon, RC 70-81; Harris, REU 147-160; Sherwin-White, RC² 76f.

82. This is fully explained in Ch.5 303-4.

83. T. Frank 'On Rome's Conquest of Picenum, Sabinum and Etruria', Klio 1911, 375f, CAH 7 660-1.

immediate vicinity marshalling them to vote in Rome (84). The latter practice partly explains the increasing significance of the tribal registration of voters in the Republic. The comitia tributa, being much more efficiently summoned than the comitia centuriata, was becoming the place for the election of junior curule magistrates in the late fifth and fourth centuries. These elections were held at the same time as the centuriate elections. If senators were summoning clients and amici from different areas to vote in the comitia centuriata, they would naturally have tried to ensure that they would also be of influence in the tribal assembly (85). This was relatively easy to plan, since the senators' clients tended to be centred on their tribes (86). It might be objected that many of those at a distance from Rome would have had little contact with their patrons, who spent most of their time as senators in Rome, and therefore would have felt little compulsion to fulfil their duties towards them, at considerable trouble to themselves. This would have been the case particularly for those who merely inherited their status, or only held it as ex-soldiers settling on the land won by their patrons, and owed allegiance to more than one patron. However the patron could have encouraged them

.....

84. cf. Fraccaro, *Opusc.* 2 197f and Toynbee, *HL* 1 312f (ager publicus was not important); Cassola, *GPR* 93f, 209f (ager publicus was important) and Taylor, *VDRR* 300f (emphasising political benefits).

85. Taylor, *VDRR* 299.

86. Neighbours would often have been clients of the same patron, and in this period tribes were largely geographically homogeneous. See 85 n.16 ; Livy 5.32.8; Mommsen, *RSt* 3³ 194f; Taylor, *RVA* 68f, *VDRR* 14-15, 79-100, 305; Staveley, *GRVE* 136f, 196f.

to fulfil their obligations with reminders of his authority, gifts, public works, including the building of roads to Rome to facilitate the journey to the polls, promises of booty, and occasionally, perhaps, the appeal of his policies. Such attractions could be presented early in the campaigns in the local tribes, and later in their headquarters; in this process, senators could have taken the opportunity to establish further links of mutual obligations with fellow tribesmen (87).

The practice of summoning clients and amici in tribal formation is attested by several constitutional developments in the late fourth and third centuries. Firstly, the creation of new tribes as the citizenry expanded until the total reached thirty-five in 241 may have been not just for administrative convenience, but also to facilitate the tribal organisation of clients and amici (88). This contributed to the political importance of the censor, who registered citizens in tribes (89). Secondly, there was

.....

87. For hints of methods of encouragement, see Livy 35.10; Garzetti, *Ath.* 1947, 196f; Taylor, *VDRR* 14-15. When all Italy had the vote, individuals were developing vast personal bases of clients and populares practiced demagogy in the city, Q. Cicero (*Comm. Pet.* 53) warned his brother against advertising his policies in his campaign, so that every man would hope for his support. This hardly implies, however, that patrons in the more stable period never used political views relevant to their clients' local communities to encourage them to vote for them.

88. Taylor, *VDRR* 47-68, 297, 300-3. On senators changing tribes for political reasons, cf. Taylor, *VDRR* 280f (they tried to dominate specific tribes) and two of her reviewers, E. Staveley, *CR* 1962 74, *GRVE* 198 (they tried to spread their influence into many tribes) and Badian, *JRS* 1962 209-210 (they disliked changing tribes).

89. Taylor, *PPAC* 52-4, *VDRR* 297, 305.

the reform of the comitia centuriata, in which the first class centuries were directly related to the tribes; if clients and other dependants were already generally marshalled in tribes to vote in the comitia centuriata, this would simply have formalised the existing prevalence of the provincial men in the first class; hence the names of the magistrates elected after the reform are no different from before (90). Under the new system, the first class tribal centuries, especially that chosen as praerogativa, provided a lead for their fellow tribesmen, marshalled for the vote, but still susceptible to distraction (91). Thirdly, Livy notes that after a controversial election in the comitia tributa in 304, the humilii were registered by the censor in four urban tribes. Perhaps these voters were rural peasants who had recently migrated to the city to get work from those investing the booty won in the second Samnite war in building and commerce, but kept their registration in rural tribes. If they had voted for the candidate whose policy directly appealed to them they could have upset

.....

90. The latter point is noted by De Sanctis, *StR* 3 1 346-7 (concluding that the reform did not achieve its purpose) and Staveley, *AJP* 1953 25f (taking it into account); cf. Taylor, *AJP* 1957 348 and *VDRR* 304 (less novi homines after the reform; on this, cf. Staveley, *art.cit.* 32-3, and Cassola, *GPR* 273f).

91. The sex suffragia provided a secondary prerogative function; cf. Staveley, *art.cit.* 30-2; Rilingar, *EWK* 35f, 139. Simultaneous voting, possibly introduced in the reform, would also have helped those marshalling voters by reducing the scope for using spare votes (see n.102). For a positive reason for the whole reform see 114-115 below.

the control of those marshalling their clients from the tribes (92). Freedmen may have been registered in four

.....

92. For the 304 measures, see Livy, 9.46.11f, Val.Max. 2.2.9. For hints that a curule aedile Flavius was elected by direct appeal in 304, see Livy 9.46.3, 9-10, 13; Gell. NA 7.9; Pliny, NH 33.6.17-18.

Livy 9.46.10 suggests that the 'forensis factio' that elected Flavius had become powerful as a result of Claudius Caecus' censorship in 312. Certainly Caecus and his successor had facilitated public works which would have encouraged humilies to come to Rome (see Ch.4 285, 290). However, it is also suggested that Claudius registered humilies in the rural tribes (Livy 9.46.11), Claudius gave each citizen the right to be enrolled in any tribe (Diod. 20.36.4-5), Claudius courted popularity by giving freedmen suffrage (Plut.Popl. 7.5), and Flavius was Claudius' scribe, publishing the civil code, a popular move, at his request (Pliny, NH 33.6.17).

These statements may be the result of confusion of several facts:

- 1) The political significance of tribal registration by property or domicile was first evident in 304;
- 2) Fabius, the censor of 304, was a political opponent of both Claudius and Flavius (see Ch.4 285-8, 294-8);
- 3) A similar measure was taken in 220 for the freedmen, who were the 'forensis turba' in the late Republic (Taylor, PPAC, 54-5);
- 4) Flavius was the son of a freedman (Gell. NA 7.9.2; Diod. 20.36.5; his father having been in the Annii gens, cf. Cic. Att. 6.1.8; Pliny NH 33.6.17; Livy 9.46.1; Heurgon, CP 276; Frier, LAPM 141) and Claudius enrolled the sons of freedmen in the senate in 312 (Cassola, GPR 102-3).

For other views see Mommsen, HR 1 396, RF 1 305f, RSt 2³ 402f (landless were registered in tribes for the first time in 312 and restricted to urban tribes in 304; for objections see P. Fraccaro, "Tribules" ed "Aerarii": una Ricerca di Diritto Pubblico Romano', Ath. 1933, 150f); Beloch, RG 265f, 482f (the change in 304 is retrojected from the third century); Garzetti, Ath. 1947, 202f; Staveley, Hist. 1959 414f, Taylor, VDRR 11, 113-8, 299 and Cassola, GPR 102-3 (Claudius introduced registration by property or domicile, thus distributing humilies, largely freedmen, over rural tribes, for political advantage, or, for Staveley, to encourage commerce and industry. They have to assume that freedmen were re-distributed in rural tribes before 220).

urban tribes in 220 (93) for a similar reason. By 220 many freedmen would have been skilled Greek craftsmen or businessmen originally captured in the southern wars. Although such men might have had landed property in the rural tribes sufficient to put them in the first class, they probably lived largely in the city, as commercial agents of their patrons, who could then marshal them to vote in the recently reformed *comitia centuriata* with greater ease than those clients living beyond the city (94). A similar measure relegated freedmen to one urban tribe in 169, after several attempts to register the sons of freedmen and upper class freedmen back in the rural tribes (95).

Control of the plebeian tribune elections would have been rather different from that of the other assemblies, because they were held at a different time of year, and it would not have been easy to marshal distant clients frequently. Presumably, senators marshalled a few clients or tribesmen from the most outlying tribes, and made direct

.....

93. Livy Per. 20. For this date, see Mommsen, RSt 3³ 436 n.3 and Broughton, MRR 235-6, contra Taylor, VDRR 138 and Cassola, GPR 272-3.

94. For the increase in wealthy freedmen in the fourth and third centuries, cf. Frank, ES 1 37, 67, CAH 7 806; Taylor, VDRR 133; Cassola, GPR 104, 272; Harris, WIRR 59f. Staveley, AJP 1953, 29 n.86 and Hist. 1959 416 suggests that wealthy freedmen, like other rich urban voters, would not have remained as clients; however, their ignominious social position (Willems, SRR 1 183f) and their patrons' need for first class voters would have strengthened their bond of mutual dependence.

95. For detailed discussions of these measures, cf. Taylor, VDRR 138f; Cassola, GPR 119-120, and Palmer, ACR 74-5.

appeal to other voters with their policies; the traditions of the assembly and the large numbers of tribunician places available would have discouraged any measures to develop firmer methods of control over it, or to integrate it more closely with the other assemblies (96).

The political leaders who learned to marshal voters with personal obligations to them from beyond the immediate vicinity of Rome naturally maintained the patrician opposition to mass popular appeal as a means of gaining the vote. In 358 an attempt to prevent canvassing is attested, and in 327, a plebeian tribune is recorded as winning his elections by bribery (97). Those unable to keep up with the marshalling of clients from outside Rome as the state expanded would have been using these methods in both the provinces and the city to attract the votes of those clients most loosely committed to the leading senators. Thus it may have been at this stage that leaders dependent on client control established that certain practices, such as advertising outside the city and providing lavish dinners, could be used to attract one's own tribesmen and clients, but were not acceptable if used to attract those of others (98). The lack of legislation

.....

96. Marsh, HRW 21 and 372 notes that the majority of tribes were within ten miles of Rome; Hall, Hist. 1964 299 and Staveley, GRVE 180 show that distorted results were more likely in tribunician elections.

97. Livy 7.15.12-13, 8.22.2-4.

98. The law of 358 would probably only have been used against those canvassing the clients and tribules of others - e.g. in 314; see n.111 below and Ch.4 283-4 - cf. Gelzer, RN 54f; Taylor, PPAC 63f, VDRR 13; Forni, Ath. 1953 229-230; Staveley, GRVE 202-3.

on electoral abuse in the third century suggests that the principles laid down at this time were generally obeyed; not until 181 were there any more laws on bribery (99) and not until 139 was it necessary to introduce a secret ballot (100). Acceptable methods of attracting spare votes must have also been established in the late fourth century. Of course as the system of marshalling clients and other dependants outlined above became established, few entirely uncommitted voters of influence would have come to the *comitia centuriata*; when a patron brought a client into Rome to vote, the patron would naturally have tried to ensure that the client used his votes for as many candidates as the patron favoured, the votes being transferred from one to another as they were returned (101). But spare votes might still have become available in the course of the elections, as candidates were returned, and some clients and tribesmen might have come to the city with only some of their votes committed to their patrons, especially in the middle Republic, when many magistrates were being elected. Then a reputation for being generous with booty, games and public works, a prestigious name, the personal recommendation of the president, the vote of the prerogative centuries or *principium*, and perhaps, occasionally,

.....

99. For second century bribery laws see Scullard, *RP* 23-5, 172-3, 224, 266.

100. *Cic. de leg.* 3.33-39; for comments, see J. Larsen, 'The Judgement of Antiquity on Democracy', *CP* 1954 10f, and Staveley, *GRVE* 172-3, 187f.

101. *Livy* 39.41.4 and *Cic. Att.* 1.2 note canvassing on behalf of more than one candidate; *Cic. in Ascon.* in *Cornel.* 85 describes his supporters' vote being transferred to Antonius after he was returned.

the announcement of proposed policies at contiones summoned by friendly magistrates might all have been useful to win these odd votes, as well as to ensure the loyalty of marshalled clients (102).

It should be stressed that in the middle Republic populares as such would have had little success in the face of competition from all the rich provincial clients and amici gathered from outside Rome, whose influence was protected by the fourth century laws against ambitus and intimidation of clients, and the re-registration of rural tribesmen when their numbers built up in the city (103). It was only in the second century that enough rural tribesmen without client obligations built up in Rome for them to be no longer re-registered in urban tribes, and populares' methods to develop. It was largely because of this increase in uncommitted voters that second century legislation concerning the registration of voters and electoral abuses was passed, and the votes of the prerogative centuries gained the influence attributed to

.....

102. For hints of these devices, see Livy 9.40.16, 10.21.13-16, 24.7-9, 26.22, 27.6.3, 35.10; Cic. Sest. 109, de leg. 3.40; Scullard, RP 18, 23-4, Festivals and Ceremonies in the Roman Republic (London, 1981) (=FCRR) 40f, 164f, 184f; Staveley, GRVE 199-200.

103. The suggestion that novi homines in this period formed a democratic opposition, winning office by direct appeal to the voters (cf. Beloch, RG 476f; Frank, CAH 7 806f; A. Passerini, 'Sulle Trattative dei Romani con Pirro', Ath. 1943, 92f; Forni, Ath. 1953, 170f; Cassola, GPR 94, 155f, 218f) is belied not only by the system of marshalling voters, but also by evidence of their many links with other members of the governing class, noted in Ch.3-6.

them by Cicero (104).

In the early Republic, laws were voted in the plebeian assembly, which had been instituted as a forum for the people's grievances, according to their direct appeal to the voters (105), while in the comitia centuriata the authority that they used in elections presumably allowed the patricians to carry measures. As the practice of summoning clients developed in elections, the same would have happened for legislation. It was particularly effective for the latter, insofar as the passage of laws, unlike elections, could take place at all times of the year; legislators could introduce them at a time when it suited them to marshal their clients, confident of little competition from their opponents, who could not summon clients from afar for every vote. Thus the legislator required only a few rich men to carry a bill in the comitia centuriata and a few clients of any class from a majority of the tribes to carry a bill in the comitia tributa and plebeian assembly (106).

.....

104. After the measure of 304, urban registration was presumably accepted by other rich urban dwellers, since it did not affect their influence in the comitia centuriata until after its' reform. The increase in wealth and investment in land after the second Punic War and a law in 150 restricting legislation at the time of election suggest an increase in rural tribesmen of all classes in Rome in the second century; cf. Marsh, HRW 30-1, 372f; Last, AJP 1937 468f; Scullard, RP 22-4; Staveley, AJP 1953, 24f, GRVE 200f. For the significance of the prerogative vote in the late Republic, see Taylor, PPAC 56-7.

105. See Ch.1B 72; Livy 4.49.11f, 5.12.3, 5.24.4f.

106. Naturally the extent to which clients were summoned varied according to the significance of the legislation; e.g. compare Livy 10.9.2 and Cic. Sest. 109.

Since in most of this period few of the urban dwellers would have been registered in rural tribes, the passage of a law in the tribal assembly would have depended, to a certain extent, on the marshalling of such voters from outside Rome, and the direct appeal of the law to voters close to the city would only have been of limited effect. This was not always the case, however, for legislation in the *comitia centuriata*. By the third century, there were probably enough wealthy businessmen in Rome for senators to win certain types of legislation through the *comitia centuriata* by directly appealing to them rather than marshalling their clients. Thus several of the laws by which wars or alliances likely to be of commercial benefit were instituted in the third century may have been voted in the *comitia centuriata* because they directly appealed to these urban voters (107). In the reform of the *comitia centuriata* in 230, however, the coordination of the centuries with the tribes, which simply formalised the pattern of electoral control, reduced the power of those with commercial interests to vote for expansionist policies and forced the president of the *comitia centuriata* to marshal clients to control the vote on such legislation. I would suggest that this was a major aim of the reform. A similar motive may have partly dictated the registration of freedmen in the four urban tribes in 220. The ease with which those living in the city but registered in rural tribes could be summoned by

.....

107. For hints of an increase in rich urban voters, and legislators making direct appeal to them in the third century, see Frank, *ES* 1 55f; Staveley, *GRVE* 139, 148-9; Cassola, *GPR* 50f; Taylor, *RVA* 16f, 57.

their patrons gave the latter a great advantage in the legislation of the comitia centuriata after its reform. Such patrons are likely to have shared their clients' interests in commercial development; it may be no coincidence that the measure restricting the freedmen was carried when there was a clear prospect of a major war of expansion (108).

Summing up, the system of marshalling clients, amici, and other dependants to the centuries was the principal form of electoral and legislative control as soon as they had a choice of candidates, having naturally developed from the attempts to take control of the state by patricians dependent on personal authority. Thus most of the time the potential influence on the voters of their seniors in the voting assemblies was replaced by the influence of their personal patrons. The group vote system, whereby

.....

108. The reforms did not prevent the second Punic War being voted; this may be due simply to changing attitudes in the senate; the centuriate assembly did reject a vote for war in 200. cf. Cassola, GPR 274-5. The reformers of 230 may not have appreciated the number of rich urban freedmen or the potential unity of their patrons in support of war, or perhaps they already anticipated having to restrict them to urban tribes.

cf. Staveley, AJP 1953 27-33, JRS 1963 184, and Cassola, GPR 97-107, 268-275 for similar views of both reforms. For some alternative views of the comitia centuriata reform, see Mommsen, RSt 3³ 280f, De Sanctis, StR 3 l 337f, and Thiel, HRSP 34lf (democratic; for objections see Staveley, AJP 1953 24f; Walbank, CP 1 686); P. Fraccaro, 'La Riforma dell'Ordinamento Centuriato', in Opusc. 2., 188-190, and Taylor, AJP 1957 347, VDRR 67-8 303-4 (to reduce the influence of new citizens in outer tribes; for objections, see Cassola, GPR 99; Staveley, art.cit. 28f).

The custom of leaving time between the announcement and passage of a law, formalised in the law of 98 (Staveley, GRVE 144) might have developed as a result of the reform of 230.

only a fraction of the individual votes ever counted, lent itself admirably to this method, so long as citizens remained registered in the tribes of their domicile (109).

It remains for us to consider how methods used by senators to attract voters worked out for their factions in different circumstances. Senators' mustering of their dependants for the candidates from the faction to which they belonged would have been an essential aspect of their role in that faction (110); such co-operation would have only been considered unethical if they had joined forces with no common bond other than concern to gain electoral control. When the ancients wanted to describe groups of senators fighting elections who had done so, or were using other unacceptable methods of electoral control, they called them coitiones (111).

Firstly, we may consider the case where the composition of a political faction remained the same for several years because its members were united on relatively

.....

109. Rilingar, EWRK 134f.

110. Those who voted for particular candidates were only marshalled by their immediate patron - the candidate himself, or one of his amici; see Gelzer, RN 49, 62; Scullard, BICS 1955, 18; Toynbee, HL 1 331.

111. The term originally meant 'conspiracy' (C. Lewis and C. Short, A Latin Dictionary (Oxford, 1879) 364; cf. Livy 2.28.1, 3.48.1, 39.15.11-12) and it may have been in this sense that it was used to describe the patrician agreement to pass on the consulship before choice was introduced (Livy 3.35.9, 65.8). For its use to define groups using unacceptable methods of electoral control, cf. Livy 7.32.12, 9.26.9, 39.40-41; Cic. pro Planc. 53. Gelzer, RN 123, Hall, Hist. 1964 301-4, and Staveley, GRVE 205-6, argue that the coitio itself was not illegal.

long term policy. In the early fifth century such parties, usually united by patrician loyalty, could have simply decided upon two consular candidates, and had them elected through their own and the president's authority. When the choice of candidates was given to the centuries, such parties could retain control simply by ensuring that their members together brought in enough voters to gain majorities within a majority of tribes or centuries for a limited number of candidates agreed on within the group (112). Such co-operation may have been partly the reason that patricians defeated plebeian candidates, too numerous or disunited to capture many voting groups, in the consular tribunate elections in the late fifth century. Once a faction thereby gained control of office, it could often retain power for several years by marshalling the same clients, so long as its composition and the allegiance of its opponents remained the same. In subsequent years, it had the extra bonus of the electoral president's recommendation to catch spare votes. Thus if we have

.....

112. With a system whereby the more the candidates, the more random the result (Staveley, GRVE 180), such agreements had clear advantages. They would have required much trust from all hoping to be candidates in the faction, but many would have been quickly satisfied with support for the lesser, more numerous posts. The lack of evidence of such agreements in the late Republic may be due firstly to individuals having greater edifices of personal support which would have reduced their unity with others over political issues and the extent of co-operation required to marshal voters (see n.30 above and P. Brunt, rev. Meier, op.cit. in JRS 1968 231), and secondly to the greater number of laws against electoral abuses which may have made senators wary of co-operative practices that might be misinterpreted by their political opponents (Hall, art.cit. 301).

reason to believe such a faction was in power, we may sometimes deduce an individual's allegiances from those of his colleagues. Since the tribes could be called to vote in any order, members of the faction would have to have arranged to dominate a solid majority of them to ensure success, although the drawing of the lot to choose the principium might be influenced occasionally by authoritative leaders or electoral presidents. Similarly, before the reform of the comitia centuriata, a broad range of equestrians, and after the reform, rich men from a large number of tribes had to be marshalled to ensure the prerogative vote, although the firmer the general control of the faction, the less likely it was that it would influence the final result. Of course once one faction had power over enough voting groups, its opponents might view the considerable effort required to marshal clients as fruitless, and simply not submit candidates. Their only methods of competition then would be constitutional devices such as the tribunician vetoes used by the plebeians in the fifth and fourth centuries, or religious disruptions, if they happened to be well represented in the priestly colleges.

Such stable political factions would have readily implemented their policies; in the early Republic, the magistrates themselves had great authority over policy; later, when the senate controlled it, their members, as ex-magistrates, held the most influential places in the senate. Thus if the same family names coincide with the same long term policies over several generations, this may be due to such factions forming and re-forming as

the same circumstances recur (113).

Secondly, we may consider the situation where results were less predictable, because views on political issues, and hence the composition of the senatorial factions, were altering with developing circumstances, or because there were frequent changes in the registration of citizens in tribes. In these cases, since more candidates would have competed (114), the attraction of spare votes and constitutional devices, such as the electoral president's refusal of candidates or the centuries' votes (the senate's restraining influence being weakened by the changes and divisions), would have been more significant for the results. With these more random elections, the political allegiance of colleagues and successors may only be assumed, given no other evidence for it, when the electoral president's influence is specifically attested, which is rare.

The ability to implement their own views on policy of curule magistrates who won their elections in the above circumstances naturally would have varied. In the early Republic, most magistrates would still have been able to implement the policies they supported, except when they were minor leaders liable to pressure from other senators. Later, policies might reflect either the general opinion of the senate when the magistrates did not have enough

.....

113. This is assumed by Scullard, RP - e.g. 61, 74, 97, 165f, 212 and Lippold, C - e.g. 120, 142, 146-7; see Cassola, GPR 20-3 and Staveley, rev. Lippold, C JRS 1964 197 for reservations. It does not imply that members' views were dictated by the party; rather the reverse; cf. Rilingar, EWRK 4.

114. See Livy 35.10 for an example of such a highly contested election. When senators were turning away from old allies and obligations, they would have been loth to agree with their new allies on candidates.

personal backing or authority to object to it, or the opinions of the magistrates when the senate did not have enough corporate authority to object to them, and they had won in the conflict because of their personal authority. By the late fourth century some senators might have built up such well organised client bases that they could win a consular election in competition with the majority of the senate, including its leaders, the most recent ex-magistrates, when political allegiances were changing. It would generally have been such magistrates who challenged the senate's authority over policy in the late fourth and third centuries (115).

Despite the difficulty of winning seats when there was evenly balanced conflict, only hints that plebeian tribunes and consular tribunes had to co-opt colleagues in the fifth century suggest that magistracies were not regularly filled through the electoral system. This may have been mainly because it was more common for stable factions to develop monopolies of power, but it may also often have been due to political factions, divided on some issues but united on others, compromising in support of the same candidates in order to increase their chances of electoral success when their differences were not of direct relevance, and it seemed that otherwise a clear result might not easily be gained. This may have happened, for example, in the early fourth century, when plebeians with some common interests with patricians won their support as candidates

.....

for the consular tribunate because they threatened to impede the elections and conduct of the war; their unity ensured that the six magistracies were filled. The magistrates named by interreges nominated because of political conflict may represent a compromise between factions that were more positively opposed. Another form of compromise is evident in the third century; when obscure names then appear in the lists at times of political conflict, this may often have been due to senators, uncertain about which policy to support, giving at least one vote to a more neutral figure with whom they had personal connections, and who might readily carry out the policy agreed upon by the senate as a whole, while more prominent candidates remained too evenly balanced against each other to win absolute majorities.

Of course not all elections would have been fought by factions divided over political issues. When there were no disputes over matters of policy of immediate relevance to the post at hand, senators presumably supported kinsmen, family friends, the most authoritative senators, or, more often than not, those best qualified for the post. When there was a crucial military situation, for example, those with most military expertise or local knowledge would naturally have been supported in the senate and their provinces of command arranged accordingly (116). In such

.....

116. It is generally accepted that factional interests were subordinate to those of the state; cf. Beloch, RG 480; Patterson, TAPA 1942, 319f; Lippold, C 112, 121, 173; Harris, WIRR 31f; Rilingar, EWRK 35. At the same time, it should be emphasised that war was a routine matter in this period (Adcock, RAW 75f, 101f) and factions could form over strategy (Scullard, RP 5-6, art.cit. 19).

circumstances, voters might often be relied upon simply to follow the lead of their seniors in the assemblies (117).

It is not always easy to distinguish between the occasions when one faction was simply the most powerful in the senate, those when several factions were compromising over common ground, and those when the governing class or the senate as a whole was of common mind, and hence policy had little direct bearing on the results of the elections. Hints must simply be gleaned from the pattern of names, the nature of the policies, the immediate circumstances, and the relationship between the senate and the magistrates (118).

.....

117. e.g. Livy 26.2.

118. cf. Meier op.cit. xxxix. At senatorial level there are three factors to be taken into account in drawing conclusions on an individual's election - family ties, views on policy and qualifications. The first two, often closely inter-related, might dictate his faction; the faction or his qualification might explain his election. Let us take a typical case. A man with knowledge of an area is elected as consul, and fights in that area in his magistracy. He might (a) represent a faction promoting war in the area, supporting the policy through personal interest, (b) represent a faction united on some other basis, supporting him as a candidate because he is best qualified to fight there or (c) be generally supported because of his qualifications by the whole senate agreed over policy.

CHAPTER 2 - ELECTIONS: 509-445 B.C.

The Political Issues

In this period it is unlikely that any choice of candidates was given to the centuries (1); thus we are largely concerned with the extent to which political issues swayed the electoral president in his choice of successors.

In the constitutional sphere, the first matter of debate after the army leaders had overthrown Tarquinius was the institution of the Republican government, the main concern being to satisfy those who had engineered the coup and others competing for leadership (2).

Once Republican government had been established, a major issue was the patricians' attempts to control this government by handing over the consulship to each other. Except when some of them supported plebeians because they shared common interests, or feared their disruption of government, the patricians monopolised the consulship in this way throughout the period. The identification of a man as a patrician or plebeian is therefore of first importance in assessing his political attitude. A few hints on how this will be done may be noted here, although it should be emphasised that they are only general guidelines which do not hold good in every case (3). Firstly,

.....

1. See Ch.1B 43-4.

2. See Ch.1B 39-40.

3. We cannot work directly from the ancient sources in defining patricians, because they contradict themselves, as I. Shatzman, 'Patricians and Plebeians: the case of the Veturii', CQ 1973, 72f shows. For further examples cf. Livy 2.33.1, 58.2, 3.54.12-14, 65.1, 4.3.17, 12.3, 58.2; D.H. 10.58.4.

patrician status was dictated by gens in the early Republic, except in the special case of the Verginii, which is explained later (4); plebeian families with the gens name of patricians from the middle Republic were probably descendants of patricians' freedmen, who retained their patrons' gens name (5), or patricians who underwent transitio ad plebem for political reasons (6). Since the patricians' claim to government was based on their long family traditions of membership of the regal senate, they are more likely to have Latin or Sabine than Etruscan names (7). Since patricians are likely to have been based in well established landed estates, gentes after which Servian tribes were named may tend to be patrician (8).

.....

4. The significance of gentes in the early Republic (see Ch.1C 84f), the patrician claim 'solos gentem habere' (Livy 10.8.9) and the special category of patrician gentes maiores (n.134) indicate this.

5. See Ch.1C 93 n.37.

6. See Willems, SRR 1 79 n.5 and Palmer, ACR 290, 293. It has been argued that all apparently plebeian names in the early fasti were those of patrician gentes which underwent transitio ad plebem or became extinct (cf. Willems, SRR 1 15f, 49f; Cornelius, UFRG 100f; Shatzman, art.cit. 75f). But the Menenii, Genucii, Aternii and Tarpeii were represented by both consuls and plebeian tribunes in the fifth century. For further objections, see Bernardi, RIL 1945-6, 8f; Momigliano, Riv. Stor. Ital. 1967 308; Richard, OPR 519f, 537f.

7. Patricians were not, of course, racially distinct (cf. Botsford, RA 36f; Jones, CAH7 421f; Palmer, ACR 196f; Richard, OPR 63f) and Latin and Etruscan names were intermingled from such an early age (R. Conway, CAH4 406f, Last, CAH7 382f, Harris, REU 194-5) that if a gens has an Etruscan form of name, it need not have settled in Rome in the regal period of Etruscan influence. For the most ancient names in Rome, see Palmer, ACR 132f, 290f.

8. See Ch.1C 85 n.16, 99-100. cf. Palmer, ACR 292; Shatzman, art.cit. 71f.

Since patrician powers generally declined during the Republic, patricians would have held the priesthoods and *interregna* which Cicero attributes to them in the late Republic (9). Although there were no legal restrictions on plebeians holding any magistracies or priesthoods, patricians would have held most of those specifically noted as being opened up to plebeians in the second half of the fourth century; thus any gens appearing in such offices with any frequency from the time the patricians closed their ranks is likely to have been patrician (10). Finally, *gentes* represented by plebeian tribunes and aediles were not patrician, and those whose members had suffered recent political disgrace, or whose fortunes were declining with the decrease in commerce and industry at Rome at the time the patriciate was formed are unlikely to have been patrician (11).

A major issue arising from patrician monopoly of the consulship was the development from the meetings of discontented people of an alternative plebeian state by those excluded from consular office by the patricians; they used it as a vehicle of protest about the patrician monopoly of curule government, and tried to have the authority of their own magistracies and assembly fully acknowledged by

.....

9. de domo 14.38.

10. cf. Palmer, ACR 292f. All statements below concerning the numbers of offices held are based on the evidence of Broughton, MRR.

11. The kings' *gentes* may have been relegated in the regal senate to preclude hereditary monarchy, and hence became plebeian in the Republic (cf. Richard, OPR 223f). Similarly, the stigma of links with the Tarquinian house may have confirmed the plebeian status of the Aequillii, Iunii and Tullii.

the patricians. Of specific concern in this period was the consuls' extensive use of coercitio, their right to enforce their will on citizens by punishment, which at first was curbed only by the intercessio of their colleagues (12). On the basis of their sacrosanctitas, the plebeian tribunes developed ius auxilii, by which they claimed the right to protect any citizen called to justice by a consul, and conducted their own prosecutions of both patricians and plebeians. Like their veto of consular acts, this had no legal meaning for the patricians, but was still of practical concern to them when the tribunes had popular support (13). By the mid fifth century, it was clear to many patricians that a compromise had to be made over consuls' and plebeians' legislative and judicial powers. In 454 maximum fines by consuls were fixed, and the tribunes' right to fine, within voluntary limits, may have been recognised (14). In the tables drawn up by the Decemvirs of 451 and 450, which were largely a code of private law (15), the judicial

.....

12. Staveley, *Hist.* 1954 415-6. The consuls named quaestors to investigate capital crimes; see *Plut. Popl.* 12.3; *Zon.* 7.13; *Tacit. Ann.* 11.22.

13. On the 'ius auxilii' developing as a counter to 'coercitio' and a forerunner of 'provocatio', see Staveley, *art.cit.* 416-9; *Lintott, VRR* 11f, 24f. For hints of conflict between consuls and tribunes over judicial authority, see *Livy* 2.56.12-16, 3.13, 24, 45.8-9, 53.4; *D.H.* 9.48f, 10.5.3, 11.1. cf. *Ogilvie, CL* 325-6, who concludes that tribunes' trials up to 449 are fictional.

14. Staveley, *art.cit.* 419-421.

15. cf. *Cic. de rep.* 2.61; *Livy* 3.31.7-8, 33.5, 34.1; *D.H.* 10.55.4-5; *Diod.* 12.23-4; *Tacit. Ann.* 3.27; *Gell.* 11.18.6, 20.1.3; *Zon.* 7.18; *Pomp. Dig.* 1.2.2.3-4.

activities of consuls and tribunes within the city were restricted by the development of powers for the assembly. The first Decemvirate decreed that capital cases must be brought to the comitia centuriata by the plebeian tribunes (16), and that the comitia centuriata could hear cases on appeal, or provocatio, from the consuls' sentence; the latter was not compulsory, so the tribunes' *ius auxilii* was needed to enforce it (17). Because the Decemvirs had acted as judges with absolute power (18), the right of *provocatio* from any magistrate was noted in the consular laws of 449 (19). These laws also formally recognised the tribunes' *sacrosanctitas*, thus acknowledging them as state prosecutors, and recognised plebiscita if validated

.....

16. J. Strachan Davidson, Problems of the Roman Criminal Law (Oxford, 1912)(=PRCL) 1 157f, 178; Staveley, art.cit. 422f. Lintott, VRR 163 suggests it only applied to political cases.

17. Staveley, art.cit. 418-419, 421f argues that with *provocatio quaestors* became popularly elected, and *duoviri perduellionis* were introduced. For arguments against the ancients' view that *provocatio* was introduced in 509; see Staveley, art.cit. 413-4; Ogilvie, CL 252. A loophole in the law of 449 '*ne quis ullum magistratum sine provocatione crearet*' (see Ch.1B 43) and the personal authority of the dictator explain the ancients' view that the dictator was free from '*provocatio*' (Zon. 7.18; Livy 2.18.9, 29.11, 3.20.8; D.H. 5.70.2-4, 75.2). For alternative explanations, see Staveley, Hist. 1954 428; Ogilvie, CL 283. Naturally, having developed from the tribunes' *ius auxilii*, *provocatio* did not apply to military *imperium* (see Ch.5 332).

18. The idea that the Decemviri were judges '*sine provocatione*' (Livy 3.31-33; Cic. de rep. 2.61; D.H. 7.59.2, 10, 57, 60; Zon. 7.18) is a natural interpretation of their replacement of consuls and tribunes while resolving disputes over judicial power (Cic. de rep. 2.54; Livy 3.32.6, 34.8, 36, 41.7, 45.8, 53.4, 55.5; D.H. 10.58.2, 11.3.6; Zon. 7.18).

19. Livy 3.54.15; cf. Staveley, art.cit. 427, Ath. 1955, 14f and Ogilvie, CL 449 and ERE, 126-8 both arguing that the law was fictitious.

by *auctoritas patrum* (20). Plebeian leaders then returned to the issue of patrician monopoly of the consulship; by the end of 445 they had won the introduction of the alternative consular tribunate, as well as the abolition of the Decemvirs' *lex conubii* forbidding intermarriage between patricians and plebeians (21).

Despite the impression given by patriotic historians, foreign and military policy in the first half of the fifth century was largely defensive. Having expelled her king, who had pursued an aggressive foreign policy (22), Rome was left without protection against hostile tribes eager to take advantage of her weakened circumstances. Of immediate concern was the defence of the Republic against Etruscan forces marshalled by the Tarquins and by Lars Porsenna, king of Clusium (23). Soon after they were quelled, Rome, being attacked by Aequi, Volsci and Sabines (24), and facing internal unrest, was forced to accept an equal place in the Latin federation, over which it had

.....

20. See Ch.1B 55, 69-70.

21. See Ch.1B 44-6, 60-2.

22. For the general increase in Rome's power in central Italy during the Etruscan monarchy, see A. Momigliano, rev. Alföldi, ERL, JRS 1967, 212f; Sherwin-White, RC², 190f; Richard, OPR 300f.

23. Livy 2.6-7, 9-15, 18.4, 21.5, Plut. Popl. 9, 13, 16-19 and D.H. 5.3, 14, 21-35, 45, 50f note the Tarquins getting aid from Porsenna, Veii, Tarquinii and the Latins, led by Superbus' son-in-law, Mamilius, ruler of Tusculum; cf. Ogilvie, CL 198-9, 247-8, 279-281 and Scullard, HRW⁴ 75-6, arguing that Porsenna's aid is unlikely. Porsenna made a broad campaign against Latium and Campania; if he conquered Rome in the process (Pliny, NH 34.139; Tacit. Hist. 3.72.1) this had little apparent effect on the new Republic, and the whole attempt was soon thwarted; cf. Alföldi, ERL 73f; Heurgon, RR 156f; Ogilvie, CL 255, 270; Gjerstad, ER(v) 346.

24. For summaries of events, see Ogilvie, ERE 92-7 and Scullard, HRW⁴ 93f.

retained hegemony in the period of Etruscan rule (25). In all these conflicts Rome's military action was generally forced upon her. Once these dangers were over, however, conflict with Veii from 485 to protect the salt trade (26) and against the Sabines, Aequi and Volsci simply to ensure their quiescence on Rome's and Latium's frontiers may have involved more positive decisions at Rome (27). After this phase, warfare relapsed into necessary defensive measures (28).

In the early fifth century general overcropping of land, aggravated by pestilences and attacks by hostile tribes caused much impoverishment of the peasants, and the harsh laws on nexum forced many of them into near serfdom (29). The restriction of Roman trading outlets in the treaty which Carthage was quick to impose on the city immediately after the expulsion of the king (30) may have also caused problems in this period for urban workers and

.....

25. Ogilvie, CL 317-8, ERE 100-4 and Sherwin-White, RC² 21f defend this view of the Cassian treaty. Other wars and internal unrest prevented it being drawn up until 493, three years after the battle of Lake Regillus ended conflict, but it was in its spirit that joint Latin colonies were created from 495 (Salmon, Phoenix, 1953, 93f, RC 40f; cf. Ogilvie, CL 292, 308-9, 322).

26. Pliny NH 31.89; Ogilvie, ERE 113-4, 148; Scullard, HRW⁴ 97-8.

27. For hints of Roman aggression, see D.H. 8.82, 9.61; Livy 3.2-3.

28. Ogilvie, CL 423f shows that Sabine incursions in this period are exaggerated.

29. cf. Last, CAH 7, 462-480: Tibiletti, 'Il Possesso dell'Ager Publicus e le Norme de Modo Agrorum sine ai Gracchi', Ath. 1949 20f; Ogilvie, CL 256-7, 296-8, 394-5.

30. For full discussion of the treaty, see Walbank, CP 1 337-345; Thiel, HRSP 6 n.10, 45-50; Toynbee, HL 1 519-539; Cassola, GPR 85-7; Richard, OPR 300f.

tradesmen of all classes who had been benefiting from the economic developments made in Rome and Latium by the Etruscan kings (31). However, the building of several temples (32), Greek imports (33) and a possible increase in population in Rome up to the mid 480's (34) suggests that some of them were still then making a living. The general decline of the Etruscan trading empire in the western Mediterranean in the first half of the fifth century (35), however, becomes reflected after that time in the decreasing amount of imports found in Rome (36), a decline in population (37) and the fact that it took twelve years to build the last known temple commissioned for thirty years - that of Castor and Pollux vowed in 496 (38). This may have forced many urban workers to emigrate

.....

31. See Frank, ES 1 3f; Gjerstad, LF 33f, ER(iv) 514f; Scullard, HRW⁴ 23-4, 40-60, 348-350; Richard, OPR 292f.

32. Six from 509 to 484. They bear witness to current issues of concern (four were to gods of commerce, industry and agriculture; two were to gods of Rome's enemies), and to Rome's broad contacts (three of the gods were Greek, reaching Rome by different routes through the Etruscan empire). For full details, see Ogilvie, CL 213f, 288-290, 304, 336, 342-3, 347f, 502.

33. See Livy 2.27.5; Frank, ES 1 8-9; Scott Ryberg, ARR 51f, 78f; Bloch, REL 1959 123f.

34. cf. D.H. 5.20, 75; Plut. Popl. 12; Hieron Ol.69.1.

35. Bloch, art.cit. 130f, Richard, OPR 419-429 and Scullard, HRW⁴ 34-5.

36. Scott Ryberg, ARR 51f, 80; Gjerstad, ER(iv) 517f.

37. Frank, AJP 1930, 315-6.

38. Livy 2.20.12, 42.5. Only one temple was built from 484 to 445, in 466 (see 157 below).

or become clients on agricultural estates (39). The latter process contributed, together with the relative stability of Rome's defences from 485 to 460, and lack of pestilence from 490 to 471, to an increase in the peasant population (40), and eventually, as a result, to renewed agitation for land. The land shortage, and an increase in attacks by hostile tribes from 460 intensified overcrowding in the city; this, together with another series of pestilences, exacerbated urban and rural poverty by the middle of the century (41).

The number of measures concerning the corn supply, building, and allocation of land proposed and taken throughout the period (42), and the legal codification of the primitive agricultural way of life by the Decemvirs (43) show that these conditions were a major political

.....

39. See Ch.1C 99-100. Those remaining in the city became part of the plebeian tribunes' support base; see Cornelius, UFRG 86f; Bloch, art.cit. 128; Ogilvie, CL 293f, 309; Momigliano, art.cit. 309; Richard, OPR 295f.

40. Livy 2.41.8, 42 notes corn shortages in 486 and 476; Livy 3.3.9, 24.10 and D.H. 9.36 show a population increase from 474 to 459.

41. There were pestilences and famines in 471, 463, 456 and 453 (Ogilvie, CL 256, 394-5). The Aventine Law on housing in 456 (Livy 3.31; D.H. 10.32.4) attests to overcrowding in the city.

42. Accounts of land law proposals (Livy 2.41.1, 42.6, 43.3, 44.1, 48.2, 52.2, 54.2, 61.1, 63.2, 3.1.2; D.H. 6.20, 8.69.3-4, 70-78, 81, 87.3f, 9.1.3, 5.1, 37-8, 51, 69.1, 10.35f) may be exaggerated and anachronistic but the circumstances noted above suggest that they are based in fact; cf. n.128; Last, CAH7, 471-2; Cornelius, UFRG 121.

43. For full details, see Last, CAH7, 476-7; Frank, ES 1 13-19; F. Wieacker, 'Die XII Tafeln im ihrem Jahrhundert', EFH xiii (1966) 291-362; Watson, RTT passim.

issue. This was mainly because after the formation of the patriciate, plebeian leaders championed many of the measures to alleviate economic distress in order to build up popular support for their political goals. It is indicative that the temple of Ceres, god of corn, became the plebeians' political centre (44), and the constitutional laws of 449 were preceded by a secession.

Before these issues are considered in the context of the elections, two general points should be made. Firstly, since the magistrates had great authority in the implementation of policy in this period, it may be assumed that their actions reflect their political views, except when external pressures are apparent. Secondly, individuals' views on many issues would have been centred on the interests of their gentes, which retained a strong corporate identity in this period (45).

The Elections

In 509 the institution and defence of the new Republican regime would have been the main concern in the choice of the first consuls. Their number and identity, however, is not so clear. Five men are named as consuls: Sp. Lucretius, L. Iunius Brutus, L. Tarquinius Collatinus, P. Valerius and M. Horatius (46); accounts of their role

.....

44. D.H. 6.95.4, 10.45.2; H. Le Bonniec, Le Culte de Cérés à Rome des Origines à la Fin de la République (Paris, 1958) (=CC) 342f.

45. See Ch.1B 68-79, Ch.1C 84f, 100 for the basis of these statements. In fact the patronymies of many magistrates suggest that they were directly related to others of the same name.

46. Broughton, MRR 1-3.

in events contain many fanciful and contradictory elements (47). Details in the stories of Iunius' leadership of the coup and heroic death and Lucretia's rape by a Tarquin were borrowed from Greek legends by the earliest historians and elaborated by their powerful descendants in the middle and late Republic (48). Iunius' and Valerius' constitutional laws, Iunius' post as *tribunus celerum*, and the magisterial posts of Lucretia's father were included in late Republican attempts to give the Republic a legal basis (49). Valerius' role was exaggerated by Antias, and details of his activities were duplicated from the consulship of his grandson Poplicola, who, with a colleague Horatius, like the supposed consul of 509, carried popular constitutional laws in 449 (50). The most credible characters, on the grounds that neither had powerful descendants to maintain their place in the tradition, are Horatius, whose name was on the inscription on the Capitoline temple dedicated in 509 (51),

.....

47. Major accounts are Cic. de rep. 2.46, 53-5; Livy 1.57-2.8; D.H. 4.64-5.19; Plut. Popl. 1-14.

48. For contradictions in the stories of Iunius, compare Livy 1.59.7 and D.H. 4.71 with Cic. de rep. 2.46, and Livy 2.6.6 with D.H. 4.75.1, 5.14.3. For details of the development of both tales, see Ogilvie, CL 218-220, 232; Alföldi, ERL 82, 140, 153f; Gjerstad, LF 48 n.1; Gagé, AR 62-3.

49. Rotondi, LP 190-1; Ogilvie, CL 229, 236f.

50. See n.17; Alföldi, ERL 82-4; Degrassi, II 13.1.90; Ogilvie, CL 253. Valerius' supposed triumph in 509 could be a duplication of that of 504 (Degrassi, op.cit. 535-6).

51. Polyb. 3.22; Livy 2.8.5-8; cf. D.H. 5.35.3 and Tacit. 3.72, dating this to his second consulship, and Val. Max. 5.10.1, saying that he was pontifex. Such confusion might be due to his name being inscribed on the temple without the date (Walbank, CP 1 340) and the influence of other legends. Polybius also notes Horatius signing the treaty with Carthage, which he may infer from its date. For other arguments for Horatius' consulship, see Last, CAH7 859-862 and Gjerstad, LF 45-9.

and Herminius (52). Dionysius notes them as the generals left in charge of the army besieging Ardea, which refused to accept the king back into the camp, while the election of Iunius and Tarquinius as consuls, later approved by the centuries, was taking place in Rome (53). Since the army's discontent with the length of the siege (54) is a more likely trigger for the king's overthrow than Lucretia's rape, it is possible that the actual coup took place in the camp, and Horatius and Herminius were nominated there as its leaders, and therefore the first magistrates, charged with military control of the state (55).

While the stories about all the supposed consuls of 509 are clearly elaborated by later writers, it is unlikely that their role in events is entirely fictitious. I would suggest that they became included among the magistrates of 509 because they belonged to the coterie of army officers who engineered the coup and remained in control of Rome for the next five years (56), sharing a common policy of

.....

52. Plut. Popl. 16.4, calls him one of the most illustrious men in the city in 508.

53. D.H. 4.66-85.

54. Livy 1.57.1-4; D.H. 4.64.1-2, 83.2-3.

55. cf. Ch.1B 38f. In the accounts of Livy 1.59-60 and D.H. 4.66-85, many details differ; clearly they were simply trying to reconstruct legally satisfying accounts of the revolution. D.H.'s concern to make it follow on from the regal period forced him to place a meeting of the curiae at the beginning of the uprising, and his concern to provide a regular consular election forced him to tell an unconvincing tale of the first comitia centuriata meeting while the army was still at Ardea, and then repeating its vote after the army returned (D.H. 5.1.2).

56. cf. Cornelius, UFRG 113; Ogilvie, CL 232.

establishing their government in Rome, and defending it against invaders. Consuls from 508 to 504 were M. Horatius, T. Herminius, M. and P. Valerius, T. Lucretius, Sp. Larcius and P. Postumius. The names included among the consuls of 509 not on this list are Iunius and Tarquinius, neither of whom, as descendants of the Tarquinii, may have been trusted as part of the new government, especially after the attempted coup by their relations in 509 (57). This view is supported by the fact that several of the consuls from 508 to 504 held office more than once and are represented with their relations as military officers in the same period (58) and by hints of personal loyalties among them, such as the family ties of P. and M. Valerius, and P. Postumius, and the common Etruscan origin of the Larcii and Herminii (59).

From 503 to 496 fifteen individuals from thirteen different gentes were consuls (60), which suggests that by

.....

57. Walbank, CP 1 339, argues that Polybius noted Iunius signing the Carthage treaty because the tradition of his consulship was already established. Perhaps he exercised his paternal rights to execute his sons when they took part in the attempted coup (Livy 2.3-5; D.H. 5.6.4-9.3; Plut. Popl. 3.3-7.3), and his descendants, fostering this tale, allowed the idea to develop that he was consul (the consul having judicial power to take the same action). The story of Tarquinius being removed from the consulship is of Greek origin (see Ogilvie, CL 238-9) but he is likely to have been a genuine figure, since his family never gained curule office (Gjerstad, LF 47-8; Ogilvie, CL 232).

58. Broughton, MRR 5-7.

59. Plut. Popl. 20.1, 22.2; Richard, OPR 332. Alföldi, ERL 76, suggests that the Etruscans were Porsenna's confidants, but many generals in Tarquin's former army would have been Etruscan.

60. Broughton, MRR 8-12.

the end of 504 there was some pressure from other leading Romans that a broader range of magistrates be nominated. The sketchy evidence suggests that in this period consuls were named according to their spheres of interest, experience, or personal ties, carrying out a necessarily defensive military policy. Cominius, Veturius, and Tullius had Volscian connections (61) and shared interests in Latium with Sulpicius, Cloelius and Menenius (62). Cominius had family in Praeneste (63), a Latin town under much Etruscan influence (64); like Larcius, Aebutius, and Verginius, he may have been of Etruscan origin (65). Veturius and Minucius might have been quaestors in the first years of the Republic (66), when Postumius and Larcius also held office; the consul of 504, Valerius, who may have instigated this series of consuls, was probably a neighbour

.....

61. In the legend of Coriolanus, leader of the Volsci in 489 (n.109), Cominius was his friend (D.H. 8.22.4), Veturius a kinsman (n.67), and Tullius his Volscian host (Livy 2.37.1, 39.1; cf. Ogilvie, CL 326). Cominius' cognomen Auruncus suggests links with a tribe south of the Volsci (Willems, SRR 1 12). (For further hints of links between Romans and Volsci in this period, see Livy 2.37; D.H. 7.2).

62. Münzer, 'Sulpicius', PWRE 4.A.1 (Stuttgart, 1931) 731-2; Ch.1B 30; Ogilvie, CL 283, 548; Livy 1.30.2, 3.25.5; D.H. 10.22f.

63. Ogilvie, CL 279.

64. Ogilvie, CL 285; Scullard, HRW⁴ 39-40 and n.47.

65. W. Schulze, Zur Geschichte Lateinischer Eigennamen (Berlin, 1904) (=GLE) 100, 108, 279.

66. Plut. Popl. 12.3; Zon. 7.13.

of Veturius in the tribe of his name on the west coast (67). Verginius, Cassius, Tullius and Minucius may have been neighbours on the east side of Rome (68) bordering the Menenia tribe near Praeneste (69). The first two, with Menenius and Postumius, who had triumphed over the Sabines in 505 (70), were named to fight the Sabines threatening this area in 503 and 502 (71). Apart from raids by Fidenae, quelled in 499 (72), the prevention of

.....

67. See P. Fraccaro, *Opusc.* 2, 1-3 and Taylor, *VDRR* 42 for the location of the tribe. There are hints of the Valerii's interests in the area in an early fifth century inscription from Satricum (Ogilvie rev. Stibbe etc. *Lapis Satricanus* (Rome, 1980) in *JRS* 1981 207) the legend of the Valerii coming to Rome via Ostia (Val. Max. 2.4.5), Antias' cognomen and the prevalence of Valerii in Ostia during the empire (R. Meiggs, *Roman Ostia* (Oxford, 1973) 2nd ed. (=RO²) 476-8). Also Valeria appears in the legend of Coriolanus (Livy 2.40, D.H. 8.39f, Plut. Coriol. 33), becoming priestess of the temple of Fortuna founded on the Via Latina in 488 (Plut. Coriol. 37). This cult, like that of Hercules, Greek god of commerce, superintended from early times in Rome by (Valerii?) Potitii (Bayet, *Hercule*, 132f, 248f) was prominent in Antium (Macrob. Sat. 1.23.13; Suet. Cal. 57; Hor. Od. 1.35; Tacit. Ann. 3.71; Cic. *bei Non.* 284.1).

68. This is suggested by the cognomina Caelimontanus, of Verginius, consul of 496, and Esquilinus, of Verginius, consul of 478, and Minucius, consul of 458 (Degrassi, II 13.1, 90, 352-3, 356), and evidence that Cassius and Servius Tullius lived on the Esquiline, the latter having confirmed it as part of Rome (Livy 1.43.3, 2.41.11; D.H. 8.79; Ogilvie, CL 179).

69. Taylor, *VDRR* 43-4.

70. Degrassi, *op.cit.* 535-6.

71. cf. Livy 2.16.9; Zon. 7.13; D.H. 5.44, 49; Val. Max. 6.3.1; Degrassi, *op.cit.* 65, 536. The revolt of Cora and Pometia in 503 (Livy 2.16) and the similar stories of the taking of Pometia and Cameria in 502 (D.H. 5.49; Livy 2.17; Zon. 7.13) may belong in 495, the ancients possibly being confused by the cognomina of the consuls of 501-500, Auruncus and Camerinus, and mistakenly identifying the cities Pometia and Auruncan Suessa; cf. Ogilvie, CL 272, 276, 285-6.

72. The date of Fidenae's capture is uncertain; cf. Livy 2.18.9-11, 19; D.H. 5.40, 44, 52, 58-61; Ogilvie, CL 284.

war with the Latins was then of prime concern (73). Four of the consuls from 500 to 498 may have been named partly because they had personal influence with them (74); in 500 they also sent Valerius, the consul of 504, to dissuade them from war (75). After Volscian aid was sought in vain (76), Larcius and Cassius, both experienced generals, became dictator and magister equitum to face the threat in 498, but it came to nothing until 496, when Postumius, son of the consul of 503, was elevated from consul to dictator to meet them, making Aebutius, consul of 499, his magister equitum (77). T. Herminius, consul of 506, and M. Valerius, consul of 505, were his lieutenants. They won a victory at Lake Regillus (78).

.....

73. For hints of Latin unrest, see D.H. 5.61-2, 75-6, 6.1-3; Livy 2.21.1.

74. Veturius, Tullius, Sulpicius and Cloelius. Sulpicius' cognomen suggests that he retained links in Cameria, one of the Latin towns supporting war against Rome (D.H. 5.51.1; cf. 6.19-20.1). The influence of Menenius and Cominius might have caused Praeneste's alliance with Rome in 499 (Ogilvie, CL on Livy 2.19.2).

75. Livy 2.18; D.H. 5.50-1.

76. D.H. 5.62.3, 6.3.3, 5.3.

77. While Livy 2.18.4-7, 19-21, followed by Broughton, MRR 9-12, dates Larcius' dictatorship to 501 and the Battle of Lake Regillus and Postumius' dictatorship in 499, D.H. 5.70.1-77.6, 6.2.4f, followed by Degrassi op.cit. 536 and Ogilvie, CL 281-3, 286 (except that he puts Larcius' dictatorship in 497), dates both three years later. They are easily confused, since Larcius was consul in 501 and Aebutius was consul in 499.

78. For the battle and Postumius' triumph, see Livy 2.19.20; D.H. 6.4-17; Willems, SRR 1 llf (accepting that he thus gained the cognomen Regillensis); Degrassi, op.cit. 91, 536 and Ogilvie, CL 285-7, 663, (both suggesting that the cognomen denotes origin, which seems rather coincidental).

Concern to consolidate Rome's borders and take further military action to protect the state after the victory over the Latins, together with the rising unrest among the people (79), were the main issues at the election of the consuls of 495, Claudius and Servilius (80). Both probably shared interest in the defence of the Ager Crustumarius, since it bordered on the Claudia and Sergia tribes; they created a new tribe for citizens settling there since its conquest in 499 (81). While Claudius made severe judgements on debt cases at Rome (82), Servilius, taking his victorious predecessor Postumius as his lieutenant (83), marched against both Sabines and Volsci (84), and helped to found the colony of Signia, which provided more land allotments and separated the Latins and Aequi from the Volsci (85).

.....

79. cf. Livy 2.21.1, 23; Cic. de rep. 2.58-9; D.H. 5.51.3, 53-7, 59.1, 63f, 6.17, 22, 26.

80. Broughton, MRR 13.

81. The Servilii were related to the Sergii; see Beloch, RG 11; Ogilvie, CL 462. On the consuls' spheres of interest and the creation of the tribe, see Ch.1B 31; Taylor, VDRR 35-7, 40. The Claudii also lived in the northern part of Rome (Gjerstad, LF 43).

82. D.H. 5.66-8, 6.24, 27, 38, 59-64, 68, 7.48f and Livy 2.22.15, 27.1, 10-13, 29.9-12 attest to his severity from 496 to 491.

83. Livy 2.26.2; D.H. 6.33. Since he led the cavalry in 495 and had vowed a temple to their patron in 496 (Ogilvie, CL 288-9) the appointment might have been due partly to superstition.

84. Livy 2.22-7; D.H. 6.23-33; n.71.

85. Livy 2.21; D.H. 5.58; Ogilvie, CL 215, 292.

Servilius, who was on the conciliatory embassy to the people in 493 and supported making economic concessions to the people in 494 in opposition to Claudius, was only able to levy the people by making favourable promises to debtors (86). The consuls' difference of opinion over how to deal with domestic discontent may have been the basis of quarrels noted between them (87); if such disputes generally prevailed in the governing class, they might have been named partly to compromise between both points of view.

At the election of 494 the people's unrest in the face of attack by Aequi, Volsci and Sabines was of prime concern (88). One of the consuls, A. Verginius, and other magistrates of 494, M'. Valerius, dictator, who named Servilius as his *magister equitum*, and T. Larcius, *praefectus urbi* (89), may have been named because they shared Servilius' conciliatory attitude towards the people. A. Verginius' brother supported Servilius' proposed debt concessions in 494 (90); M'. Valerius resigned when he was prevented from fulfilling his pledge of relief to the people (91); Larcius argued for general debt relief in

.....

86. Livy 2.23.15-24, 27.2-3; D.H. 6.23.3, 26.3, 27.1, 28-29.1.

87. Other reasons for disputes are noted by D.H. 6.23.2, 30 and Livy 2.27.4-6; Ogilvie, CL 303, discards the latter.

88. D.H. 6.34; Livy 2.28-9.

89. Broughton, MRR 13-14.

90. D.H. 6.37.10; Livy 2.29.7.

91. Broughton, MRR 14; Ogilvie, CL 306-7.

494 (92); Valerius, Verginius and Larcus were all with Servilius on the conciliatory embassy of 493 (93); Valerius' brother had tried to alleviate debt before the battle of Lake Regillus, and his nephew went to buy grain for the people in Sicily in 492 (94). This attitude did ensure a levy in 494, and T. Veturius, the other consul, Valerius and Verginius fought the Aequi, Sabines and Volsci respectively, the latter setting up a colony at Velitrae, providing a little more land (95).

In 493 the consuls, Sp. Cassius, who had been consul in 502 with Verginius, and Cominius, consul in 501 (96), may have been chosen partly because they shared their nominators' policy of alleviating economic hardship. They named M'. Valerius as princeps senatus (97) and T. Larcus as lieutenant (98), and appointed them and other ex-consuls to an embassy to placate the people, who had already seceded to the Sacred Mount before the election (99). The full conditions of the agreement

.....

92. D.H. 6.35-7, 42.1; Livy 2.29.8.

93. D.H. 6.58, 69.3, 81-2, cf. 7.54.

94. D.H. 5.64f; n.105 below.

95. D.H. 6.42; Livy 2.30.8-31.6; Frontin. Str. 2.1.7; Degrassi, op.cit. 536. Veturius may have won his election through personal ties with the Valerii.

96. Broughton, MRR 14-15.

97. CIL 1² 189f.

98. D.H. 6.92.2.

99. Cic. de rep. 2.57-59; D.H. 6.44-8, 69-80; Livy 2.32-3; Ch.1B 55, n.73. The attitudes of some of the envoys have been suggested above; for hints of those of Sulpicius and Menenius, see D.H. 6.49-56, 96; Livy 2.33, 10-11.

they made are not certain, but they probably included the promise to import corn and carry out a census. Cassius also dedicated the temple of Ceres, which became the plebeians' political centre (100). After making these domestic arrangements, Cassius made the formal agreement on Rome's relations with the Latins, while Cominius defeated the Volsci at Antium and captured Corioli, in his family's sphere of interest (101).

In 492 amid a new famine (102), the consuls T. Geganius and P. Minucius (103) were probably named for the same reasons as their predecessors. Both possibly had family interests in the corn supply; M. Minucius, the consul of 497, might have dedicated the temple of Saturn, an agricultural deity; two Minucii held the consulship in 458 and 457 when there was another corn shortage, and a Minucius was praefectus annonae in 440

.....

100. This may be the basis of the legend that his property was consecrated to Ceres after his condemnation; see Livy 2.41.11; D.H. 8.79.3; Val. Max. 5.8.2; cf. Ogilvie, CL 338-9, 343-4.

101. D.H. 6.91-94.3, Livy 2.33.4-9, Val. Max. 4.3.4 and Plut. Cor. 8.1-11.1 describe military events; cf. n.109 below. Cominius' links in the Aurincan area (n.61) may have been another factor in his choice as consul.

102. Livy 2.34.2; D.H. 7.1-2.

103. Broughton, MRR 16-17.

when a Geganius was consul (104). In 492 the consuls sent P. Valerius, son of Poplicola, and L. Geganius, the consul's father, from Ostia to Sicily to buy corn; other envoys went to Etruria, the Volsci and Cumae (105).

Like Cominius, Geganius may also have been named for his personal knowledge of the Volscian area, since in four out of the seven consulships held by members of his gens, they fought, or intended to fight, the Volsci. In 492, when pestilence prevented Volscian attacks, another colony was established at Norba and Velitrae was strengthened (106); this consolidated Cominius' victory and may have alleviated popular distress.

Consuls of 491, a year of no war, were M. Minucius and A. Sempronius (107), who had both gained experience of city administration in 509, 497 and 496 (108). Their

.....

104. Also a column statue was built in the third century or later to commemorate the praefectus annonae of 440; in the second century Minucius Rufus built a porticus Minucia nearby; corn was later distributed to the people here. The location of the gens' ancestral rites by the river Tiber, and the coincidence in the fifth century of independently attested corn shortages with consulships of the Minucii in which, uniquely, two pairs held office one year after the other - as one might expect if specialist knowledge was suddenly required - suggests that later members of the gens did not devise the tradition of this family interest. See Last, CAH7 536-7; Momigliano, 'Due Punti di Storia Romana Arcaica', in Quart C 331f; Ogilvie, CL 256, 290, 550, 556-7; Lintott, Hist. 1970 15-16; Crawford, RRC 273-5.

105. Livy 2.34.3-5; D.H. 7.1-2, 12; cf. Gell. fr. 20; Licinius fr. 12, Peter.

106. Livy 2.34.5; D.H. 7.12.4-5, 14-19.

107. Broughton, MRR 17.

108. Plut. Popl. 12.3; D.H. 6.2; Livy 2.21.2.

main concern was the distribution of the corn brought from Sicily; hence the legend of Marcius Coriolanus trying to sell corn cheaply in return for the abolition of the plebeian tribunate is placed in this year (109).

No political issues are apparent in 490; Q.

Sulpicius and Sp. Larcius, the consul of 506, may have been nominated as consuls simply because of personal ties (110).

The consuls of 489, C. Iulius and P. Pinarius, and 488, Sp. Nautius and Sex. Furius (111), were all from Sabine or Alban families with personal connections in Latium or the Volscian area, where attacks were expected

.....

109. Evidence of Rome's capture of Corioli in 493, the corn shortage in 491, the institution in 494 of plebeian tribunes, who developed judicial powers at Rome, the dedication of the temple of Fortuna Muliebris in 488, and the Volscians' trial of their leader in 488 were combined to form the story of Coriolanus (see Broughton, MRR 18 for full references) on a framework provided by the analogous tales of Themistocles in Athens (Cic. Brut. 41-3) and Cassius, Maelius and Manlius in Rome (cf. Cic. de rep. 2.49, de dom. 101). Thus Rome's conflict in 489 with a leader who had the name of a king and attested relatives (n.67, Pliny NH 18.15) and friends (D.H. 8.22.4) in Rome was explained, and the Marcii gained a heroic ancestor. In truth, a branch of the Marcii gens may have been established on the Latin west coast since the king founded Ostia (Ogilvie, CL 139-140) and his sons were exiled to Suessa Pometia (Liv. 1.41.7), and the leader of the Volsci may have risen to power among them as they spread into Antium and beyond, being suspected by them of betrayal to his kinsmen at Rome (no doubt more distant than the legend suggests) in 489. For theories of how the story developed, cf. Mommsen, RF 2 113-152; W. Schur, 'Fremder Adel im Römischen Staat Der Samniterkriege', Hermes 1924, 450-4; R. Salmon, 'Historical Elements in the Story of Coriolanus', CQ 1930 96-101; Russell, 'Plutarch's Coriolanus', JRS 1963, 21-8; Alföldi, ERL 155-7, Ogilvie, CL 314-6.

110. See Broughton, MRR 18 for their names. T. Larcius preceded Sempronius as consul in 498, and D.H. 8.22.4 notes the friendship of Sulpicius, Larcius and Minucius with Marcius Coriolanus.

111. Broughton, MRR 18-19.

from the Aequi and Volsci led by Coriolanus (112). Since all four were from previously unknown gentes that belonged to the patriciate formed within the next few years, they may have been elected partly as a result of pressure for representation from that quarter (113).

The consuls of 487, T. Sicinius and C. Aequillius (114), may have been named for their military experience (115), and their influence with the people through their kinsmen, who were two of the tribunes in 493, L. Sicinius and L. Iunius respectively (116). They chose as magistrates to control the city while they fought the wars (117), two men with appropriate experience, Sp. Larcius, consul of 490, and A. Sempronius, consul of 491 (118). The consuls for 486, when another corn shortage

.....

112. For the Iulii and Nautii's Alban origin, see Palmer, ACR 290-1 and Frier, LAPM 52f. For hints of the Furii's Sabine origin and links with Latium, see Livy 5.44.1; Degrassi, op.cit. 90, Münzer, 'Furius', PWRE 7.1 (Stuttgart, 1910) 315. For hints of the Pinarii's links with Tibur, Campania and the Volscian area, all related to their superintendence of the Hercules cult, see n.67, D.H. 8.22.4, Wissowa, RKR² 275, H. Gundel, 'Pomponius', PWRE 21.2 (Stuttgart, 1952) 2324, and Bayet, Hercule, 319. For military events in 489 and 488 see Livy 2.37-40; D.H. 8.1-38, 63; Plut. Cariol. 26-39; n.109.

113. D.H. 6.69 portrays Nautius as a young patrician in 493. All these gentes reappear in office at times of patrician domination in the fifth century; cf. Cornelius, UFRG 113-4.

114. cf. Degrassi, op.cit. 536-7, Broughton, MRR 19-20 and Ogilvie, CL 311 for variations in their names.

115. D.H. 8.64.1.

116. For the links between the Aequillii and Iunii see Livy 2.4f; D.H. 5.6.4f; Plut. Popl. 3.3f. Broughton, MRR 15-18 notes these and other more doubtful appearances of their kinsmen in plebeian magistracies in 492 and 491.

117. Livy 2.20.14; D.H. 8.64.7; Degrassi, op.cit. 536-7.

118. D.H. 8.64.3.

is recorded (119), were probably named for the same reasons as their predecessors. They were Sp. Cassius, consul of 493, and Proc. Verginius, son of Cassius' colleague in 502, and a relative of Cassius' predecessor in 494 (120). Cassius may also have been chosen for his diplomatic experience; after fighting the Hernici in 486, he made an agreement with them similar to that which he made in 493, while Verginius fought the Aequi (121). However, Cassius' proposal to distribute land in 486 divided the consuls. Whatever the exact contents of his bill, much distorted by later writers, it appears that he hoped to muster enough popular support with it to gain personal leadership of the state (112). It was opposed by his colleague who vetoed the bill and made some more moderate proposals, and by the rest of the governing class (123).

The patriciate emerged from those united by their opposition to Cassius, filling the gap left by the recent death of several ex-consuls at the hands of the Volsci (124).

.....

119. Livy 2.41.8.

120. Broughton, MRR 20.

121. Livy 2.41; D.H. 8.68-9; Val. Max. 6.3.1b; Degrassi, op.cit. 66-7, 537; Ogilvie, CL 339-340.

122. The ancients suggest fear of his foreign policy, his ambitions for popularity and tyranny and his land law as the bases of his downfall (see Broughton, MRR 20). De Sanctis, StR, 2 9f, Ogilvie, CL 339-342 and Lintott, art.cit. 18-22 note the unlikely aspects of the land law.

123. D.H. 8.71-5; Livy 2.41; for anachronisms in their accounts, see De Sanctis, StR 2.10.

124. Fest. 180L, supported by comments by D.H. 8.77.1 on the youth of the leaders in 485. De Sanctis StR 2 10f and Ogilvie, CL 339 discard the alternative story of Dio. fr.22, Zon. 7.17 and Val. Max. 6.3.2.

The patricians' attempts to regain their ancestors' traditional leadership is clearly apparent in the electoral results of the next twenty-three years. The monopoly of office by a relatively small group with strong family ties is suggested by the facts that only nineteen gentes from 485 to 463, compared with twenty-eight from 509 to 486, appear in the consulship, and fifteen out of the thirty-three individuals in the forty-six consulships were brothers, sons or cousins of other consuls within the period. The extent of the change made in 486 is indicated by the fact that almost half those in consular office from 485 to 463 belonged to gentes previously unrepresented in consular office, while fifteen out of the fifty-one consuls from 509 to 486 were from gentes which do not appear again in curule office for more than a century. The idea that the change was due to the formation of the patriciate is suggested by the fact that it was in the mid 480's that all signs of commercial and industrial activity, in which few patricians would have had major interests, disappear at Rome, and, more significantly, according to the criteria noted at the beginning of the chapter, forty-one or more of the forty-six consuls from 485 to 463 were patrician, compared with thirty-four out of fifty-one from 509 to 486 (125). Finally, the six gentes maiores, defined by Mommsen from the known principes senatus as the most

.....

125. See Fraccaro, Riv. Fil. 1928 556-7, Cornelius, UFRG 99-100, 122, and Bernardi, RIL 1945-6 10f for similar conclusions from the change in names. For others, see, e.g. Beloch, RG 11 (names up to 486 were interpolated) and Gjerstad, LF 60-1 (Servius Tullius' reign began in 486).

ancient and successful patricians in the Republic, held twenty-one out of the forty-six consulships from 485 to 463, compared with six out of fifty-one from 509 to 486. Since five of them held eleven consulships in the seven years from 485, and there were only three years from 485 to 470 when at least one consul did not belong to them, they may have won their distinction through having founded the patriciate (126).

Presumably Proc. Verginius nominated the consuls for 485. While the Verginii's holding of four consulships and one augurate up to 463 and some versions of the tale of Verginia in 450 suggest the gens was patrician, four Verginii are attested as plebeian tribunes from 461 to 394, and they may have been of Etruscan origin. Perhaps Verginius' special role in naming the first patrician consuls for 485 entitled his branch of the gens to special membership of the group, while other branches were excluded (127).

.....

126. The ancients' varying accounts of *minores gentes* being co-opted into the senate in the late monarchy and 509 (Richard, OPR 319f) could be rationalised interpretations of the patrician claims to government by ancestral right, and evidence of the expanding senate. The *maiores gentes'* earlier place in the state is generally accepted; cf. Mommsen, HR 1 108-9, RSt 3³ 30-1; Willems, SRR 1 22; Coli, SDHI 1951 63; Ogilvie, CL 147-8. Richard, OPR 322-336 argues for the Republican origin of the term *maiores gentes*; Magdalain, *Hommages à J. Bayet*, 469 n.1, suggests that they were so defined as a result of their fifth century consulships. Mommsen, RF 1 258-9 lists them as the Aemilii, Cornelii, Fabii, Claudii, Manlii and Valerii; cf. Willems, SRR 1 112f.

127. The several Verginii families evident in the fifth century may be divided into two distinct groups, one holding curule offices and the other plebeian tribunates; see Willems, SRR 1, 70 and Degraasi, op.cit. 88-90. The ambiguous nature of their status is acknowledged by Ogilvie, CL 419, 479 and Richard, OPR 535, 537-8.

From 485 to 483 the brothers Q. K. and M. Fabius shared the consulship with Ser. Cornelius, L. Aemilius and L. Valerius respectively. All belonged to gentes maiores, as did Cn. Manlius, consul with M. Fabius in 480, and were of Sabine origin, as was Sp. Furius, consul with K. Fabius in 481. In 482, Q. Fabius was consul with C. Iulius (128). All evidently shared loyalty to the patriciate (129). Some appear to have been named to defend their family spheres of interest; the tribe with Aemilius' name lay towards the Volscian lands, near Valerius' family estates (130) and both fought in the area when consuls (131); the Fabii and Cornelius, who had the names of tribes in the north (132) fought the Veientanes

.....

128. Broughton, MRR 22-4.

129. Five were from gentes maiores; five were of Sabine origin (see Livy 5.46.2; D.H. 2.48; n.112 above; Fest. 116L; Varro, L.L. 115.73; cf. Cornelius, UFRG 119; Degrassi, op.cit. 89-90; Palmer, ACR 291); all were from gentes holding many curule posts up to 367; three had the names of rural tribes. The Fabii's ancient role in the state is indicated by their links with the Lupercalia, which they shared with the Quinctii (cf. Wissowa, RKR² 404 n.5, Palmer, ACR 97-135, 140; Richard, OPR 325-6, 329-330, 343); that of the Aemilii is suggested by their claim of descent from Numa (Gundel, art.cit. 2324, Ogilvie, CL 88f).

130. Taylor, VDRR 44-5.

131. Livy 2.42.3, 9; D.H. 8.83-6, 88-9.

132. For the tribes and evidence of Fabian interest in Etruria throughout the Republic, see Münzer, RAA 55-6, Taylor, VDRR 40-1, 43, Ogilvie, ERE 115 and Cassola, GPR 158. Notably three tribes in the north, Fabia, Cornelia and Claudia, had Sabine names; presumably the gentes had originally settled in the direction of their homelands. Cornelius, UFRG 114, 119 notes the close links of Fabii and Corneli in office throughout the fifth century.

in 485, and 482-0 (133). The coincidence of Rome's attack on Veii with the long sequence of Fabii in the consulship suggests that the Fabii deliberately promoted this war (134).

A policy of internal discipline, as plebeian tribunes agitated about land shortages (135), also appears to have been pursued by some of the group; in 485, Fabius refused to distribute plunder to the soldiers (136) and Cassius was condemned for treason in 485 after investigation by the quaestors, K. Fabius and L. Valerius (137). However, tribunician obstruction was such that in 482 an interregnum had to be called (138) with the result that the consuls of 482 represented a compromise within the whole patriciate; hence Iulius, and his successor Furius, are contrasted

.....

133. The Fabii also fought in Latium. For military events in all these years, cf. Diod. 11.40.5; D.H. 8.82, 84.1, 91, 9.1-3; Livy 2.43-7; Val. Max. 5.5.2; Frontin. Str. 1.11.1, 2.6.7, 7.11; Oros. 2.5.7; Zon. 7.17.

134. cf. Ogilvie, CL 324; Momigliano, Riv.Stor.Ital. 1967, 310; n.27 above.

135. D.H. 8.81, 87; Livy 2.42.6.

136. Livy 2.42.2; D.H. 8.82.4; cf. Ogilvie, CL 346-7.

137. Staveley, Ath. 1955, 426-7; cf. Latte, TAPA 1936 24f and Lintott, art.cit. 18-22, who deny the quaestors any role.

138. D.H. 8.90. He says that after the first interrex Sempronius, Larcius named the consuls. Since the Larcii are Etruscan, and do not otherwise appear after 487, they are likely to have been plebeian, yet it is generally agreed that interreges were plebeian (Ch.1B 48). Confusion with the consular lists in 491 and 490, in which Larcius succeeded Sempronius, or a misinterpretation of evidence of Larcius' support of the consuls of 482 (D.H. 8.91.4) may have caused an error in the interrex's name; the statement of Lyd. Mag. 1.38 that Sempronius was dictator and Livy's lack of reference to an interregnum suggest that the real names were lost early.

with the Fabii as favouring concessions to the people (139).

Because Manlius was killed and Fabius wounded in 480, an interrex named their successors, K. Fabius, consul of 484 and 481, and T. Verginius, to pursue the wars (140). Verginius campaigned at Veii, while Fabius, the more experienced general, fought the more threatening Aequi (141). While Verginius himself may have been patrician, one reason for his election might have been his influence among plebeian agitators protesting against the levies for the Fabii's long war in 480 (142). Such leaders by now included those excluded from the patriciate, with whom Verginius could have retained personal ties through his plebeian relations; for example, his lieutenant Sicinius (143) might have been the consul of 487 who preceded his brother in office, and whose family henceforth only appears among plebeian tribunes.

According to tradition, K. Fabius volunteered his gens to fight at Veii alone, after Verginius' defeat there in 479, and in the resulting battle at Cremera all but one boy were killed (144). This story developed from a

.....

139. D.H. 8.90.5, 91.3, 9.1-4; Livy 2.43.2-10.

140. D.H. 9.14.1.

141. D.H. 9.14.2; Livy 2.48.4-5; Zon. 7.17.

142. For hints of this, see Livy 2.44.1, 48.1-4; D.H. 9.5.1.

143. D.H. 9.12.5, 14.3.

144. cf. Livy 2.48-50, D.H. 9.15, 19-22, Diod. 11.53, Fest. 450L, Gell. 17.21. 13, Serv. ad Aen. 6.845, Flor. 1.6, for different versions of the tale.

confusion of Manlius' battle at Veii in 480, in which all three Fabii brothers took part, Menenius' defeat at Veii in 477, the setting up of a garrison at Cremera at about this time, and the defeat of three Fabii at the Allia in 390. Fabius Pictor arranged details of these legends within the framework of the heroic tale of the Spartans of Thermopylae in order to explain honourably his family's sudden absence from office after its period of dominance (145). The real reasons for the family's decline are more likely to be the death and wounding of two of the Fabii in 480, and the increasing plebeian agitation, which caused influence within the patriciate to pass to those concerned with ending the Veian war, protecting the south and east and making compromises with the plebeian leaders. This is supported by the fact that six consuls from 479 to 476 were descended from leaders favouring concessions to the people in the troubles of 495 to 493, and thus may have inherited personal links with plebeian leaders (146). These were three Verginii, two Servilii, whose frequent curule offices indicate that they were patrician, and Menenius, who may not even have been a patrician; while he has the name of a tribe, his

.....

145. Accounts of military events in 480 and 477 (n.133, 150) are equally confused. Hints of the basis of the legend survive in Livy 2.45-8 and D.H. 9.11.2-6, 23-4. For details of the legend's development, see Pais, ALRH 168-184; Last, CAH7 504-6; Ogilvie, CL 359-361. For some alternative explanations of it see Momigliano, JRS 1963 121 (an attempted revival of the gentile army; cf. Ch1C 94 n.41), and Heurgon, RR 181-2 (a private war by the Fabii).

146. cf. Cornelius, UFRG 114; Bernardi, art.cit. 11-12. Broughton, MRR 25-7 suggests that four of them were sons of consuls from 503 to 495.

gens is represented by plebeian tribunes from 410 (147).

In 478, military experience probably dictated the choice of Aemilius, the consul of 484, who won a victory at Veii in 478, and Furius, named as an extra magistrate to fight the Aequi, as he did when consul in 481. The other consul was Servilius, who kept back the Volsci; he was replaced by Opet. Verginius when he died in office (148).

In 477, Menenius was named as consul to placate those objecting to patrician monopoly (149). He took a levy to Veii and was badly defeated (150). His colleague Horatius, who was probably patrician, since he himself was an augur (151), and his gens held several curule posts up to 367, as well as taking the name of a rural tribe in the direction of Alba Longa (152), may have been named partly to fight off the Volscian invasions in his personal sphere of interest, which he shared with Aemilius (153), and partly because he inherited influence among the plebeian leaders from the

.....

147. For the Menenia tribe, see n.69 above. For the plebeian tribunes, see Livy 4.53, 6.19.5, 7.16.1.

148. For full references to these facts, see Broughton, MRR 25-6.

149. D.H. 9.17.4-5, 18.1 notes domestic disturbances before the levy, and Aemilius' sympathies with the plebeian leaders.

150. cf. D.H. 9.18, 23-4; Livy 2.50.2 and Dio. fr. 21.3.

151. Livy 3.32.3.

152. An indirect hint of the gens' sphere of interest is the ancient legend of the conflict of Horatii and Curiatii at Alba; see Taylor, VDRR 43; Ogilvie, CL 109f; Alföldi, ERL 312-3; Richard, OPR 197, 474.

153. For his military action, see D.H. 9.18.5, 24.3-4; Dio. fr. 21.3; Livy 2.50.2.

early years of the Republic (154).

Verginius and Servilius were named as consuls for 476 (155) to prevent domestic unrest and continue the war in Servilius' sphere of interest in the north (156), the Etruscans having invaded Latium after Menenius' defeat, and caused grain shortages (157). However, while the consuls organised the import of grain from Campania (158), the plebeian leaders expressed their dissatisfaction with the state's leaders by prosecuting Menenius, the consul of 477, for military incompetence. Possibly through his influence with them, he was only given a trivial fine (159).

The import of grain in 475 (160) prevented the plebeian leaders getting enough popular support to win their prosecutions of Servilius for military incompetence at Veii in 475 (161) and the consuls of 474 on an uncertain charge concerning land in 473 (162). It may also have

.....

154. According to the legend, the Horatii and Curiatii were descended from a Sicinius (D.H. 3.13.4); the consul of 477 was son of the consul of 509 and 507 (Broughton, MRR 26).

155. Broughton, MRR 27.

156. D.H. 9.25.1 notes their military experience.

157. Livy 2.50.2; D.H. 9.25.1-4.

158. D.H. 9.25.4.

159. Cornelius, UFRG 122-3.

160. Livy 2.52, 54.2.

161. D.H. 9.26; Livy 2.51.4-9.

162. Livy 2.55.1 notes the tribunes' inability to obstruct the levy in 473. For the prosecutions, which fizzled out, see Livy 2.52.6-8, 54; D.H. 9.28-33, 37-8.

caused Verginius and Servilius to become more concerned again with issues on which they had more in common with their allies in the centre of the patriciate. They instituted a new phase of consuls from 475 to 472 - P. Valerius, C. Nautius, L. and P. Furius, A. Manlius, L. Aemilius (for the third time), Vop. Iulius, and L. Pinarius. Aemilius himself and fathers, brothers or cousins of all the others were consuls from 489 to 480, forming the patriciate and pursuing the wars; those in office from 475 may have shared their priorities (163). In 475 and 474, Nautius fought back the Volscians, Valerius, aided by Servilius, the consul of 476, defeated the Veientanes and Sabines, and Manlius won an ovatio over the Veientanes, making a forty year truce (164).

The consuls of 471 seem to have been named to represent different sides in the conflict among the patricians over a bill establishing regular elections and legislation in the concilium plebis, which the plebeian tribune Volero Publilius hoped to have passed in the comitia centuriata (165). Consuls were App. Claudius, son of the consul of 495, and T. Quinctius Capitolinus (166); both were patrician, being from gentes of ancient standing in the state, and holding many curule offices

.....

163. See Broughton, MRR 27-30 and Ogilvie, CL 371 for their names; see n.113, 129 above for hints of their concern with patrician monopoly.

164. Livy 2.53-4; D.H. 9.34-6; Degrassi, op.cit. 537.

165. See Ch.1B 55 for details of the law. See D.H. 9.41-2, 43.4 and Livy 2.56 for Volero's promotion of it.

166. Broughton, MRR 30.

up to 367 (167). While stories of Claudius' harsh treatment of his unruly troops and trial by the tribunes contain many contradictions and coincidences (168), his opposition to the law which they illustrate is likely, since he opposed the acknowledgement of the plebeian state in 450 (169). Quinctius' attested appeasement of Claudius, and passage of the law (170) are also credible. In the next decade, when an aggressive military policy was pursued, facilitated by such economic stability that any attempts to disrupt government by plebeian tribunes could be ignored (171), Quinctius led the army four times; he was then absent from office from 463 to 446, when domestic and constitutional affairs prevailed, returning to pursue the same military aims as consul three more times. This career, and the fact that he shared with his predecessor, Furius, interests in areas of Latium vulnerable to Aequian attacks (172), where Quinctius fought in 471 and they both fought in 464 (173), suggest that Quinctius' promotion of the military policy was the basis for his support of the Volerian law.

.....

167. See Ch.1B 31; n.126, 129, 132 above; Palmer, ACR 290-1; Ogilvie, CL 274.

168. Ogilvie, CL 383-7. Again, it seems to have fizzled out for lack of public support.

169. For more uncertain hints of his attitude, see D.H. 8.90, 9.1-2, 42-5; Livy 2.44, 46.

170. D.H. 9.48f; Livy 2.56.15-57.

171. After Claudius' trial, there are only a few hints of internal disturbances in the next six years (Livy 2.61.1, 63.1, 64.1, 3.1; D.H. 9.59.1).

172. See n.112 above; A. Piganiol, 'Romains et Latins', MEFR 1920, 285f.

173. D.H. 9.50.1-2, 62-66; Livy 2.58.3, 60.1-3, 3.4-5.

From 471 to 463 curule offices were held by leaders pursuing Quinctius' military policy and maintaining the patrician monopoly. They came from eleven gentes - the Claudii, Quinctii, Valerii, Aemilii, Verginii, Servilii, Fabii, Furii, Postumii, Aebutii, and Numicii (174). The first eight have been noted as patrician gentes; the Postumii, holding many curule and priestly positions up to 367, are likely to have been patrician; the Numicii and Aebutii must be left undecided, for we only know of the consuls of this period and one other curule magistrate from their gentes. All the consuls from 471 to 463 led armies against the Sabines, Aequi and Volsci (175), except Postumius, who, being from a gens of much religious authority, may have been specially elected to dedicate a temple to the Sabine god Semo Sancus Deus Fidius (176), and the consuls of 463, who died in a pestilence (177). Each consul may have been particularly concerned about one hostile tribe according to the location of his gens estates; Claudius, the Servilii and the Fabii with the Sabines; Valerius, the Aemilii, and Numicius, who took the name of a river south of the Aemilia tribe (178), with

.....

174. Broughton, MRR 31-5; Ogilvie, CL 391-2, 398.

175. D.H. 9.55-66; Livy 2.62-5, 3.1.1-5; Frontin. Str. 2.7.10, 12.1, 3.1.1; Degrassi, op.cit. 537.

176. D.H. 9.60.5; Ovid Fast. 6.213-8. Presumably they hoped to win the god over to Rome's side. See n.227 for evidence of the Postumii's religious authority.

177. D.H. 9.67-8; Livy 3.6-7; Oros. 2.12.3.

178. Ogilvie, CL 41-2.

the Volsci; the Quinctii and Furius with the Aequi (179). Many inherited military interests from their relations who fought back the same tribes from 499 to 493, from 484 to 480, and from 479 to 475; hence the combinations of names in the lists from 471 to 463 often repeat those of these times (180). The repetitions of office in this decade may reflect not only the close loyalty of the group, but also their concern to retain experienced military leaders; from 468 to 465, the climax of the conflict with the Aequi, five out of the eight consuls had already held the military leadership since 471; by contrast, in 464, when no fighting was expected, both consuls held office for the first time. Factional loyalty and experience of leadership would also have contributed to the choice of all other magistrates and officials involved in the war besides the consuls; all eight known were also consuls from 472 to 463 (181).

The domination of office by this military faction was ended first by the interregnum in 462, necessitated by the death of the previous consuls, which meant that the choice of consuls was made by all the patricians, and then by the build up, from 462 to 445, of a continual series of

.....

179. Note that Quinctius and Furius fought the Aequi in 465 and 464, Aemilius and Numicius the Volsci in 467 and 469, and Servilius the Sabines in 468; all may have been named partly for their local knowledge.

180. cf. Cornelius, UFRG 115. Eight of the consuls were sons, cousins or nephews of twelve leaders in power in these earlier years.

181. For details, see Broughton, MRR 32-4.

demands by plebeian leaders for the curbing of the consuls' judicial powers, full recognition of their own institutions, publication of the laws, and finally representation in the consulship. These plebeian leaders gradually gained support from the people as economic conditions worsened, and from patricians, whose loyalty to each other declined as the threat of external attack receded. The general lack of control by any one faction from 462 to 445 is indicated by the fact that sixty per cent of all gentes known in consular office from 509 to 367 are represented in these eighteen years, only seven gentes hold office more than once, and eleven out of the twenty-seven gentes reaching consular office in this period do so for the first time. The loss of patrician control is indicated by the fact that about eleven out of thirty-six consuls are plebeian, the same ratio as in the period before the formation of the patriciate; only seven consulships are held by gentes maiores; only eleven consulships are held by the patrician gentes in power from 471 to 463, and seven of them are in the years 460, 459 and 446, when military affairs overshadowed the constitutional issues.

In 462 the interrex, P. Valerius, named the consuls L. Lucretius and T. Veturius (182). Both are likely to have been patrician; the Veturii are represented in early priesthoods and have the name of a rural tribe (183); the

.....

182. Broughton, MRR 35-6.

183. See Livy 3.32.3, 29.38.6; n.67 above. cf. Beloch, RG 238f; Münzer, RAA 123f; Shatzman, CQ 1973 65f.

Lucretii hold several curule posts up to 367 (184). Since both are from gentes unknown since their fathers held consulships in the first fifteen years of the Republic, their choice may have resulted from demands for fairer representation within the whole patriciate. Both continued the wars against the Aequi and Volsci, Veturius fighting in the area of his family estates (185); perhaps his local knowledge contributed to his election. Lucretius may have represented those opposed to the bill put forward by Terentilius, a plebeian tribune, in the course of 462, which regulated and defined consular imperium (186). Lucretius' opposition to the bill is suggested by his nominating as praefectus urbi in 462 one of its opponents, Q. Fabius, who nominated Lucretius to the same post in 459, when the law was still being debated (187). Also, in 461, Lucretius defended K. Quinctius,

.....

184. While they hold nine curule posts from 486 to 367, all other gentes linked with the Tarquin dynasty (admittedly through the male rather than the female line) became plebeian (n.11) and a Lucretius was plebeian tribune in 210 (Livy 27.5.16) so this conclusion is not certain.

185. See Livy 3.8.3-11, 10.1-4; D.H. 9.69.3-73.4; Degrassi, *op.cit.* 537.

186. Mommsen, RSt 2³ 702 n.2 and Ogilvie, CL 411f have argued that his proposal was not 'quinque viri legibus de imperio consulari scribendi' (Livy 3.9.10) but 'quinque viri consulari imperio de legibus scribendi', on the grounds that the Decemvirs performed the latter task, and the consuls' powers would not have been subjected to such investigation. But the proposal did fail to get through; Cicero does not mention it in his account of the Decemvirate; D.H. 10.1.3 says that Terentilius proposed that laws be made on both public and private affairs. The bill made little progress in 462; cf. D.H. 9.69.1, 10.1.5; Livy 3.9.13.

187. Livy 2.8.7, 3.9, 24.2; D.H. 9.69.2.

another opponent, who was being tried by one of its supporters, the tribune, A. Verginius (188). The story of Quinctius' trial, while full of suspect details (189), may have developed from a genuine tradition of individual attitudes towards the respective judicial powers of the plebeian tribunes and the consuls (190).

Of the consuls named for 461 (191), Ser. Sulpicius is clearly patrician from his family record of offices up to 367, while P. Volumnius, whose gens has an Etruscan name, and only holds this one curule position, is likely to be plebeian (192). Again, neither gens is known since the early years of the Republic; perhaps their predecessors chose them partly because they were old family friends whose gentes had long been excluded, like theirs, from consular office (193). Volumnius may also have been named to weaken the plebeian leaders' support for the Terentilian bill; however it remained a matter of debate, and the plebeian tribunes' popular support, after some bad prodigies, was such as to force K. Quinctius into voluntary exile in the course of the year (194).

.....

188. Livy 3.11.6-13; D.H. 10.5-8; Auct. Vir. ill. 17.1.

189. Ogilvie, CL 416f.

190. Others defending Caeso were his father Cincinnatus, his uncle Capitolinus, and the consul of 464, Furius (Livy 3.12; D.H. 10.5-8).

191. Broughton, MRR 36.

192. Ogilvie, CL 415.

193. A Volumnia was supposedly daughter-in-law of a Veturia (Livy 2.40) and Sulpicius' father preceded Veturius' in the consulship of 500.

194. cf. D.H. 10.1.1, 2.1; Livy 3.10.5f; Ogilvie, CL 416.

In 460, expectation of attack by the Sabines may explain the election of P. Valerius, who had fought the Sabines when consul in 475, and C. Claudius, who might have had useful local knowledge, since his family estates lay in the direction of the attack (195). The two consuls maintained different approaches to Terentilius' bill and the people's objections to the levy (196); Valerius promised to present the Terentilian bill to the comitia centuriata if the levy was taken (197), while Claudius favoured a sterner approach (198). After Valerius was killed in battle, Claudius named L. Quinctius Cincinnatus, father of the man prosecuted the previous year, as consul suffect (199), partly, no doubt, because he shared his opposition to the Terentilian bill (200), and Valerius' promise was not fulfilled (201).

.....

195. Broughton, MRR 37-8. D.H. 10.14-16 and Livy 3.15f suggest that Herdonius attacked through the Claudian tribe.

196. For the domestic unrest over these issues, see D.H. 10.8.5,9-11, 15.4; Livy 3.15.3, 16.5-6.

197. D.H. 9.49.3-4, 10.15.6-7; cf. Livy 3.18.6.

198. C. Claudius, probably the brother of the consul of 471 (Ogilvie, CL 423) is generally portrayed as opposing concessions to the plebeians (D.H. 10.9.2, 12-13, 15.5, 17.1, 30, 32.4, 11.49; Livy 3.19.1, 58, 4.6.7) although like Lucretius he is shown to be willing to accept them when the military situation demanded it (Livy 3.40, 58.1; D.H. 11.7-15, 22, 55-6, 60). Since Claudius himself and Valerius' and Verginius' kinsmen were involved in the disputes of 450 and 449, many details of events in 460 may have been borrowed from them.

199. Broughton, MRR 37.

200. cf. Livy 3.19-21, Val. Max. 4.1.4 and D.H. 10.6, 18-19, hinting that judicial powers remained the main issue of contention.

201. D.H. 10.17.1; Livy 3.19.1.

Quinctius and Claudius may have shared three common aims with their successors Q. Fabius and L. Cornelius, descendants of the first patricians to hold consulships (202) - the defence of the state against the Volsci and Aequi, against whom Fabius had already fought in 467 and 465, the quelling of agitation for Terentilius' bill, and the re-establishing of a patrician monopoly. Fabius and Cornelius went to war and celebrated triumphs (203), appointed A. Cornelius and Q. Servilius as quaestors to investigate Volscius' false witness in the trial of K. Quinctius, thus reasserting the consuls' judicial authority (204), and carried out a census (205). Their dependence on patrician loyalty is indicated by the fact that the Fabii, Cornelii and Servilii do not reappear in curule office until after the constitutional settlements with the plebeians in 445.

In 458 the names of the consuls are confused; I will accept the view that they were C. Nautius and

.....

202. Broughton, MRR 38.

203. D.H. 10.20-21; Livy 3.22-3, 24.10; Degrassi, op.cit. 537.

204. See D.H. 10.7, Livy 3.13.1-3 for Volscius' evidence in Quinctius' trial. See D.H. 10.20.4, Livy 3.24 and Val. Max. 4.1.4 for unrest in 459 and the quaestors' investigation. Servilius' father may have been prosecuted by tribunes in 475, and Cornelius might have been father of the consul of 459 (Ogilvie, CL 437).

205. Livy 3.22.

Papirius (206). The latter is the first consul from his gens, which was clearly patrician, since it had much religious authority (207), gave its name to a rural tribe, and held many curule posts up to 367. Patrician loyalty and the military drive against the Sabines and Aequi, who still threatened Latium in the vicinity of the Papiria tribe (208), may explain their choice, just as in 475, when Nautius was consul with Valerius, the consul of 460. Perhaps it was Fabius who so named them, since he was appointed praefectus urbi in 458 (209). When Papirius died, Nautius named as his successor Minucius, who is likely to have been a plebeian, since his gens was represented in the tribunate in 401 (210). He may have

.....

206. Livy 3.25.1, D.H. 10.22.1 and Diod. 11.88.1 note Nautius and Minucius as consuls; Nautius is noted by Val. Max. 5.2.2 and late Fasti, the latter calling his colleague Atratinus (Degrassi, op.cit. 362-3); Fast.Cap. (Degrassi, op.cit. 24-5) notes Minucius as consul suffect, replacing ' - Carven - ', who died in office. Ogilvie, 'The consul of 458', *Hermes* 1961, 379-382, reconstructs Papirius' name from this fragment, showing that Atratinus was in the late Fasti because it was wrongly used as a cognomen of the Papirii. However he argues that Papirius is misplaced from 411; see Ch.3 207 n.94 for objections to this. For other views, see Richard, OPR 323 n.112.

207. Cornelius, UFRG 98-9; Ogilvie, CL 147-238; Richard, OPR 323-4; cf. Beloch, RG 80.

208. For the military threats, see D.H. 10.22 and Livy 3.25.5-26.2. For the location of the tribe, and the gens' Latin connections, see Schulze, GLE 86, 331, Taylor, VDRR 43, and Ogilvie, art.cit. 381-2 and CL, 148, 615.

209. In this post he took an active part in military affairs; see D.H. 10.22.2, 23.4-5, 24.1 and Livy 3.25.6, 29.8; cf. Beloch, RG 8-9. This may partly explain the view of Diod. 12.3.1 that he was consul in 457 with Cincinnatus, dictator of 458.

210. The unlikely story of Minucius being co-opted as an eleventh plebeian tribune in 439 (Livy 4.16.2-4) might have been developed by those who did not believe plebeians were consuls at this stage, and did not, like Livy, place the law against such co-option as early as 448; cf. Ch.1B 45 n.51; Beloch, RG 16-17; Ogilvie, CL 551.

made this choice, partly because the Sabine attacks were already causing corn shortages, and Minucius inherited knowledge about the corn supply, and partly in the hope of weakening the plebeian leaders' support for the Terentilian bill, as in 461 (211). The subsequent nomination of Quinctius Cincinnatus, the consul suffect of 460, as dictator in 458 to rescue Minucius and his army when trapped by the Aequi may have been largely because of his local knowledge (212). The dictator's brother, Quinctius Capitolinus, consul of 471, and M. Valerius, consul of 456, were named as quaestors to continue the prosecution of Volscius (213).

.....

211. cf. D.H. 10.22.1; Livy 3.24.9, 25.2-4, 9, 29.8.

212. For full refs. to military events, see Broughton, MRR 39 and Ogilvie, CL 436f. Cincinnatus would have shared the links in Latium of his brother Capitolinus (n.172); perhaps it was through his influence that Mamilius, the Tusculan leader, possibly a kinsman of his magister equitum Tarquinius (n.23; Ogilvie, CL 442) was given citizenship in return for aid in the war (Piganiol, art.cit. 289). Cincinnatus is said to have been recalled to serve the state from an estate in the north (D.H. 10.8.4-5, 23-4; Livy 3.13.10, 26.8-12) but the story, repeated for Quinctii in 460 and 439 (D.H. 10.17; Cic. Cat.mai. 56, de dom 86) could have been located there because his son went into exile in Etruria (Livy 3.13.9) and there was an area called the prata Quinctia by the Tiber (Ogilvie, CL 442).

213. Livy 2.29.6-7, 3.25.2; Ogilvie, CL 438; H. Gundel, 'Quinctius', PWRE xxiv (Stuttgart, 1963) 991f. Quinctius would have felt family loyalty to his nephew, and, while Valerius' cousin compromised over the Terentilian law when the Sabines threatened in 460 and recognised the plebeian state in 449, and the quaestors themselves made other concessions to plebeian leaders in 457-6, the quaestors, with hopes of future consulships, would have opposed restricting consular imperium, which was probably the real issue in Quinctius' and Volscius' trials. It is tempting to suggest that the sources confused the two Quinctii brothers this year, since Cincinnatus had been more directly concerned with Volscius' trial, Capitolinus was the more experienced general, and D.H. 10.23.4 suggests that Capitolinus led out the troops which Cincinnatus used.

Since the story of Minucius' abdication after his military failure in 458 is probably a duplication of events in 217 (214), either he or Nautius named their successors for 457, when military defence, alleviation of the mounting economic distress and the strife with the tribunes were the main issues at hand. One consul was the patrician C. Horatius, the consul of 477, who had experience as a general, and fought the Aequi in 457 (215); the other was Q. Minucius, who fought the Sabines (216) and, like his brother, may have been chosen to deal with the corn shortages. Possibly because they inherited links with plebeian leaders from the early days of the Republic (217), they were able to persuade A. Verginius, who had been plebeian tribune since 461, to abandon his attempts to have the Terentilian law passed by consuls, in return for their presentation in the *comitia centuriata* of a *plebiscita* which raised the numbers of plebeian tribunes to ten. It was supported by Cincinnatus, doubtless concerned about the levy, and opposed by Claudius (218).

In 456, military threats temporarily abated, and internal political issues prevailed. The new consuls were M. Valerius, the quaestor of 458, whose cousin, with another of the Horatii, passed the laws of 449 recognising

.....

214. cf. Broughton, MRR 39-40; Cornelius, UFRG 54; Ogilvie, CL 444.

215. D.H. 10.26.2-4, 30.7-8; Livy 3.30.2.

216. D.H. 10.26.1, 30.7; Livy 3.30.4.

217. Verginii and Minucii held offices from 496 to 491 and Horatius was linked with Verginii from 478 to 476; both were periods of economic distress and plebeian agitation.

218. cf. Livy 3.29-30; D.H. 10.26-30.

the plebeian state, and Sp. Verginius, who was related to the plebeian tribunes agitating for this from 461 to 449, and the consul who succeeded Valerius in 449. Both consuls, like their predecessors, were also descended from those who had supported economic concessions to the people from 494 to 492, and from 479 to 475 (219). In 456, after a crop failure, and some dispute over the tribunes' powers, they passed in the comitia centuriata the law supplying housing on the Aventine, promoted by the plebeian tribune, Icilius, son of a tribune of 493 (22), and tribune himself again in 449. These details suggest that the consuls of 456 shared concern to end the conflict over magisterial authority and alleviate economic distress, and that this was the reason for their nomination by predecessors of similar disposition.

From 455 to 452, six of the consuls are from gentes not previously represented in high office, and three are only ever represented in this period (221). Yet the names and associations of several indicate that their gentes were of long standing in Rome, so they may have been all loosely united by resentment of their exclusion from

.....

219. Both were sons of magistrates in 494, see Broughton, MRR 41-2.

220. D.H. 10.31-2, 11.28.2; Livy 3.31.1.

221. Broughton, MRR 42-5; Cornelius, UFRG 115.

Republican offices (222). Their obscurity means that further reasons for their elections are uncertain; this is particularly true of the first in the sequence, T. Romilius and C. Veturius. We may only surmise from tales of Romilius' severe measures to get a levy to fight the Aequi, his conflict with the lieutenants Verginius and Icilius, and his and Veturius' subsequent trial by plebeian officials challenging their consular rights over booty in 454 (223) that they did not share their predecessors' attitude to internal conflict (224); perhaps personal ties, developed through living in the same area and holding office in similar periods, influenced Valerius' choice of them (225). In 454 the increasing popular discontent may have contributed to Romilius' or Veturius' choice of

.....

222. Menenius, Romilius and Veturius have the names of rural tribes (n.67, 69, 225); Sestius' cognomen 'Vaticanus' refers to an area in the Romilia (Degrassi, op.cit. 93-4; Ogilvie, CL 451); Tarpeius' gens name and cognomen 'Capitolinus' and Aeternius' cognomen 'Fontinalis' refer to areas of Rome (Degrassi, op.cit. 93); Plut. Num. 10.1 notes Tarpeia as a Vestal Virgin in Numa's reign; see n.152 and 129 for hints of the ancient standing in Rome of the Curiatii and Quinctilii (the latter through the Quinctii; H. Gundel, 'Quinctilius', PWRE xxiv (Stuttgart, 1963) 894; Palmer, ACR, 135 n.2.)

223. Shatzman, Hist. 1972, 189.

224. It is difficult to determine whether Romilius was patrician or plebeian; he has the name of a rural tribe, but this is the only time that his gens reaches curule office.

225. For the Valerii's interests in the Veturian tribe, see n.67; for the Romilian tribe neighbouring it, see Taylor, VDRR 38; cf. Badian, JRS 1962, 201. A Veturius was a colleague of Valerius' and Verginius' fathers in 494, and P. Valerius may have named Veturius' uncle as consul in 462.

successors, Sp. Tarpeius and A. Aeternius, plebeian agitators who were tribunes in 448 (226). In 454 they passed the law concerning the consuls' and tribunes' rights to fine, and sent three ex-consuls, A. Manlius, Sp. Postumius and P. Sulpicius, to Greece in preparation for the codification of the law (227). The consuls may have hoped the codifiers would further curb the consuls' judicial powers, establish fairer economic conditions for the people, gain fuller recognition for the plebeian state, and, since the pontifices who guarded the law and the consuls from 485 were largely patrician, generally decrease patrician control of the state. In 453, all we know of one of the consuls, Quinctilius, is that he died of pestilence (228); his colleague Curiatius, being related to Curtius, who set up the consular tribunate

.....

226. cf. Ch.1B 45 n.51; D.H. 10.48.1, 50 describes them courting the populace.

227. The historicity of the embassy (Livy 3.31.8; Lyd. Mag. 1.34; D.H. 10.51-2; Zon. 7.18) has often been contested; see Ogilvie, CL 449-450. However it is supported by stories of earlier expeditions from Rome to Greece (D.H. 4.68-9) and of Rome's early contacts with Greek ideas in Italy (see Ch.1A 15-16; Ch.1B 63 n.98, and above, 130). The envoys might have been chosen for their interests in them; the envoy's father, Postumius, vowed a temple to the Greek gods Ceres, Liber and Libera, at the order of the Sibylline books (D.H. 6.17; Le Bonniec, CC 213f). Postumius himself, who may have been a pontifex and therefore had knowledge of existing Roman codes of law (Broughton, MRR 36) had dedicated temples to the Greek deities, Castor and Pollux (Livy 2.42.5) and the Sabine god Semo Sancus, who was associated with the Greek god Hercules (Bayet, Hercule, 306f); Sulpicius, the envoy, was consul in 461, when the Sibylline books were consulted (Ogilvie, CL 415). Momigliano, Riv.Stor.Ital. 1967, 310-11, suggests that Greece influenced the development of plebeian political institutions.

228. Livy 3.32.2; D.H. 10.53-54.2; Degrassi, op.cit. 93.

when consul in 445, may have shared the views of his predecessors (229). The consuls of 452 were Sestius and Menenius, grandson of a mediator at the first secession and possibly nephew of the consul of 477 prosecuted by one of the Genucii in 476. Menenius' background, the story that the consuls tried to delay the setting up of the Decemvirate, and hints that they amended the law concerning the consuls' judicial powers (230) suggest that, although they were plebeian (231), they represented those fearing radical changes, who might have gained more influence in the governing class with the prospect of the return of the embassy to Greece in 452.

The major issue in the election of 451 was the creation of a Decemvirate to codify the law. One consul was Ap. Claudius, who had opposed the Volerian law in 471, and whose brother had opposed the Terentilian law in 460 (232); the other was T. Genucius, kinsman of plebeian tribunes holding prosecutions in the 470's, and the consul who set up the consular tribunate with Curtius in 445 (233). Perhaps it had been agreed that Claudius would represent

.....

229. Ogilvie, CL 528-9. Also, the Curiatii had legendary links with the Sicinii (n.172), represented by plebeian tribunes in 454 and 449; the next Curiatus known was plebeian tribune in 401 (Livy 5.11.4).

230. See Livy 3.33.4; D.H. 10.54.3-5; Staveley, Hist. 1954, 420.

231. See n.147 and Ch.3 206, 208, for hints of their plebeian status.

232. Ogilvie, CL 376, 386-7.

233. Broughton, MRR 27, 29, 45, 52.

the patricians who dominated the priestly colleges and the senate, and Genucius would represent those challenging the control of the consulship by patrician factions, and that they would co-opt eight others to form a Decemvirate (234). Ap. Claudius' likely nominees were C. Iulius, A. Manlius and Sp. Postumius, who had all won consulships in the period of patrician monopoly, and Sulpicius, the consul of 461; their kinsmen reappear in the period from 447 to 424, when patrician factions again monopolised consular office. Genucius' likely allies were Veturius, Romilius, Sestius and Curiatus, who had gained consulships since the breakdown of patrician control; indeed the latter two, like Genucius, were probably plebeian (235). Other reasons for the choice of Decemvirs by the consuls besides the need to compromise over patrician monopolies may also be detected. Sestius had formally proposed the Decemvirate; Romilius had proposed the embassy on which Postumius, Manlius and Sulpicius had learnt about Greek methods of codification; all the others were ex-consuls of varied age and experience (236). All ten belonged to

.....

234. Their position is not clear; while Livy 3.33.3, D.H. 10.54-6 and Zon. 7.18 suggest that they gave up their consulships in return for leadership of the Decemvirate, Cic. de rep. 2.51 and Fast. Cap. (Degrassi, op.cit. 94, 364-5) call them consuls.

235. Broughton, MRR 45-6; cf. Beloch, RG 238f and Ogilvie, CL 456-7.

236. Livy 3.33.5-6; D.H. 10.56.2. cf. Ogilvie, CL 450, 457. Concern to get a broad range of experience might have been the basis of the choice of ex-consuls of the past thirty years who had not shared office (a fact noted by Beloch, RG 231f and E. Gintowt, 'Dictator Romanus', RIDA 1949 385-394; for objections to their conclusions, see Staveley, Hist. 1956 96).

Sabine or Latin gentes well established in the state - three, indeed, gave their names to rural tribes - and thus would have favoured retaining the traditional ways of life in the civil code; any plebeian Decemvirs supporting economic concessions to the people were presumably outvoted by their colleagues.

The outcry of plebeian leaders at the limited constitutional changes and harsh civil code produced by the Decemvirs and the incompleteness of the code by the end of 451 meant that a second Decemvirate had to be chosen for 450 (237). The first Decemvirs issued their laws in ten tables as *leges datae* (238) and stepped down from office; a second Decemvirate was then created, apparently by a free election (239). Those likely to have won mainly through popular appeal were members of leading plebeian gentes - Minucius, consul of 458, Q. Poetelius, kinsman of a plebeian tribune agitating for land in 441, the year before Minucius was *praefectus annonae*, and K. Duillius, kinsman of the plebeian tribune of 470 who had brought App. Claudius to trial, and who was re-elected as

.....

237. D.H. 10.55.3, 58.1-2; Livy 3.34.8. For details of the laws of the first Decemvirate, see notes 16, 17 and 43 above.

238. Livy 3.34.2-6 and D.H. 10.55.5, 57.5-7 say that they were approved by senate and people. Given the reaction to them, however, this may be a late Republican rationalisation, to contrast with the traditionally repressive second Decemvirate; see Staveley, *Ath.* 1955 17-18; Bleicken, LP 90f.

239. D.H. 10.58.2-3, 11.6.4; Livy 3.35; Ogilvie, CL 460.

tribune in 449 (240). Those likely to have won through personal authority and client control form a close circle - Claudius, M. Sergius, Fabius consul of 459, and Cornelius son of Fabius' colleague; all give their names to tribes north of Rome, where the founders of the patriciate, led by Fabius' and Cornelius' forefathers, fought from 485; Fabius, Cornelius' father and Claudius' brother all opposed the Terentilian law in 460 (241). This leaves three Decemvirs to account for. Antonius' gens only provides one curule magistrate in the fifth century (242); Rabuleius' gens is only otherwise known in the plebeian tribunate of 486 (243); Oppius' ancient Roman gens (244), is only otherwise known until the third century by the

.....

240. For variants of their names, see Broughton, MRR 46-7 and Ogilvie, CL 462. D.H. 10.58.4-5 only notes Poetelius and Duillius as plebeian; cf. n.233. Since all, like the Genucii, won consulships in the second half of the fourth century, they probably also had influential friends and clients to help them win the elections.

241. See Degrassi, *op.cit.* 94; Broughton, MRR 46-7 and Ogilvie, CL 462 for variations in their names and their likely family relationships. D.H. 11.4.7-5.1, 16-18, and Livy 3.40.8-14, 41.4, 9 attest to their mutual loyalty in 450-449.

242. D.H. 10.58.4 (cf. Livy 3.35.11), accepted by Willems, SRR 1 54-5 and Cornelius, UFRG 104-105, implies that Antonius was patrician, however they assume that all consular tribunes were patrician up to 400 (Livy 5.12.12), which I question (see Ch.1B 59f; above 125; Ch.3 202).

243. Since D.H. 10.58.4 (cf. Livy 3.35.11) implies that he was patrician, Münzer, 'Rabuleius', PWRE 1.A.1 (Stuttgart, 1914) 29 discards the plebeian tribune of 486.

244. Ogilvie, CL 461-2; Richard, OPR 223.

Vestal Virgin of 483 (245), and tribunes in 449 of dubious credibility (246). I would suggest that whichever were plebeian, they were all creatures of Claudius, who supported them to enable him to control the Decemvirate while fulfilling the demands of plebeian leaders for equal patrician and plebeian representation (247); hence the stories of Claudius' volte face towards the plebeians in canvassing (248). With the support of these stooges, the patrician Decemvirs were able to outvote their opponents in the college and pass the *lex conubii*; by this means they hoped to prevent the personal bonds between plebeian and patrician *gentes* which had partly caused the breakdown of patrician control, and which would have been of little concern to the minor plebeian Decemvirs. This may partly explain why the second Decemvirs came to be portrayed as repressive tyrants (249) comprising only patricians (250), despite the fact that some of their names appear in the plebeian tribunate of 449 (251). It may have been an

.....

245. Münzer, 'Die römischen Vestalinnen bis zur Kaiserzeit', *Philol.* 1937-8 211f.

246. D.H. 10.58.4 (cf. Livy 3.35.11) says Oppius the Decemvir was plebeian. See 176-8 below on the tribunes.

247. Bernardi, *RIL* 1945-6, 12f uses this equal division as an argument for the board's authenticity.

248. cf. D.H. 10.57.2-4, 58.4-5; Livy 3.33.7, 35.3f.

249. See e.g. Cic. *de rep.* 2.63; D.H. 10.59.3-60.5, 11.2, 22, 40-1 and Livy 3.36-7. Valerius' concern to contrast the Decemvirs with his ancestor in 449 and the harshness of the whole civil code also contributed to this picture (Ogilvie, *CL* 453-4, 465-6; Scullard, *HRW*⁴ 87-8).

250. Livy 4.13.17.

251. Thus I would answer those such as Willems, *SRR* 1 51, De Sanctis, *StR* 2 48f and Ogilvie, *CL* 461-2, who use these plebeian tribunes as counter evidence to the existence of the second Decemvirate.

attempt by Fabius Pictor, concerned to maintain the reputation of his forefather the Decemvir, to counteract this image, or a misunderstanding of the consuls' publication of the Twelve Tables in 449 (252) that led Diodorus to suggest that these consuls were actually responsible for the *lex conubii* (253).

Presumably Claudius hoped to nominate his allies as consuls the year after the Decemvirs had completed the civil code, which they published as *leges datae* like their predecessors (254); however the plebeian leaders and their patrician friends, outraged at the *lex conubii* and the lack of further recognition of the plebeian state, were able to provoke the soldiers into seceding to the Aventine after they had returned from a campaign led by some of the Decemvirs against the Aequi and Sabines (255). The soldiers may have been already angered by the failure of the campaign and the Decemvirs' codification of the harsh primitive laws (256). The traditional accounts of Siccius' murder and Claudius' attack on Verginia simultaneously causing uprisings in the two army camps while still on campaign

.....

252. Livy 3.37.10; cf. Ogilvie, CL 507.

253. Diod. 12.26.1; Bernardi, art.cit. 13-14 and Ath. 1952, 36f accepts this as a solution to the apparent problem of plebeian Decemvirs passing the *lex conubii*.

254. Livy 3.37.4, 50.13; D.H. 10.60.5. Staveley, Ath. 1955, 18-19 notes other views of their implementation.

255. D.H. 11.23, 40-44; Livy 3.41.7, 42.7, 50-4; Cic. de rep. 2.63; Diod. 12.24; Flor. 1.24.

256. Ogilvie, CL 452-3, 498.

are unconvincing (257). The plebeian leaders are likely to have raised the revolt mainly to ensure the complete overthrow of the Decemvirs and the election of their supporters as consuls and plebeian tribunes (258); it was on these terms that the end of the secession was negotiated (259).

Plebeian tribunes elected in 449 were the leading plebeian agitators of the day (260); five were from gentes listed in earlier plebeian tribunates (261). However, one of them, C. Oppius, may have had his name added to the tradition, like Oppius, the military tribune who supposedly led the secession to Rome (262), by descendants powerful later in the Republic, to counteract the unfavourable tradition of their ancestor the

.....

257. For the dubious elements in the accounts of D.H. 11.25-39 and Livy 3.43-49 passim see Ogilvie, CL 475-6 and n.265 below. They could have developed partly because of a genuine tradition of links between the Verginii and Sicinii in this period; see 151 above.

258. For hints of this see Cic. de rep. 2.63, D.H. 10.40-1, 60.6, 11.2.1, 5-21 and Livy 3.36.9, 37.5-8, 38.7-41.6, 52-3.

259. Livy 3.50.16, 51.12, 53-4; D.H. 11.45.1.

260. The pontifex maximus may have held their election (Livy 3.54.6-15) because there was no other magistrate available (Niccolini, FTP 31) or the story may be a confusion of a ceremony acknowledging their sacrosanctitas (Ogilvie, CL 394-5; cf. Ch.1B 55).

261. Broughton, MRR 15-16, 24, 31, 37-43, 48-9. The credibility of most of them is suggested by hints of their family ties noted below, and varied evidence of their sympathy with the plebeian cause earlier in the century (e.g. see 151, 154, 167-8 above). cf. Ogilvie, CL 383, 496-7.

262. D.H. 11.43.6, 44.2; Livy 3.51.10.

Decemvir (263). The latter was actually prosecuted in 449 by a plebeian tribune, Numitorius, after Numitorius' colleague and nephew, L. Verginius, had prosecuted Ap. Claudius (264). Claudius' charge was supposedly based on his abduction of his prosecutor's daughter, Verginia, the betrothed of Icilius, another plebeian tribune of 449. This story, another version of the well used tale of the rape of a woman at the end of an oppressive regime, was probably developed from the basic elements of the name of Claudius' prosecutor, and the recent passage of the controversial law against marriage between patricians and plebeians (265). In fact, the trial may be associated with the fact that Claudius and Oppius were the Decemvirs who remained in Rome during the military campaign, carrying out most of the unpopular judgements on the people (266). The hint that all the Decemvirs went into voluntary exile may simply be part of the hostile tradition against them

.....

263. cf. Ogilvie, CL 461-2, who concludes from the suspicious number of Oppii in 450-449 that the Decemvir is spurious.

264. cf. Livy 3.54.4, 11-12, 56-8; D.H. 11.28.7, 46.2-5; Zon. 7.18-19; Cic. de rep. 2.63.

265. For the main versions of the legend, see Diod. 12.24; Cic. de rep. 2.63; Livy 3.44-9; D.H. 11.28-39; Val. Max. 6.1.2; Suet. Tib. 2.2. The oldest version, given by Diodorus, in which the heroine is patrician, illustrates the plebeians' challenge to the *lex conubii*, which might well have been led by the prosecutor, being from a gens of uniquely ambiguous status. Later a plebeian heroine was developed; thus she could be portrayed as the prosecutor's daughter, gaining a suitable name, and the debauched character of the Decemvir became the point of the story. cf. Pais, ALRH 187-190, Alföldi, ERL 153f, Ogilvie, CL 476-487 and Watson, RTT 166f on the development of the legend. For variations of the same themes, see Livy 10.23 and Ogilvie 'The Maid of Ardea', Latomus 1962 477-483.

266. cf. D.H. 10.60, 11.2, 22-24; Livy 3.41.7-10, 49.6, 58.7; Zon. 7.18.

all (267). Claudius' supporters, however, did lose political influence; although Fabius' son was consul in 442, the Cornelii and Sergii did not reach consular office until the mid 430's, Claudius and Antonius did not return until the 420's, and the Rabuleii and Oppii did not return at all.

The consuls of 449, presumably chosen through an interrex, were L. Valerius and M. Horatius, whose relations supported plebeian agitators in the 450's and who are themselves portrayed as opponents of the Decemvirs (268). The second secession probably persuaded most patricians to support their view that plebeian institutions must be more fully acknowledged within the constitution. Accordingly they passed laws reiterating that no magistrates be elected without provocatio, recognising plebeian tribunes' sacrosanctitas, decreeing that the senatus consulta be kept by the plebeian aediles, and making plebiscita valid if they were given auctoritas patrum (269). The consuls also fought the Sabines and Aequi; the tale of their triumph by the authorisation of the people may be an embellishment by Antias to emphasise their popularity (270).

.....

267. D.H. 11.46.4; Livy 3.58.10, cf. 3.59.1-3.

268. Livy 3.39-41, 49.3, 50.16, 51.12, 53; D.H. 11.4.5, 19-20, 23.6, 38.5-39.

269. See Ch.1B 55, 69-70, 73, Ch.2, 127,
for details of the laws. See
Staveley, Ath. 1955 15f on the motives behind them.

270. cf. D.H. 11.47-50, 57, 59; Livy 3.57.7-9, 59-63;
Dio. fr. 23; Zon. 7.19; Degrassi, op.cit. 537-8; Ogilvie,
CL 513.

After their military victories and internal settlements, Valerius or Horatius named as consuls for 448 Lars Herminius and T. Verginius. Herminius was from an Etruscan gens last represented by the consul of 506, who was allied to Valerius' grandfather and one of the Horatii, and is never known in power again; he is likely to have been a plebeian. The Verginii's role in the plebeian disputes, often in alliance with the Valerii, have been noted several times - in 494, 479-475, and 456. It is likely that the consuls were simply old family friends who had supported the consuls' action the previous year (271).

In 447 and 446, Geganius, Iulius, Quinctius and Furius were consuls (272). All shared patrician status (273) and personal interests in defending Latium against the Aequi and Volsci; the latter concern prevailed from 471 to 463 and from 444 to 430, when the consuls of 447-446, or their kinsmen, held a total of nineteen consular posts (274). Patrician pressure for military activity to enhance their reputations and prevent domestic unrest, and Verginius' own interest in the military policy, may explain the installation of this clique in the consulship

.....

271. See Livy 3.65.2. See Broughton, MRR 50 and Ogilvie, CL 515-6 on the consuls' exact identity.

272. Broughton, MRR 50-1.

273. The Geganii, unknown since 492, are likely to have been patricians; they were of ancient standing in the city (Livy 1.30.2; Plut. Num. 10.1) and held several curule magistracies up to 367.

274. cf. Cornelius, UFRG 115; above, 158.

(275). In 447, the levy was obstructed (276); doubtless Quinctius, with the authority of three past consulships, was elected partly to ensure one for 446; the hostile tribes were then repelled (277). The first quaestors were freely elected in the centuriate assembly in 447; they were Valerius, the consul of 449, and Aemilius, whose family, like those of all the consuls, had not been involved in the recent civil strife; popularity and awe of the patricians might have contributed to the people's choice (278).

By the time of the election of 445 agitation by plebeian leaders now fearing the monopoly of government by another group of patricians, may have forced the electoral president, Quinctius or Furius, to name two of their number as consuls. Thus Genucius and Curtius, relations of the consuls of 451 and 453 respectively, became consuls (279) and made another compromise between the patrician and plebeian factions. The *lex conubii*,

.....

275. Livy 3.66f hints at the former; the fact that Verginius' kinsmen also appear in consular office in 471-463 and 444-430 suggests the latter.

276. D.H. 11.51; Livy 3.65.5-6.

277. Livy, 3.66-72; Frontin. Str. 2.8.2.; Diod. 12.30.6. Livy's unlikely tale of Rome's settling of a dispute over land between Ardea and Aricia by making the land *ager publicus* (Ogilvie, CL 523; Sherwin-White, RC² 27) may have been based on a true account of Roman interference in Ardea to bolster its defences (possibly led by Furius the consul, whose gens had personal connections there; see Livy 5.44.1); resentment of this in Ardea is attested by military threats from it to Rome in the next two years (Livy 4.1.4, 7.2).

278. Tacit. Ann. 11.22.

279. Broughton, MRR 52; Ogilvie, CL 528-9.

which would have been proved quite unworkable by this time, was abolished, while the alternative system of the consular tribunate, a compromise between the patricians, who won the censorship by way of compensation, and the plebeian tribunes, who had demanded compulsory seats in the consulship for plebeians, was devised. It was supported by the two Quinctii, anxious to continue their military plans uninterrupted (280).

Conclusion

Looking back on all the elections from 509 to 445, we must admit that we can never be certain that family loyalty or military experience was not the sole reason for the electoral president's choice of his successors in any one year. However, if senators did have views on political matters in this period, as one might reasonably expect, the pattern of magisterial names suggests that they generally did influence the president's choices, which may be divided into three categories. Firstly, he may often have been influenced by his views on the long term issues of the patrician attempt to monopolise the state, and the opposing plebeian aims of reducing the power of the curule state, or that of the patricians within it. Senators' views on these matters depended primarily on which gens they belonged to. More frequently, perhaps, short term

.....

280. D.H. 11.54-61; Livy 4.1.4-6.

policies, such as the military defence of certain areas of the state, and the aversion of internal dispute dictated the president's choice. Again, attitudes to these were dictated largely by gens. Thirdly, there may have been occasions when the need to make a compromise between factions disputing over policy was the president's prime concern.

1. The importance of war in this period is suggested by the fact that there were seven sieges from 425 to 420, compared with four from 300 to 425.

2. Cf. Galt, *GRV* 501-509, and *Revue*, *REV* 91-7, 99-100, on the increasing aggression. Agr. problems since 420 are dealt with in *Revue*, *REV* 92. See also *Revue*, *REV* 93 and Ogilvie, *OL* 686 on the economic benefits of Vell's conquest.

3. For the build up of Gauls in the north, see *Revue*, *REV* 2.17; *Plut.* *Caes.* 15-16; *Blod.* *Blod.* 11.11; *E.A.* 13.10-11; *Livy* 3.34-5; Ogilvie, *OL* 700-15. Their raid on Rome was probably simply for plunder; see *Revue*, *REV* 93; *Revue*, *REV* 94; *Revue*, *REV* 95.

4. *Revue*, *REV* 2.18. While *Livy* 22.6 seems to have exaggerated Rome's successes in this process of recovery, *Revue*, *REV* 111-120, is too sceptical about them. The Gallic sack was not as devastating as the ancient sources suggest (*Ch.* 12.11 n. 3), and had Rome not been consistently successful against the Gauls, Volsci and Abruclians from 387 to 367, she would not have been able to quell Latin unrest at the same time, from further Gallic attacks from 367, and the Samnites from 343, on this question, cf. De Santis, *Revue* 2.216; *Revue*, *REV* 96; *Revue*, *REV* 97; Salmon, *Phoenix*, 1953 131; *Revue*, *REV* 1.12-13.

CHAPTER 3 - ELECTIONS: 444-367

The Political Issues

In the first three decades of this period, steady war against neighbouring Etruscans, Aequi and Volsci was maintained (1), laying the ground for a more aggressive policy of attack on all these peoples from about 415. This was crowned in 396 by the destruction of Veii, Rome's ancient rival for the northern trade routes and possessor of much fertile land (2). The Gallic invasion of 390 put Rome on the defensive again (3), but she regained her former position by 360, after a period of steady consolidation of all the frontiers (4). Besides the basic questions of their location, purpose and strategy, three important political issues are related to these wars. Firstly, they provided the opportunity for Rome to strengthen

.....

1. The importance of war in this period is suggested by the fact that there were seven dictators from 444 to 416, compared with four from 509 to 445.

2. Last, CAH7 503, 509f, and Scullard, HRW⁴ 96-7, 99-100, note the increasing aggression. Ager publicus almost doubled from 420 to 396; see Beloch, RG 620. See D.H. 12.15 and Ogilvie, CL 626f on the economic benefits of Veii's conquest.

3. For the build up of Gauls in the north, see Polyb. 2.17; Plut. Cam. 15-16; Diod. 14.113; D.H. 13.10-11; Livy 5.33-5; Ogilvie, CL 700-15. Their raid on Rome was probably simply for plunder; see Homo CAH7, 562f; cf. Toynbee, HL 1 25.

4. Polyb. 2.18. While Livy Bk.6 passim may have exaggerated Rome's successes in this process of recovery, Beloch, RG 314-320, is too sceptical about them; the Gallic sack was not as devastating as the ancients suggest (Ch.1A 11 n.3), and had Rome not been consistently successful against the Aequi, Volsci and Etruscans from 389 to 367, she would not have been able to quell Latin unrest at the same time, face further Gallic attacks from 367, and the Samnites from 343; on this question, cf. De Sanctis, StR 2 246f; Homo, CAH7 566f; Salmon, Phoenix, 1953 131; Toynbee, HL 1 372-7.

diplomatic contacts with Caere, Massilia, the Lipari islands and Greece (5). Secondly, they caused unrest among Latin states which felt that the provisions of the Cassian treaty for the equal division of military support and subsequent spoils were not being fairly interpreted by Rome as she grew more powerful (6). Their demands were only partly met by the creation of Latin colonies to garrison points vulnerable to Etruscan, Volscian and Aequian attack from 442 to 382 (7); military conflict over the issue in the decade after the Gallic invasion culminated in Rome further strengthening her position in the Latin league by defeating all hostile Latin cities and

.....

5. Rome's ancient friendship with Massilia was established as *hospitium* after Massilia gave aid after the Gallic sack; see N. De Witt, 'Massilia and Rome', TAPA 1940, 605-610; Thiel, HRSP 343 n.9; M. Sordi, I Rapporti Romano - Ceritiae L'Origine della Civitas sine Suffragio (Rome, 1960)(=RRC) 97-100. Rome's links with the Etruscan port of Caere through the Tarquinii and the Carthaginians (Beloch, RG 227; Ogilvie, CL 229-230; J. Heurgon, 'The Inscriptions of Pyrgoi', JRS 1966, 1f; Sherwin-White, RC² 193) were consolidated as *hospitium* after Caere gave aid during the siege of Veii and after the Gallic sack; see Ogilvie, CL 723-4, 740; Toynbee, HL 1 415, 420-3; M. Torelli, Elogia Tarquiniensia (Florence, 1975)(=ET) 72f; cf. Sordi, RRC, 107f. Roman embassies were sent to Delphi, Apollo's sanctuary, in 398 and 394, the second being rescued from pirates by the king of Lipari, who thereby gained *hospitium* with Rome. They may have been partly under the influence of Massilia and Caere, which had treasuries at Delphi (Strabo 5.2.3; Diod. xiv 93; App. Ital. 8; De Sanctis, StR 2 147-9). cf. n.10, 214, 217-8, 233 below.

6. See De Sanctis, StR 2 151f; Salmon, art.cit. 125f; Sherwin-White, RC² 23f.

7. Livy hints that they were Roman colonies, but this was not in accordance with the Cassian treaty; see Ch.2 128-9; Sherwin-White, RC² 24, 36-7, 196-7; Salmon, art.cit. 93f, 123f; Toynbee, HL 1 391-7.

incorporating Tusculum in the Roman state in 380 (8). Thirdly, the creation of four new tribes of citizens at Veii, the possible settling of citizens on the Pomptine lands won in 389, and the enfranchisement of Tusculum not only increased Rome's military strength, but also benefited politically those senators who could marshal clients and amici from them (9).

The severe economic distress among the Roman people attested in accounts of pestilences, drought, corn shortages, a rising population and debt (10) was of political

.....

8. Livy 6.2-29 passim. Some Latin cities remained loyal (Homo, CAH7 577-8); Tusculum only broke away briefly in 381 (n.185). The enfranchisement contributed to renewed Latin unrest in the mid fourth century (Salmon, art.cit. 131; Toynebee, HL 1 126).

9. See Ch.1C 104f. See Taylor, VDRR 47-9, 283-7 for the Veian tribes. Livy 6.21.4 only notes the appointment of commissioners to divide up the Pomptine land in 383; De Sanctis, StR 2 248, and Toynebee, HL 1 375, note their likely difficulty in allocating it amid Latin and Volscian hostility.

10. For the rise in population (including enfranchised Etruscans but excluding colonists) see Livy, 3.24.10 and Pliny, NH 33.16. For the grain shortages see Ogilvie, ERE 137-8, CL 394-5. The story of the rise of the Alban lake in 398 (n.126) may be based on drainage activity to reduce pestilence there (Ogilvie, CL 658-660; Scullard, HRW⁴ 100). A temple to the Greek god of healing, Apollo, vowed in 433 (the only one from 466 to 396), was also an attempt to avert disease (Livy 4.25.3; cf. Diod. 12.58). The cult probably came to Rome through Cumae, Etruria or Sicily, which were sources of corn, one of the few active areas of trade (Ch.2 130, 143; Gag e, AR 19-66; Ogilvie, CL 572, 574, 623).

The fall of Veii and the victory over the Volsci in 389 provided booty to stimulate trade and industry; relations with trading areas were strengthened (n.5); colonies may even have been sent to Sardinia and Corsica to protect shipping from pirates (Cassola, GPR 32-3); three temples were built from 396 to 388 (215 below; Livy 6.5.8). But the ransom to the Gauls and the expense of rebuilding the city after the Gallic invasion (cf. Plut. Cam. 28, 30-2; Diod. 14.116; Zon. 7.23.8; Livy 5.48.8-9, 55, 6.1.4) contributed to debt (Livy 6.11.9, 27.3, 32, 34.1-2, 35.4, 39.2); building of defensive walls was only started in 378, and they were not complete in 353 (Livy 6.32.1, 7.20.9; for full details, see Thomsen, KST 218-237).

relevance for several reasons. The prospect of popular revolt, which broke out in 414 and 410, threatened military policies (11). At the same time, expansion into Etruria and the south by military means may have been partly to facilitate the import of corn from these areas when harvests were bad, and to settle the peasants on the land won (12). The promise of alleviating economic distress was an essential basis of power for the plebeians still agitating for political equality against patrician cliques dominating curule offices; the tribunes' ability to use their vetoes and threaten secessions effectively depended on their having popular backing, and being unobstructed by their colleagues. Since most citizens still lived in the vicinity of Rome in this period, unattached voters could readily be attracted to the tribunician elections by popular appeal; at times of greatest hardship, patricians may not even have been able to prevent their own clients freely voting there (13). Popular support was also used by tribunes in their prosecutions of political enemies in the tribal and centuriate assemblies, and in their attempts to gain political equality by legislation. The prime example in this period of the latter is the plebiscita proposed by plebeian tribunes Licinius and Sextius in 376, abolishing the consular tribunes, extending the system of free elections to all magistrates, reserving one consular place for plebeians, alleviating debt, and limiting the

.....

11. cf. Livy 4.12.5, 49f, 53.2f, 55, 5.27.10, 6.31.4.

12. cf. Schwegler, RG 3 162-172; Last, CAH7 537-540; Toynbee, HL 1 164-7, 312-4.

13. See Ch.1B 44, 72 and Ch.1C 101, 113.

amount of ager publicus taken up by an individual; it directly linked political and economic reforms to win votes for the former in the plebeian assembly (14).

Plebeian leaders were demanding political equality in this period because whenever enough patricians were united over other issues, they were able to dominate curule magistracies. They could nominate each other to the consulship as before, and soon discovered that their more organised and influential candidates could also win the free consular tribune elections. Hence they became increasingly willing to have consular tribunes whenever plebeian tribunes seemed sufficiently united to veto consular elections; only twice in such circumstances up to 400 did they have to resort instead to interregna to ensure their continued monopoly (15). However, the consular tribunate did not simply become a weapon of united patrician factions. From 405 to 367, a period when six consular tribunes were returned in all but three years, an increasing number of plebeian leaders were supported by patricians as candidates to these colleges. This was partly because tribunes were threatening

.....

14. See Ch.1B 46-7, 60-3, for the political clauses of the law and its passage. Last, CAH7 543, argues that the clauses on debt (Livy 6.35.4, 39.2) are credible. The view of Tibiletti, Ath. 1948, 173-236, Ath. 1949, 3-41, that the agrarian clause limited holdings of ager publicus to something less than 500 iugera, is generally accepted today; see G. Stockton, The Gracchi, (Oxford, 1979) 206f.

15. See Ch.1B 46f and Ch.1C 100f, 117f for these methods of electoral control. Patrician factions would have generally been reluctant to resort to interregna, because their frequent use devalued them, they had to be justified, they wasted time, and they provided a say for all patricians.

obstruction to all elections, realising by this time that they could not defeat united patricians in the free elections, and partly because patricians were developing personal links and common political views with them of more importance to them than their loyalty to the patriciate. Such patricians realised the value of their plebeian allies' provincial connections, their growing client bases, and their power as plebeian tribunes. Also, when there were great disputes between factions in the senate over policy, free elections of consular tribunes were voted simply because they were the only means of giving a fair chance of success to all candidates (16).

Two points concerning the detection of political attitudes should be made. Firstly, members of the same gens would have generally retained enough traditions and economic interests in common to maintain the same views on the above political issues, although the declining importance of patrician status and Rome's general expansion in the early fourth century might have caused some individuals to be influenced more by the interests of their immediate family than their gens in forming their views on policy by the end of the period. Secondly, the magistrates, as opposed to the senate, still had the main say in the policies being implemented, although their actions were often dictated by plebeian agitation or military expediency (17).

.....

16. See Ch.1B 54-6; Ch.1C 80-2, 101, 120-1.

17. See Ch.1B 68-79 and Ch.1C 84-90 for the basis of this. Most gentes were only represented by one or two families, descended from early fifth century consuls; see Willems, SRR 1 71f and Beloch, RG 53f.

The Elections

From 444 to 426, the magistrates seem to have belonged to a broad political faction, maintaining patrician monopoly of government and pursuing a military drive against neighbouring tribes. Many had been, or were related to, magistrates of the period 462 to 445; of those who had then agitated for plebeian equality in state government, some might have now turned back to their old patrician friends because they were satisfied with the compromises reached over the past decade and shared their concern with military affairs. Since it included many leading senators, the group was frequently able to vote in the senate for elections of consuls, in which they passed office to each other. Whenever plebeian leaders threatening to impede consular elections or obstruct the military levy forced it to opt for consular tribunes, the same group was able to win most of the places. All this may be illustrated with some details of names and events.

From 444 to 426 twenty-one individuals from fifteen gentes were represented in twenty-seven consulships (18). All these gentes were probably patrician except for T. and Ag. Menenius, the consul of 452 and his son, who, having estates in the east, would have shared their patrician

.....

18. See Broughton, MRR 52-67 for full refs. Beloch, RG 9 and Ogilvie, CL 566 discard the consulship inserted by Diod. 12.77.1 between 428 and 427; Degrassi, II 13.1 538, argues that in 437 a consul suffect, Valerius, won a triumph rather than a dictator; the consulship of 434 noted by Macer is the result of confusion in the libri lintei, while that of 434 noted by Antias is an incomplete version of the consular tribunate (Livy 4.23.1-3; Diod. 12.53.1; cf. Ogilvie, CL 566, 570-1); for arguments against a consulship in 444 see n.36 below.

colleagues' concern to defend the Latin area from the Aequi (19). Like their forefather in 477 they may have been named as consuls in 440 and 439 to quell plebeian demands for representation. In 440 and 439, the dominant party would have feared it could not control consular tribunes' elections, because popular discontent over the extent of land given at the colony of Ardea in 442 had been fanned by the plebeian tribune, Poetelius, pressing for land allotments in 441 (20), and by Maelius offering cheap corn during the shortage in 440 (21). Quinctius Cincinnatus may have been appointed as dictator to quell Maelius' sedition; either as his *magister equitum* or as a private citizen Servilius Ahala killed Maelius in 439 (22). Cincinnatus and Servilius, and the other two consuls in these years, Geganius and Quinctius' brother, Capitolinus, were clearly part of the main faction in power, their families being known in twenty-one different posts from 447 to 426. Geganius' forefather had been consul with one of the Minucii in an earlier corn shortage in 492; like Minucius, the plebeian named as *praefectus annonae* in 440 (23), he might have been chosen because

.....

19. See Ch.2 136-7, 152-3. The Aebutii's status is uncertain; see Ch.2 157.

20. Livy 4.11-12.

21. Livy 4.12-14; Zon. 7.20; D.H. 12.1-4.

22. Gagé, RP 1953, 46-7, Ogilvie, CL 550-1, 554-5, and Lintott, Hist. 1970, 13-18, VRR 54-8, suggest that Cincinnatus' dictatorship is a late addition to the legend, and that Servilius' slaying of Maelius as a private citizen is the genuine version of the tale, being a primitive procedure for dealing with a potential tyrant.

23. Livy 4.12.8-11, 13.7-9; D.H. 12.1.6, 11-15; Zon. 7.20. See also Ch.2 142-3, 164.

he inherited relevant knowledge or contacts. The personal authority of the Quinctii brothers, who had already held six consulships and one dictatorship, would have contributed to the choice of one or both of them amid such domestic strife (24).

Because of the pestilence in Rome from 444 to 426 (25), which may have made religious authority and knowledge a factor in the choice of consuls from within the dominant faction (26), the armies were not led out every year. Yet the consuls' concern with military affairs is clear; they or their relations held twenty-two other posts dealing with military and foreign policy in this period (27), and their names may be linked with the expected spheres of military activity. From 443 to 441 and 431 to 430, when Rome was at war with the Aequi and Volsci (28), all the

.....

24. Livy 4.15-16, Zon. 7.20 and D.H. 12.2-4 describe the dictator quelling internal unrest; this may have been done by the consul of the same name, or the dictator may have been appointed to do so after Maelius was slain.

25. Livy 4.20.9, 21, 25.3-4, 30.7-11; D.H. 12.6.3.

26. The Papirii, who had much religious authority (Ch.2 164), held four consulships and one censorship from 444 to 426. Three priests, Furius, Cornelius and Servilius (Livy 3.54.5, 4.27.1; H. Dessau, Inscriptiones Latinae Selectae (Berlin, 1892-1914)(=ILS) 9338.2) and three censors, Furius, Geganius and Papirius (Livy 4.22.7; Cic. de rep. 2.60) were consuls or dictators from 444 to 426. The temple of Apollo was dedicated in 431, and there were attempts to avert superstitious panic in 428 (Livy 4.29.7, 30.9f; Ogilvie, CL 583).

27. And nine consuls from this period held more than one consulship from 447 to 419.

28. Livy 4.9.10, 26-30; Val. Max. 2.7.6; Diod. 12.64.2-3; Gell. 17.21.17; Ovid. Fast. 6.723f; Degrassi, op.cit. 538; Ogilvie, CL 576f.

sixteen generals and lieutenants in office, from the Furii, Iulii, Papirii, Fabii, Aebutii, Sulpicii, Quinctii and Postumii, had long standing family interests in the defence of Latium against the tribes, or were descended from consuls in office from 471 to 463, or 447 to 446, when similar wars predominated (29). And when Rome was at war with Etruria, from 437 to 435, and from 429 to 427 (30), five consuls, one dictator and two legates were from the Servilii, Sergii, Cornelii and Fabii, gentes based in the north (31), where they might have served in these years, had they not been prevented by pestilence. They were clearly allies of those more personally concerned about the Aequi and Volsci, for all their predecessors, colleagues and successors, Aemilius, Geganius, Valerius,

.....

29. See Ch.2 138, 145, 156-8, 164, 179-180.

Notably, the dictator and magister equitum in the major battle against the Aequi in 431 were father-in-law and kinsman respectively of the consuls of that year, Quinctius and Iulius (Livy 4.26; his story of the consuls' lack of harmony may reflect personal rivalries or differences over strategy; the detail in it of Servilius' intervention comes from a similar tale of 418).

Perhaps Fabius gained office so soon after his father's disgrace in the second Decemvirate because of the latter's successes against the Aequi from 465 to 458; his son may have gained experience under him. Both fought at Algidus, the elder in 465, the younger in 431, just like Quinctius Capitolinus and his nephew.

30. Since the origins of the wars (Livy 4.17-22,30; Diod. 12.80.6; Pliny, NH 34.23; Cic. Phil. 9.2; Frontin. Str. 2.8.8; Ogilvie, CL 558-9) and the magistrates' names are similar in both periods, Last, CAH7 507-9 and Scullard, HRW⁴ 99, suggest that the earlier war duplicates the later; cf. Ogilvie, ERE 141-3, CL 569-570, who argues that only a few military details were repeated; see n.53 for one example.

31. See Ch.2 139, 149.

The Sergii only hold offices from 450 to 380, when fighting against the Etruscans is a major issue.

Verginius, Lucretius and members of some of the gentes noted above, had family interests in their areas of attack. Many may also have inherited interests in Etruria, where the forefathers of all but three fought from 504 to 478 (32).

We may now review the six consular tribunate elections from 444 to 426. In 444, no doubt in fear of plebeian agitators, the senate voted for consular tribunes; only three won absolute majorities: Atilius, Sempronius and Cloelius (33). Atilius, being from a plebeian gens not known again until his son was consular tribune in 399, with Genucius, son of the consul of 445, may have been a plebeian agitator for the consular tribunate. Sempronius and Cloelius, being from gentes last known over forty years before, but holding several curule posts, including censorships, before 367, were probably minor patricians (34). Their position within the dominant military faction is suggested by three facts. One of the Cloelii may have been a legate to Fidenae in 438 (35), their successors in 443, the consuls Geganius and Quinctius, named Sempronius

.....

32. For support of all this, see Ch.2 134-7, 143, 149, 157-8, 160.

33. Broughton, MRR 52-3; cf. Ogilvie, CL 542.

34. Shatzman, CQ 1973, 74. For further hints of their status, see D.H. 4.62; Livy 1.30.2.

35. Livy 4.17.2.

as censor with Papirius (36), and in 442 Cloelius was a Triumvir founding a Latin colony at Ardea to defend it against the Volsci with Menenius, consul of 439, and Aebutius, brother of the consul of 442 (37). Notably all these individuals, save Quinctius, were descended from consuls fighting the Aequi and Volsci before the patriciate was formed, their gentes holding only three consulships from 491 to 444. Like others in this subgroup, Sempronius and Cloelius may have gained support both from patrician leaders sharing their military objectives and fearing the effects of the free election, and those sharing their concern to break monopolies of office (38).

.....

36. Some of the ancients suggest, following Macer, that Papirius and Sempronius were noted as consuls in a treaty with Ardea and in the *libri lintei* for 444, and that they were named by Quinctius Capitolinus, interrex, after the consular tribunes were forced to abdicate (Livy 4.7.3-12; D.H. 11.62; Cic. de fam. 9.21.2; Cassiod. in Degrassi, op.cit. 369; cf. Ogilvie, CL 546). Hints of recent discord between Rome and Ardea suggest that the treaty is credible; see Ch.2 180 n.277; Sherwin-White, RC² 27. But Macer may have only seen Sempronius' name on it, misread the *libri lintei*'s record of the censorship of 443, and assumed Quinctius' role as interrex from his presidency of the censors' election. For similar views, see A. Boddington, 'The Original Nature of the Consular Tribunate', Hist. 1959, 359, and Palmer, ACR 227. For some alternatives, cf. Mommsen, RSt 2³ 335 n.1; Beloch, RG 80f, 249f; Ogilvie, Hermes 1961 380f, CL 54203.

37. Livy 4.11.5-7; Diod. 12.34.5; Ogilvie, CL 549. Cloelius may have been included because he made the treaty with Ardea in 444. Civil discord in the town may partly explain the creation of the colony and Livy's setting of the tale of the maid of Ardea there (Ch.2 177 n.265).

38. See Ch.2 136-8, 143 for hints of their family spheres of interest and military activity before 486. Cloelius may even have shared ancestry with the leader of the Aequi who attacked Ardea in 443 (Livy 3.25.8, 4.9.12).

The senate then voted for consuls, until plebeian leaders were able to demand the election of consular tribunes in 438, amid popular unrest after Maelius' death (39). Three leading members of the patrician military faction were returned, presumably through their personal authority and their marshalling of rich amici and clients. They were Quinctius, son of the dictator of 439, Iulius, the consul of 430, and Aemilius (40), who was appointed as dictator to fight in Etruria in 437, 434 and 426, always choosing members of the faction as his *magistri equites*: Quinctius, consular tribune of 438, Postumius, dictator of 431, and Cornelius, consul of 428 (41).

The plebeian leaders rallied again to threaten disruption of the consular elections in 434 (42), and won consular tribune elections for three years, but the same faction prevailed in them (43). Eight of the nine elected

.....

39. cf. Livy 4.10.9, 12.5, 16.5-6.

40. Broughton, MRR 57-9.

41. Klebs, 'Aemilius' PWRE (Stuttgart, 1894) 1 570-1. The story of the dictator being disenfranchised in 434 because he limited the censorship to 18 months (Livy 4.24; Ch.1B, 62, n.93) is obviously unhistorical, if only because of the evidence of the third dictatorship, as Livy 4.31.5 suggests; see also Fraccaro, Ath. 1933, 167-8, 171, and Ogilvie, CL 573.

42. The extent of popular support for the plebeian tribune Maelius prosecuting Servilius and Minucius in 436 is uncertain; cf. Livy 4.21.3-4; Cic. de dom. 86; Val. Max. 5.3.2. Livy does not note tribunician obstruction of consular elections until 433 (4.25.1-2), but in 434 he is mainly concerned with the nature and identity of the magistrates (n.18).

43. Broughton, MRR 61-3.

were patricians sharing personal interests in the areas of war expected against the Etruscans, Aequi and Volsci (44); only two of them, Manlius and Pinarius, were from gentes not already noted as part of the ruling faction (45). Four of the eight were related to priests or censors of the period 463 to 380 (46), and the gens of the ninth, Folius, is only otherwise represented, until the late fourth century, by a pontifex maximus in 390 (47). The religious authority of these leaders may have won them support in the senate and assembly at this time of pestilence which inspired the consultation of the Sibylline books, and the vow of a temple to Apollo, the Greek god of healing in 433 (48).

For a few years after 432, the leading patricians held consular elections without obstruction from the plebeian leaders, who were doubtless disillusioned by their lack of success in the free elections, and the law against canvassing in 432, while the people were distracted

.....

44. Livy 4.23-24.2, 25.6-8.

45. Both gentes were last known fighting the same tribes in 475-2, when a Manlius drew up a forty year truce with Veii; Manlius' election the year it expired may be no coincidence.

46. Furius (n.26); Pinarius (Livy 4.29.7; Cic. de rep. 2.60); Postumius (Ch.2 169, n.227; below, 202); Sulpicius (Livy 3.7.6).

47. Livy 5.41.3.

48. Livy 4.25.4; n.10,26. Notably, three consular tribunes of 434-2 were kinsmen of the envoys to Greece in 454, Manlius, Postumius and Sulpicius, who had interests in the Sibylline Books (Ch.2 169).

by the wars (49). In 426, however, four leading members of the patrician military faction were elected as consular tribunes (50). The success of four candidates and the fact that one became the first consular tribune allowed to name a dictator (51) clearly attests to the faction's prominence in the senate and authority and client control in the assembly; perhaps they were such as to cause it to vote deliberately for the consular tribunate to ensure that there were many generals with consular authority for a big expedition to Veii (52). One of the consular tribunes, Cornelius, the consul of 428, chose as dictator Aemilius, whom he had already named as legate to Fidenae in 428; either as Aemilius' magister equitum, or as consular tribune, Cornelius won the spolia opimia in 426. Other consular tribunes were Postumius, Quinctius, also consul in 428, and Furius, the consul of 441 (53).

.....

49. cf. Livy 4.25.9-26.1, 30.1; Ch.1C 101.

50. Broughton, MRR 66.

51. Livy 4.31.2-4.

52. cf. Ogilvie, CL 584-5.

53. The repetition of all these names may partly explain confusion over Cornelius' spolia opimia. The evidence from an inscribed corselet and the libri lintei that he won them as consul, i.e. in 428 (Livy 4.20.6f, Fest. 204L, accepted by De Sanctis, StR 2 139-140, Last, CAH7 507-8 and Scullard, HRW⁴ 474 n.11) is disputed by Livy 4.20.9, Diod. 12.80.6, Ogilvie, CL 563-4, and Luce, TAPA 1965, 211-218, 232. Livy 4.19-20, 32.4 and D.H. 12.5 suggest that he won them as military tribune in 437, when Aemilius was dictator, but won no triumph (n.18), while others suggest that he won them in 426 as consular tribune (Serv. ad Aen. 6.841) or magister equitum (Val. Max. 3.2.4, cf. Frontin. Str. 2.8.9; Livy 4.20.10). The greater victory and triumph of Aemilius in 426 (Livy 4.31-4; Degrassi, op.cit. 539) favour the latter year.

From 425 to 416, political trials, disruptions of levies and promotion of land laws by plebeian tribunes indicate conflict between patrician leaders primarily concerned with military affairs, and plebeians and minor patricians protesting at their monopoly of office (54). The role of policy in most of the elections in this confused period is particularly uncertain.

In 425, the dominant faction in the senate again seems to have controlled the consular tribunes' election. Four patricians, A. Sempronius, son of the censor of 443, L. Quinctius Cincinnatus, consular tribune in 438, L. Furius, consular tribune in 432, and L. Horatius, son of the consul of 449, were elected (55). Hints of their family interests in the Latin area, their drawing up of a twenty year truce with Veii in 425, which left Rome free to deal with the Aequi when their truce ended in 422, and the re-election of the first three as consular tribunes in 420, when there was a threat of Aequian attack, suggest that they shared particular concern with Rome's eastern defences (56). All may have been supported by the military faction for this reason; Horatius might also have

.....

54. The monopoly of office by the Postumii, Sempronii and Quinctii, who held twenty curule posts from 444 to 414 may explain why they were the victims of the trials and mutiny from 423 to 414; see Münzer, *Philol.* 1937-8, 59f. Because of the trials, a change of emphasis in military policy to the north, and plebeian successes in the elections, these gentes only won five curule posts from 413 to 390.

55. Diod. 12.81.1; Livy 4.35.1; Chr. 354 in Degrassi, *op.cit.* 374.

56. See Ch.2 153, and above, n.29, 38, for hints of their spheres of interest. For the truce of 425, see Ogilvie, *CL* 589.

been supported to preclude protests about monopoly of office (57).

In 424, no military or domestic policies are apparent (58); perhaps the four patrician consular tribunes, Ap. Claudius, son of the disgraced Decemvir, Sp. Nautius, Sex. Iulius and L. Sergius, the consul of 429, won the election simply through the support of family friends united by patrician loyalty (59), the consular tribunate having been voted because of the patricians' continued confidence in their control of the assembly.

In 423, the senate voted for a consulship; perhaps its patrician leaders feared popular support of plebeian tribunes, who had proposed land reforms in 424, might disrupt their control of the consular tribune elections, while hoping that such plebeian leaders would not have sufficient influence in the tribunician college to impede consular elections (60). Claudius, the president (61), returned two patrician consuls, Q. Fabius, who was son of one of the second Decemvirs, like Claudius, and brother of the consul of 442, and C. Sempronius, nephew of the consular tribune of 444 (62). Both might have been chosen partly because they gained from these relations

.....

57. Like Sempronius (whose son and nephew were now closely linked with the patricians: n.54) in 444. See Ch.2 178 for Horatius' father's influence with plebeian leaders.

58. Livy 4.35.3-4.

59. Their families were linked in office in 475-1, 460-458, and 451-0.

60. cf. Livy 4.35.5-36.5.

61. Livy 4.36.5.

62. Broughton, MRR 68.

influence in Ardea, useful at this time of Volscian unrest (63).

The successful prosecution of Postumius, the consular tribune of 426, for military incompetence by plebeian tribunes in 423, suggests that after Sempronius' near defeat by the Volsci in 423, popular support for plebeian agitators had increased (64). Perhaps, therefore, the senate voted for a consular tribunate in 422 in fear of a consular election and levy being disrupted by plebeian tribunes just when Rome was under threat of Volscian and Aequian attacks (65). In the political conflict only three consular tribunes were returned - L. Papirius, the consul of 427, L. Manlius, brother of the consular tribune of 434, and Q. Antonius. Papirius' experience, and support from recent magistrates for all three might have contributed to their success (66).

In 421, the year after the end of the truce with the Aequi, the leaders in the senate voted for a consulship, presumably to ensure, after the inconclusive results of 422, that appropriate military leaders were chosen, assuming that the plebeian tribunes' failure to prosecute Sempronius, the consul of 423, for military incompetence

.....

63. Livy 4.36.4, 37.4.

64. Livy 4.37-41; Val. Max. 3.2.8. Quinctius, consular tribune in 426, also tried for incompetence, was acquitted because of his greater reputation. The delay of the trial since 426 suggests its political nature.

65. cf. Livy 4.42.2.

66. See Broughton, MRR 68 and Ogilvie, CL 597 for their names. Antonius' father might have been the Decemvir patronised by the father of Claudius, in office in 424.

meant that they would not be sufficiently united to disrupt the consular elections (67). Accordingly, one of the consular tribunes of 422, named as consuls, N. Fabius, brother of Sempronius' colleague in 423, and T. Quinctius, son of the consular tribune of 426 acquitted the previous year (68). Both were from gentes with traditions of fighting the Aequi, and Fabius won an ovatio over them in 421 (69). Their concern with military expansion is indicated by their increase in the number of quaestors to four, so that two could help the general with his booty (70).

In 420, an interrex, L. Papirius, named four men as consular tribunes, L. Quinctius, L. Furius, A. Sempronius and M. Manlius (71). Livy's confused account suggests that the interregnum was called after conflict between the patrician military faction and a united college of plebeian tribunes, who had been introducing land laws to build up popular support, and threatened to use their veto in the consular election (72). The interrex, who did not

.....

67. Livy 4.42; Val. Max. 6.5.2; Ogilvie, CL 596-7.

68. Broughton, MRR 69-70.

69. Most recently, Quinctius' cousin had served with Fabius' brother in the battle of Algidus in 431. See Livy 4.43.2 and Degrassi, op.cit. 539 for Fabius' ovatio.

70. Livy 4.43.3-5,12. His account of plebeian demands that two be reserved for them may have developed from evidence of their election now being moved to the more convenient tribal assembly (Ch.1B 35 n.21; Ch.1C 105) and of the subsequent disappointment of plebeian candidates for the post.

71. Broughton, MRR 70-1.

72. Livy 4.43; cf. Ogilvie, CL 599.

give the centuries any choice, presumably named four consular tribunes rather than two consuls because more than two generals with consular authority seemed necessary to meet Aequian attacks. The first three were the experienced leaders who had made the truce with Veii in 425.

By the time of the election of 419, three plebeian tribunes, whose relations had failed to win the extra places in the quaestorship, presumably because the patrician candidates had greater authority and client support, had finally convicted Sempronius, consul of 423, for military incompetence, his unpopularity having increased because he opposed the tribunes' land laws and his cousin had presided over the election of the quaestors (73). In 420 there had also been another trial, probably based on resentment of patrician monopoly of office - that of Postumia, a Vestal Virgin, sister of the consular tribune of 426, for misconduct, by Minucius, the plebeian pontifex maximus whose gens had not won consular office since 457 (74). In these confused circumstances, an election of consular tribunes was called, and Ag. Menenius, the plebeian consul of 439, C. Servilius, the consul of 427, P. Lucretius, son of the consul of 429, and Sp. Nautius,

.....

73. Livy 4.44.2-10, suggesting that Antistius, one of the prosecuting plebeian tribunes, was related to one of Sempronius' defenders in 422; perhaps the family was divided, or Sempronius had lost their support, as Livy suggests, and as one might expect, given the Sempronii's shift into the centre of the patrician faction since 444 (above, 194, 198-9). cf. Ogilvie, CL 600-1.

74. Livy 4.44.11-12; Plut. Inim. Util. 6. Beloch, RG 18 doubts Minucius' priesthood, but I think it was possible for plebeians to hold such positions (Ch.1B 63 n.97). Münzer, Philol. 1937-8, 57f, argues for the historicity and political significance of the trial.

son of the consul of 424, were elected (75). The repetition of office by three of them in 417 and the fact that four of them were returned suggests that they were political allies; since they all belonged to gentes holding consular office just once each since 440, they could have been supported by their associates among the military leaders partly to quell objections to the recent monopoly of office by a few gentes (76).

In 418, a slave revolt and the renewed threat of Aequian attack (77) made the patrician military leaders support experienced leaders as consular tribunes; they were only able to return three: L. Sergius, who had held four consular offices, C. Servilius, who had held two, and M. Papirius, who was Servilius' colleague in the consulship of 427 and had personal interest in the protection of Latium (78). Their family loyalties, despite tales of their quarrels over command and tactics in the course of the year (79), are indicated by their nomination of Q. Servilius, the victor at Fidenae in 435, as dictator

.....

75. Broughton, MRR 71-2.

76. The leaders might have feared Lucretius and Menenius, whose families had only reached office since 486 at times of domestic unrest, supporting plebeian agitators. The next known Menenius, indeed, was a plebeian tribune promoting popular measures in 410.

77. D.H. 12.6.6; Livy 4.45.1-4.

78. Broughton, MRR 72.

79. Livy 4.45.5-47.6; cf. Dio. 6.23.4. The dispute was probably exaggerated because of misunderstanding of the practice of rotating fasces (Ogilvie, CL 603-4); also, the record of Servilius winning three consular tribunates from 419 to 417 fostered the theme of jealousy.

to take Labici after Sergius' defeat there, his appointment of the consular tribune Servilius as his *magister equitum* (80), and the naming of Papirius, father of the consular tribune, as censor (81).

The years 417 and 416 broadly follow the pattern of 419 and 418. In 417 there was peace abroad (82), but internal conflict after the creation of the Latin colony of Labici, where the plebeian tribunes Metilius and Maecilius had demanded land for the Roman people (83). The three consular tribunes of 419, together with Sp. Veturius (84), whose gens had not been represented in consular office since 455 (85), probably won the consular tribunate election on the same grounds as in 419. In 416, because of the lack of security at Labici (86), the patrician military leaders returned, together with Nautius, colleague of his predecessors in 419, three more experienced generals: A. Sempronius, the consular

.....

80. Diod. 13.6.8; Livy 4.45.6f; Degrassi, *op.cit.* 376-7.

81. Degrassi, *op.cit.* 97, 376.

82. Livy 4.47.8.

83. Livy 4.47.6-48, records the agitation over the land in 417 and 416, after the creation of Labici in 418; however his statement (4.48.1) that the tribunes for 416 had been elected for three years, and the fact that the consular tribunes of 417 and 416 included all those of 419 are hints that he misplaced the agitation, which would more naturally have taken place before the land was divided up with the Latins; cf. Ogilvie, CL 606-7.

84. Broughton, MRR 73.

85. A Lucretius and a Veturius had been consuls in 462, amid similar agitation against monopolies.

86. Livy 4.49.4.

tribune of 425 and 420, M. Papirius, consular tribune of 418, and Q. Fabius, consul of 423 (87).

All those in power from 415 to 401, except for the Quinctilii, were from patrician families in consular office since 444, and hence dominant in the senate. In this period they pursued a more aggressive military policy, pushing back the Aequi and Volsci and then setting out to destroy Veii when its truce with Rome ended in 405. Fifty-five of the fifty-nine consular posts were held by leaders whose forefathers were consuls with similar, though more modest, military aims from 485 to 463, the first period of patrician monopoly. Notably four gentes prominent in the foundation of the patriciate, the Cornelii, Fabii, Valerii, and Furii, whose estates together faced the main areas of military conflict held thirty-two consular posts from 415 to 401 (88).

In 415 and 414 eight patrician consular tribunes from the faction described above were returned: the brothers Q. and N. Fabius, consuls of 423 and 421, Q. Quinctius, P. Postumius, P. and Cn. Cornelius and C. and L. Valerius (89). The first six were all related to the consular tribunes who made the big expedition to Veii in 426; the last two were clearly promising generals, since they were to lead the army in nine more consular posts by 390. Flood prevented any military activity in 415 and 414

.....

87. See Broughton, MRR 73.

88. The Cornelii provided more individuals from a broader spectrum of the gens than any other; they generated the many powerful Cornelii families of the fourth century.

89. Broughton, MRR 74-5.

besides the capture and recapture of Bola from the Aequi (90).

After taking Bola in 414, Postumius died at the hands of his soldiers when he refused, or was unable, to give them the booty they had been promised, and objected to the colonising of the town with Romans, which had been proposed by plebeian tribunes in 415 and 414 (91); he was no doubt concerned to satisfy the demands of his Latin associates for a share in the land. Since Postumius had come to power just after his brother's heavy fine and the attempted conviction of his sister, his family must have been rich and powerful, and may have come to represent in the eyes of the people aristocratic ambition for war without concern to compensate the Roman people with adequate booty. In the aftermath of this revolt, the military faction in the senate voted for consuls, fearing that it could not control the consular tribune elections; when the tribunes then vetoed the election, an interregnum was called (92). The consuls for 413 named by the interrex, Fabius, consular tribune of 414, were the first of a five year series of patrician consuls from the military faction, which therefore must have dominated the patriciate as a whole. They were M'. Aemilius, C. Valerius, Cn. and

.....

90. Livy 4.49; Diod. 13.42.6; Ogilvie, CL 608.

91. Livy 4.49.6-50.7; Val. Max. 9.8.3; Flor. 1.17.2. The quaestor who tried to quell the mutiny and the plebeian tribune who proposed land laws have the same name, Sestius or Sextius; cf. Münzer, 'Sextius', PWRE 2.A.2 (Stuttgart, 1923) 2040 (the quaestor is a duplicate of the tribune) and Ogilvie, CL 610 (vice versa).

92. cf. Livy 4.50.6-8.

A. Cornelius, Q. Fabius, M. Papirius, Sp. Nautius and C. and L. Furius (93). Five of them already had experience of consular posts, and five were to hold them again. Except in the period of famine in 412 and 411, all led military campaigns in and beyond Latium against the Aequi and Volsci, capturing the strategic points of Ferentinum in 413, Carventum in 410, lost the subsequent year, and Verrugo in 409 (94). Their elections were held free from threats of disruption by opposing plebeian tribunes, presumably because the latter could not form united colleges, after the people were appeased by the investigation of Postumius' death in 413 (95). Land laws proposed by plebeian tribunes Icilius, in 412, and Menenius, in 410, came to nought, although Menenius was able to obstruct the levying of troops for some time. Menenius, unlike his forefathers, may have resorted to the plebeian state because of renewed patrician loyalties

.....

93. Broughton, MRR 75-8; cf. Ogilvie, *Hermes* 1961, 389-392, CL 613-4, who suggests that the college of 411, of Papirius and Nautius, was a consular tribunate, including Sempronius Atratinus, because Livy 4.52.5 gives Papirius the cognomen Atratinus, otherwise unique to the Sempronii. However, the Papirii and Sempronii are so closely connected in offices in this period, holding a censorship together in 443 and ten curule posts from 430 to 416, that simple confusion of their names is perfectly credible.

94. Livy 4.51.7-53.11, 55.4,8. Notably the consuls of 411 shared office in 416, as did their forebears in 458; on all three occasions military action against the Aequi was expected in the area of Labici, Carventum and the pass of Algidus. Ogilvie partly bases his reconstruction of the name Papirius Carventanus in the lists of 458 on his assumption that it is a doublet of the consul of 411; see CL 614-5; Ch.2 164, n.206. However, the independent evidence of the Papirii's links with this area of Latium (see Ch.2 164, n.208) and the coincidence of the spheres of expected activity in all three years suggest that the reconstruction stands up without this assumption.

95. Strachan-Davidson, PRCL 1 225f.

among the military leaders (96).

In 409 increasing popular support for the plebeian leaders is indicated by another obstruction of the levy (97), and the election of three plebeians, Aelius, Papius and Silius, along with K. Fabius, as quaestors (98). Hence the dominant faction in the senate, to avoid disruption and delay of consular elections by united plebeian tribunes, voted for a free election of consular tribunes in 408 on the condition that the plebeian tribunes of 409 did not stand as candidates (99). Since the votes were weighted towards the patricians' rich amici and clients in the comitia centuriata, unlike the tribal assembly, where the quaestor elections were held, the competition of the plebeian candidates could only reduce to three the number of absolute majorities won in this election by the leading faction. After this success, consular tribunates were voted again for 407 and 406 (100), and the patricians,

.....

96. cf. Zon. 7.20; Livy 4.51.2-6, 52.1-3, 8, 53.2-8. Livy 4.53.11-13 notes that the patricians held a consular election for 409 in fear that Menenius might win a consular tribunate with popular backing.

97. Livy 4.55.2-6.

98. See Livy 4.54, calling them the first plebeian quaestors; cf. n.91. Since none are from gentes known until the late fourth century, while Sextius' gens is active in 452 and 379-366 in association with patrician leaders, they may have been the first plebeian quaestors from outside the broad ruling class of patricians and plebeians.

99. Livy 4.54.8-55.7; cf. 4.56.3.

100. Livy 4.56.9-57.10 uses the story, also told in 431 and 418, of the consular tribunes resenting the appointment of a dictator to explain the continuance of consular tribunes in 407. The consular tribunes of 408 included a Servilius re-elected the next year (as in 418) and a Julius (as in 431); thus the tale was readily transposed.

promoting candidates of prestige and experience, gained four places each year (101). No effective agitation by plebeian tribunes is recorded in these years; perhaps hopes of spoil (102) placated the people. The patrician military leaders from 408 to 406 were C. Iulius, P., P. and Cn. Cornelius, C. Servilius, L. Furius, C. and L. Valerius and N. Fabius; the same gentes were also represented by a dictator, magister equitum and lieutenant (103).

They continued their military policy, fighting the Aequi and Volsci in the area of Labici, which Servilius' father had captured in 418, and more aggressively in the upper Liris valley beyond. They also fought the Volsci attacking with the aid of Antium along the coastal route towards the estates of the Valerii (104).

From 405 to 401, the dominant issue was the siege of Veii, which the Romans began as soon as the truce expired at the end of 406, despite the continued unrest of the Volsci (105). From 403 there was also fighting against

.....

101. cf. Livy 4.57.11. Five had previously held consular posts.

102. Livy 4.55.8, 59.9-11, 60.

103. cf. Broughton, MRR 78-80; Degrassi, op.cit. 96; Ogilvie, CL 617.

104. For details of the military activity, see Livy 4.56.4-7, 57.7-8, 58.3-5, 59.1-8; Diod. 14.16.5; Enn. Ann. 4.165; cf. De Sanctis, StR 2.167-8 and Ogilvie, CL 618-622. Note that in 406, Valerius fought at Antium, where his family had connections (Ch.2 136-7) and Fabius, whose grandfather and father were consuls when Antium and Ardea became colonies (Ch.2 157-8 and above, 192, 194) fought beyond them at Anxur.

105. Contradictions in the date the siege began (cf. Plut. Cam. 2.5, 5.1, 7.1; Diod. 14.16.5; Livy 4.58.1-2, 7, 60.9, 61.2) may be due to confusion of the Romans' provocation of war with the siege itself, and attempts to match its length with that of Troy. For detailed discussion, see Last, CAH7 511-2; Sordi, RRC 1f; Ogilvie, CL 589, 620, 629.

other Etruscan cities which supported Veii (106). Almost all the thirty consular tribunes returned in this period were likely advocates of the current policy. They comprised members of gentes in power from 415 to 406, Sergius and Claudius, whose gens estates lay towards Veii, Manlius, Sulpicius and Verginius, whose forebears all held office in 435 and 434, during the previous war with the Etruscans, and Quinctilius, whose possible allegiances are noted below (107). This military faction would have voted for consular tribunes in this time of heavy war, partly because it could not afford the disruption and delay of consular elections by plebeian tribunes, and partly because it required several generals with consular authority in the different spheres of action (108). Since each consular tribunate contained six members, and twenty-three individuals gained places in them, a broad range of members of the faction must have been co-operating in marshalling their clients and amici to the elections. The faction also attempted to prevent popular discontent with the heavy levies and winter campaigns at Veii from 403 by giving pay to the soldiers, although taxes to pay for it had to be implemented by the censors Postumius

.....

106. Livy 5.1, 7.2-3, 8.5-13, 10.2, 12.4-6; Diod. 14.43.5; Zon. 7.20. It allowed the Volscians to recapture Anxur in 402 (Livy 5.8.2-3).

107. Broughton, MRR 80-4; Ogilvie, CL 630-1.

108. Ten had experience of fighting the Aequi and Volsci from 421 to 406; seven of these were consular tribunes in 405 and 404, when war with the Volsci continued.

and Furius Camillus (109), and public resentment of the long war grew. The plebeian tribunes of 401, Metilius, Minucius and Curiatius, were quick to take advantage of it, prosecuting and fining Verginius and Sergius, consular tribunes of 402, for military incompetence, proposing an agrarian law, and forbidding the collection of war tax (110). Curiatius belonged to the gens of a consul in office with a Quinctilius in 453, in the period when Minucii and Verginii were demanding plebeian equality. I would suggest that Quinctilius and Verginius, both minor patricians or plebeians, were supported as candidates for the consular tribunates in 403 and 402 by members of the main military faction in the hope of appeasing the plebeian leaders with whom they were linked, who were protesting against the policy and domination of the patrician military leaders, and that it was in fear of the plebeian tribunate being taken over by the increasing number of plebeians with such patrician connections that Trebonius introduced his law against the co-optation of plebeian tribunes in 401 (111). Verginius' prosecution by his plebeian associates may be explained simply by public pressure for the trial after the severe setback

.....

109. Diod. 14.16.5; Zon. 7.20; Livy 5.2.2-7, 12.12; Plut. Cam. 2; Val. Max. 2.9.1. The imposition of the tax by Postumius, the consular tribune convicted in 423, may have inflamed public reaction.

110. Livy 5.8-12 passim.

111. See Ch.1B 45 n.51 for details on Trebonius' law. cf. Ogilvie, CL 649, who concludes from the pattern of names that the plebeian tribunes were fictional.

at Veii in 402 (112).

From 400 the Etruscan war and conflict with the Volsci were the main political issues until Veii was destroyed in 396 (113). Six consular tribunes were returned each year from 400 to 396, suggesting that the elections were controlled by a united senatorial group; yet they fall into two distinct categories. All but one of the patricians holding consular tribunes, four in 400 and 399, twelve in 398 and 397, and one in 396, were from the gentes Manlii, Furii, Valerii, Servilii, Sulpicii, Iulii, Sergii, Postumii, and Cornelii, which held consular office in the past decade; eight had been consular tribunes themselves. The other patrician, Veturius, whose gens had held only one post since 451, may have shared concern about their monopoly of office with the plebeians, Licinius, Titinius, Maelius, L. and Vol. Publilius, Genucius, Atilius, Pomponius and Duillius, who held the remaining consular tribunes; all were related to leading agitators for office in the fifth century (114). As in 403 and 402, the patrician military

.....

112. While the story of dispute between Verginius and Sergius over tactics (Livy 5.8) may be based on genuine differences over the best sphere of activity after the Volsci took Anxur, the fact that the two belonged to circles within the war party with differing attitudes to the plebeian leaders could have contributed to it. Details in it are duplicated from 418 and 408; see Ogilvie, CL 646.

113. Livy 5.13-14, 16; Ogilvie, CL 651.

114. For support of all the names, see Degrassi, *op.cit.* 99, Broughton, MRR 84-88, and Ogilvie, CL 652-4, 666-9. The last nine gentes noted were represented by supporters of the plebeians' cause in 494-3, 451-444, and 436 (Beloch, RG 253), and all but two reached the consulship within thirty years of the Licinian-Sextian law.

leaders may have supported the latter group as candidates in fear of plebeians demanding representation disrupting the elections and delaying the war (115). We may detect, for some, common interests and personal ties which presumably contributed to their choice. The Veturii, being neighbours of the Valerii in the west, and the Publilii, possibly originating in the Volscian area, would have had personal interests in the Volscian war; Licinius' and Pomponius' gentes, like the Verginii, originated in the main area of war, Etruria, and the Maelii had clients there (116). Common interests in Etruria may have been the basis of family ties made by Licinius with the Cornelii, Fabii, Sulpicii and Manlii by 367 (117).

The election of plebeians in 400 and 399 caused the withdrawal of tribunician opposition to war tax (118); only after patricians had been elected for two years, hoping that with their greater military experience they would complete the war (119), did the plebeian tribunes

.....

115. cf. Livy 5.12.7-8, 13.2, 17.5; Bernardi, *Ath.* 1952 46.

116. See Ch.2 136-7; Livy 4.13.2; Gundel, 'Pomponius' *PWRE* 21.2 (Stuttgart, 1952) 2323; Münzer, *RAA* 56f; Ogilvie, *CL* 653. Licinius, Verginius, and the forebears of their contemporaries in office in 402-400, Minucius and Sergius, had the cognomen *Esquilinus*, denoting the hill fully included in the city during the Etruscan monarchy (Ch.2, 137 n.68).

117. Licinius, the consular tribune of 400, was 'frater' to Cornelius, his predecessor in office; Licinius, plebeian tribune in 376, was brother-in-law of Fabii, in office from 406 to 390, and Sulpicius, in office from 388, and 'cognatione' to Manlius, son of the consular tribune of 397; see Livy 5.12.12, 6.34.5, 39.4; cf. Münzer, *RAA* 13, 56.

118. Livy 5.12.13.

119. Livy 5.14.2, 16.3-5, suggests some conflict with the plebeian leaders in these elections.

threaten the election, in 396. Finally, an interrex, Camillus, appeased them by naming as consular tribunes one patrician and five plebeians, who had all been consular tribunes in 400 and 399 and therefore could also claim military experience (120). During the year they named Camillus as dictator to take Veii, and he chose P. Cornelius as his *magister equitum*; the experience both had of fighting at Veii would have dictated their choice (121).

One reason for the success in the senate and assemblies of some consular tribunes from 400 to 396 may have been their claims to have religious solutions to the critical military situation and the pestilence of 399 (122). They held the first *lectisternium* by order of the Sibylline books in 399 (123). Four leading magistrates, Valerius, Cornelius, Licinius and Fabius were sent to Apollo at Delphi in 398 to inquire about a portent at Alba (124). Camillus vowed temples and games, and held

.....

120. No doubt the threat of obstruction by the plebeian tribunes contributed to the decision to have an interregnum, but the need for three interreges may have been due not to such obstruction, as Livy 5.17.1-5 suggests, but to the patricians being unable to agree on consular tribunes.

121. See Livy 5.16.2, 17.6-10, 18.7-12, for the build-up of hostility against Rome by 396. See Broughton, MRR 88 for full refs. to the dictator taking Veii.

122. Eight of the patrician *gentes* had furnished censors or priests in the fifth century (Broughton, MRR *passim*).

123. Livy 5.13.4-8, 14.2-5; D.H. 12.9; Ogilvie, CL 651; Scullard, HRW⁴ 399. Apollo was included to heal the pestilence (cf n.10) and Hercules, Mercury and Neptune to provide 'marine insurance' for imported grain (J. Carter, *The Religion of Numa* (London, 1906) 77-81; Scullard, FCRR 168). The books were last consulted in the consular tribunate of Sergius' forebear; see D.H. 4.62 and n.48 above for hints that several other consular tribunes inherited interests in them; note also Publilius' Greek cognomen (Degrassi, *op.cit.* 113).

124. Broughton, MRR 86.

a vivid triumph in 396 (125). His temple to Juno, an important goddess in both Veii and Alba, may have been intended not only to symbolise Veii's conquest, but also to appease the gods in the Alban region (126). Camillus' temple to Mater Matuta, a goddess of Satricum and Antium linked with Fortuna, with whom the Valerii associated themselves (127), may be linked with the concern of Camillus, the Valerii and their allies to establish Roman control in this area claimed by the Volsci (128).

For the next fifteen years, there was little change in the gentes controlling the senate and elections; fifteen represented in curule office from 415 to 396 held eighty-seven of the ninety-two consular posts from 395 to 380, the most prominent again being the Furii, Fabii, Cornelii and Valerii, who held thirty-six. They pursued the same broad policies - patrician control of government, when feasible, and war - first aggressive,

.....

125. Diod. 14.93.2; Plut. Cam. 5, 7; Livy 5.19.6, 23.4-7, 31.3; Pliny NH 33.111; Val. Max. 4.1.2; Zon. 7.21; cf. Ogilvie, CL 679-680. His cognomen (Macrob. Sat. 3.8.7; Sordi, RRC 145) and early censorship suggest he had already developed religious authority.

126. Camillus' vow to Juno to bring her statue to Rome if Veii fell (Livy 5.21.2, 22.4-7, 23.7; D.H. 13.3; Plut. Cam. 5.6; Val. Max. 1.8.3) was a standard procedure to win over the enemy's tutelary god (Ogilvie, CL 673-5). The story of the Veian soothsayer recommending the drainage of the Alban lake to allow Rome to take Veii (Livy 5.15-17; Zon. 7.20; D.H. 12.10-13; Plut. Cam. 3-4; Cic. de div. 1.100, 2.69) may have developed because of the connection of Juno with both Veii and Alba (Wissowa, RKR² 187f; K. Latte, *Römische Religionsgeschichte* (Munich, 1960) (=RR) 166f). The real evil portent at Alba was not the rising of the lake, but the pestilence (n.10).

127. See Ch.2 137 n.67; Livy 6.33.4; Ovid, Fast. 6.569; Ogilvie, CL 680-1.

128. Ogilvie, CL 681.

then defensive - against the Etruscans, Aequi and Volsci. The likely attitudes of certain sectors of the faction to three more specific current issues should be outlined. Firstly, those with personal associates in Latium, or estates nearby, would have tended to favour the foundation of Latin colonies to satisfy their Latin friends and protect themselves from growing unrest in Latium over Roman power. Secondly, the same sector would have supported the full incorporation of appropriate Latin towns in the Roman state which might provide them with influential Latin friends among the Roman senators and voters. Their promotion of these aims, together with the need for their local knowledge and influence, may explain why the number of offices held by gentes with well founded interests in and around Latium shows a marked increase in this period (129). Thirdly, those who had neighbouring estates or had contributed to their acquisition would have had special interests in the disposal of the Veian and Pomptine lands, presumably hoping either to exploit it themselves, or patronise the citizens settled there. Since all the consular tribunates in this period contained six leaders, compromises or agreements over all these potentially conflicting aims were presumably often made at senatorial level to ensure that the control of the patrician military faction as a whole was maintained; thus they may often not have been directly significant for the elections' results.

.....

129. e.g. The number of curule posts held by Aemilii, Papirii, Horatii and Menenii, who had the names of rural tribes around Latium, increases from 5 in 415-396, to 17 in 395-380.

In 395 and 394, these leaders voted for consular tribunes to fight Veii's Etruscan allies in the north, and the Aequi and Volsci in the south, not fearing plebeian competition in the assembly in the euphoria of victory. Twelve consular tribunes were returned; seven had already held office since 405 and the other five were close relatives of their colleagues (130). They belonged to the Fabii, Cornelii, Servilii, Valerii, Aemilii, Postumii and Furiii, all gentes with interests in the north where they quelled Falerii and Capena, near the west coast where they helped to found a colony at Circeii, south of Antium, and around Latium where they defeated the Aequi (131).

Increasing public unrest, stirred up by the plebeian tribune, Sicinius, who since 395 had been proposing generous citizen settlements on the fertile lands of Veii, was of prime concern in the election of 393 (132). Part of the reason that Camillus was named as consular tribune in 394 was to combat this unrest (133); he had tried to distract the people by sending Valerius, Manlius and Sergius to Apollo with a gift to thank the god for

.....

130. Broughton, MRR 89-91.

131. cf. Livy 5.24-9; Plut. Cam. 9-10; D.H. 13.1-2; Diod. 14.98.5, 102.4, 16.96; Val. Max. 6.51; Front. Str. 4.4.1. No one date for the colony of Circeii is given; 395 is credible, since the revolt of Antium, just to the north, is likely to have been quelled by 406; see Ogilvie, CL 618, 682-3; Thiel, HRSP 51; cf. Toynbee, HL 1.122. n.4.

132. Plut. Cam. 7,9,11; Livy 5.24.4-25.13. The details of the proposal, and Camillus' invective against it are suspect, being elaborated with much propaganda, and duplicating those set in 390; see Ogilvie, CL 683, 741f.

133. Livy 5.26.1; Plut. Cam. 7.

the victory of 396 and exempting them from war tax (134). However Sicinius' persistence forced most of the senate to support making some citizen settlements at Veii by 393. Hence Verginius and Pomponius, who had maintained the firmer line as plebeian tribunes vetoing Sicinius in 395 and 394, were not returned in 393, and were fined by tribunes in the course of the year (135). These tribunes presumably maintained the compromising attitude of the military leaders, and prevented their colleague Sicinius obstructing the consular election, voted by the senate to ensure its control of the assembly (136). After the resignation of the first pair of consuls returned, Valerius and Cornelius, possibly because of procedural error, Lucretius and Sulpicius were elected. The first two, and Sulpicius' kinsmen had been generals at Veii; Lucretius, whose gens was last in power in 417, may have been closer to the plebeian leaders (137). At any rate, the consuls were clearly named to placate the people; they divided up much of the Veian land for the people, after the tribes had rejected Sicinius' bill

.....

134. Livy 5.21.2, 23.8-11, 25.7.10, 27.15; Flor. 1.6.10; App. Ital. 8; Diod. 14.93.2; Plut. Cam. 7-8. De Sanctis, StR 2 147-9, and Last, CAH7 513-4, argue for the credibility of the mission. Certainly the names of the envoys are plausible, one of the Manlii had been to Greece in 454; one of the Valerii had been to Delphi in 398; the three envoys had held seven consular tribunates during the siege of Veii.

135. Livy 5.25.1, 29.6-10. Both were related to consular tribunes in office during the siege, and therefore probably had ties with the military leaders.

136. cf. Livy 5.29.2.

137. Broughton, MRR 91-2; cf. Ogilvie, CL 691. Cornelius, UFRG 116-7, notes that Sulpicii shared four out of five offices held by Lucretii from 393 to 367; thus they are likely to have had personal ties.

in expectation of this (138). They also named censors, Papirius and Iulius to implement this (139), and continued the war against the Aequi (140). The settlement in 393 allowed another consular election to be held without tribunician obstruction in 392 (141). The choice of the consuls, L. Valerius and M. Manlius, may have been partly due to the personal influence of Camillus, their close ally (142). They fulfilled his vows of 396 by celebrating the great games, and dedicating the temple to Juno (143). Valerius may also have been chosen to compensate him for having to resign the previous year (144), and because of his great military experience in five consular posts; he triumphed over the Aequi in 392, while Manlius had an ovatio (145).

In 391 and 390, fears of Gallic invasion amid

.....

138. Livy 5.29.3, 30.1-8; cf. Diod. 14.102; Ogilvie, CL 693.

139. R. Cram, 'The Roman Censors' HSCP 1940 75-6; Broughton, MRR 91-2.

140. Livy 5.29.3-5; Diod. 14.102.4.

141. Livy 5.31.1.

142. See Broughton, MRR 92 for their names. In each of the nine years Camillus held high office from 403 to 394, at least one of the Valerii and Manlii held a post; Valerius and Manlius' uncle took Camillus' bowl to Apollo in 394.

143. Livy 5.31.2-3. They may have had special interest in the temple; Juno was a goddess of fertility, like Fortuna and Mater Matuta, with whom the Valerii were associated (see 215 above) and was part of the Capitoline Triad defended by Manlius in 390 (Wissowa, RKR² 181f).

144. His colleague did not regain office until 390, but his brother became suffect censor in 392 (Degrassi, op. cit. 100, 386).

145. Livy 5.31.4; Diod. 14.106.4.

Etruscan unrest (146) dominated the elections. The senators probably voted for consular tribunes simply to ensure that there were enough generals with consular authority. In 391 they were named by an interrex, to ease popular superstition resulting from pestilence and military threats and to ensure suitable leaders (147); in 390, with the Gallic invasion an immediate threat, those best qualified by military experience and local knowledge were readily elected without opposition (148). Eight of the consular tribunes, L. Lucretius, Ser. Sulpicius, C. Aemilius, L. Furius, K. and N. Fabius, Q. Servilius and P. Cornelius, were experienced generals who had held a total of twenty consular posts in the past. Of the other four, L. Aemilius' military skills are suggested by his holding five more consular posts in the next decade; Q. Fabius was no doubt chosen in 390 because he had been on a reconnaissance expedition north with his two brothers in 391 (149); only Ag. Furius and Q. Sulpicius had no known previous experience. Five of the six

.....

146. For the war in the north in 391, see Livy 5.31.5-6, 32.2-5; D.H. 13.4; Diod. 14.109; Ogilvie, CL 695-8; cf. De Sanctis, StR 2 149, 151.

147. Livy 5.31.7-9; Ogilvie, CL 697.

148. For their names, see Broughton, MRR 93-6; Ogilvie, CL 697.

149. The story of these envoys provoking the Gauls' invasion by fighting with them when answering an appeal by Clusium probably developed from the story of the trial of one of the Fabii after the invasion, because a pretext was needed for the Romans' defeat at the Allia; for different versions of all these events, cf. Plut. Cam. 17-19; Livy 5.35.4-38; Diod. 14.113.4-114.5; for alternative reconstructions, see Münzer, 'Fabius' PWRE (Stuttgart, 1909) 1750-1, 1757-9; Ogilvie, CL 699-700, 716, 786.

consular tribunes in 390, the Fabii, Cornelius and Servilius, had family estates in the north, and therefore may have had vital influence among the Etruscans (150).

The concern of the patrician military leaders to recover authority both at home and abroad after the Gallic attack clearly dictated the electoral results of 389. Firstly, they recalled the great military and religious leader, Camillus, from voluntary exile at Ardea. The exact charges against him and the identity of his prosecutors are unclear, but his trial in 391 was probably the result of plebeian leaders' resentment of his aggressive military policy and patrician loyalties, and increasing jealousy of all of his reputation and influence (151). He was made interrex in 389 to renew the auspices (152), and named six consular tribunes, from leading gentes in the senate, to ensure that there were enough magistrates with military experience and authority among the people for the tasks at hand. They were L. Verginius, consular tribune of 402, who may have had influence among the plebeian leaders, L. Valerius, consular tribune of 394,

.....

150. Note also that Aemilius' father had fought in the north three times.

151. For a summary of the various dates and procedures given by the ancients for his trial, see Shatzman, *Hist.* 1972 189-90. While stories of his return to save Rome from the Gauls in 390 are dubious (Broughton, *MRR* 95; Ogilvie, *CL* 727f; Scullard, *HRW*⁴ 476), his absence from the magistracies in 390, when all the best generals were required, shows that his exile was not devised merely to set up his absence from Rome (A. Momigliano, 'Camillus and Concord', *CQ* 1941, 112-3; Ogilvie, *CL* 698-9; cf. Beloch, *RG* 304-5).

152. Livy 6.1.5-8. This may be why he was recalled by the *comitia curiata* (Livy 5.46.10; Ch.1B 51-2).

L. Postumius, P. Cornelius, A. Manlius, brother of the defender of the Capitol in 390, and L. Aemilius, who had fought the Etruscans in 391 (153). Manlius commanded the troops near the city, and Aemilius marched against the Etruscans, while Camillus, appointed by them as military dictator, defeated the Volsci, Aequi and Etruscans (154). Furius and Papirius, both from families with much religious authority, were appointed as censors to register the citizens, including recently enfranchised Etruscans, purify the state, and organise the rebuilding of the city (155). Finally, Fabius, consular tribune of 390, was prosecuted by Marcius, a plebeian tribune, for his role in Rome's humiliation in 390; this may have been approved by most of the governing class, for he committed suicide during the trial and only one member of his gens was able to win consular office again before 369 (156).

.....

153. Broughton, MRR 96-8.

154. Livy 6.2.5-4.4; Plut. Cam. 33-6; Degrassi, *op.cit.* 101, 389, 539.

155. For the censors, see Broughton, MRR 97-8. For the enfranchisement of the Etruscans, see Livy 6.3.4. Plut. Cam. 30-2, and Livy 5.50-6.1, may attribute religious measures and rebuilding to Camillus in his spurious dictatorship in 390 partly because one of the censors, who they do not mention, had the same gens name. Other measures supposedly decreed by Camillus in 390, such as the establishing of hospitium with Caere and Massilia (n.5) and the consulting of the Sibylline books may have been instigated by the consular tribunes of 390 or 389; their interests in such matters are suggested by the fact that all but three were from gentes providing envoys to Greece in the past 70 years.

156. Livy 6.1.6; cf. Diod. 14.113.6. The Marcii later claimed ancient religious authority (Palmer, ACR 146-151) which may have been significant in this trial if it was intended to purify the city in some way.

By 388, there was unrest both within Rome, over the division of the Pomptine land won in 389, and without, among Etruscans, Aequi and Latins, the latter possibly also concerned about the Pomptine land (157). These matters may have dictated the choice of the six consular tribunes (158). Q. Servilius and L. Lucretius had past experience of leading the armies. L. Iulius, Ser. Sulpicius and T. Quinctius had long standing influence in Latium. L. Aequillius, a plebeian, was an old family friend of the Sicinii, who were agitating for the division of Pomptine and Veian lands among the people in this period; perhaps Aequillius, whose gens was later registered in the Pomptine tribe, stood for their policy (159). Lucretius, who, with Sulpicius' kinsman, had made the settlement at Veii in 393, may have represented those favouring a more modest settlement.

None of these matters were resolved in 388, and in 387 Sicinius became plebeian tribune, and demanded the division of the Pomptine land among the Romans (160). An interregnum was instituted, apparently for religious reasons but really, perhaps, to ensure a fair compromise among senators differing over some of these issues, and to ensure control of the assembly (161). Six consular

.....

157. Livy 6.2.3, 5.1-5.

158. Broughton, MRR 98-9.

159. Ch.2 145; Taylor, VDRR 192-3.

160. Livy 6.4.8-9, 5.5, 6.1-2.

161. Livy 6.5.6. It took three interreges to find a college pleasing to all.

tribunes were named so that there were enough generals with consular authority (162). Cn. Sergius and L. Cornelius may have been named for their influence in and knowledge of Etruria, and as representatives of those supporting the creation of four new tribes in the north, in which their families were later registered (163). L. Papirius and Lic. Menenius may have represented those favouring their Latin neighbours' demands for fair treatment in the division of the Pomptine land (164). L. Aemilius, consular tribune of 391, and L. Valerius, consular tribune of 394 and 389, might have been named for their military experience; they would have been particularly concerned with military protection of the Pomptine area, beyond their gens estates. Valerius, having helped to take the land in 389, may also have hoped to patronise settlers there.

By 386, internal unrest had declined (165), and concern with the defence of the state against rumoured Volscian attacks amid continued Latin and Etruscan

.....

162. Broughton, MRR 99-100.

163. Taylor, VDRR 204, 207, 225, 230, 253-4, notes Claudii, Sergii, Corneli, Licinii and Manlii in these tribes later in the Republic: the latter three were represented by magistrates in 396, when the land was taken. The interests of all five in Etruria have already been noted. One of the consular tribunes in 387, Papirius, may have furthered their influence in the area when censor in 393.

164. Since Menenius' tribe lay on the borders with Praeneste, which led the Latin revolt in 382, Menenius is unlikely to have supported his plebeian friends' agitation for land that the Latins claimed in this period.

165. Increasing military threats in the area would not have made settlements on the poor Pomptine land attractive to the Roman people.

unrest (166) dominated the election of consular tribunes (167). Four were leading generals, eventually holding a total of twenty-five consular tribunates between them - Q. Servilius, Ser. Cornelius, M. Furius Camillus and P. Valerius, who may have been chosen partly because of his personal connections at Antium, where he fought in the course of the year. L. Horatius and L. Quinctius may have been supported partly in the hope that their connections in Latium would ensure continuing levies from the remaining loyal towns (168).

In 385, the consular tribunes A. Manlius, P. Cornelius, T. and C. Quinctius, L. Papirius and Cn. Sergius, who had all held the consular tribunate in the past five years were probably elected for similar reasons to their predecessors (169). Their recent military experience, and the seniority of the dictator, in 385, A. Cornelius Cossus, consul of 413, suggests that the victory over the Volsci and their allies, which Livy ascribes to the dictator, belonged to the consular tribunes, and that the dictator was appointed solely to take action against the sedition of M. Manlius at Rome (170).

.....

166. Livy 6.6.4.

167. See Broughton, MRR 100-1, 104, for their names.

168. For military activity, see Livy 6.6.6-10.9; Front. Str. 2.8.4; CIL 1² 191. Some of the successes they attribute to Camillus are likely to have been by other generals, or have been borrowed from 389 (Beloch, RG 315f).

169. For the issues at hand, see Livy 6.11.2; for the names, see Broughton, MRR 101-2.

170. cf. Livy 6.11-16; App. Ital. 9; Plut. Cam. 36 (who attributes the dictatorship to Quinctius, whom Livy calls magister equitum, but supports this view of its purpose); Diod. 15.35.3 (noting Manlius' execution in 385).

The military victory was followed up with the foundation of a Latin colony at Satricum, to defend the Pomptine lands and avert Latin unrest (171).

M. Manlius, who had been consul in 392, rebelled against his family and political allies (172) because his defence of the Capitol, his family seat, in 390 (173) had been overshadowed by his brother's two subsequent consular tribunates, and by the glorious career of Camillus, who had associated himself with Jupiter and Juno, deities of the Capitol (174). He had renewed his popularising by the time of the election in 384, and the consular tribunes elected then were probably supported by other senators largely because they were authoritative enough to meet his challenge to the established methods of controlling the assemblies. They were Camillus himself, Ser. Cornelius, P. Valerius, Ser. Sulpicius, C. Papirius and T. Quinctius; all but one had been consular tribunes in the past five years (175). Manlius' demagogy may have threatened not only their existing authority in the assemblies, but also their plans of

.....

171. Livy 6.16.6-8.

172. Livy 6.18; Plut. Cam. 36.

173. App. Ital. 9; D.H. 13.8, 14.4; Diod. 14.116.6-7; Plut. Cam. 27; Livy 4.47; Degraasi, op.cit. 100; Gagé, RP 1953, 42,53; Ogilvie, CL 734.

174. For his jealousy of Camillus, see Plut. Cam. 36.1-2 and Livy 6.11.3-7. While Camillus' creation of the Capitoline games is not credible (n.155; Ogilvie, CL 740-1) his triumph in 389 revived the associations he made with Juno and Jupiter in 396.

175. Broughton, MRR 102. Quinctius' cognomen Capitolinus suggests his family connections with the hill.

marshalling influential Latins to vote in Rome, once they had been enfranchised (176). With their backing, two plebeian tribunes, Publilius and Menenius, both from gentes recently noted as sharing the consular tribunes' interests in Volscian and Latin areas respectively, secured Manlius' conviction at the Peteline grove, out of sight of the Capitol, for treason in 384. He was executed after being unsupported in his trial by the rest of his family. Henceforth no patrician was allowed to live on the Capitol, and Manlius' house there was pulled down (177). The attempt by Manlius, a member of a gens maior, to win power by popular appeal, and his quelling by plebeian tribunes on behalf of the ruling patrician party within a few years of the enfranchisement of many Latin plebeians by their patrician allies in Rome clearly illustrates the anachronism of the division between patricians and plebeians (178).

In 383, since Volscian and Latin unrest continued, five of the consular tribunes, L. Valerius Poplicola, A. Manlius, Ser. Sulpicius, L. Lucretius and L. Aemilius, were experienced generals, having held thirteen consular posts since 394. The sixth, Trebonius, the last known

.....

176. cf. Gagé, RP 1953 50f. Four have been noted as having ancient family interests in Latium. Livy 6.17.7-8 notes them taking a harsh line in 384 with Latins taking arms against Rome.

177. Livy 6.18-20; Plut. Cam. 36; Zon. 7.23.10; Dio. 7.2.6; D.H. 14.4; Diod. 15.35.3. Gagé, RP 1953 42f suggests that the trial followed an ancient procedure of the Latin confederacy hostile to the dwellers on the Capitoline.

178. cf. Livy 6.11.7, 19.6-7.

of his gens, which was only previously known in plebeian tribunates, may have been supported as a candidate by the main faction in fear of public disorder being aroused by plebeian tribunes in the corn shortage and pestilence (179). In 383, the consular tribunes set up a commission to allocate Pomptine land, and agreed upon Latin colonies at Setia, near Satricum, and Sutrium and Nepete in the north. These provided both Latins and Romans with further land and strengthened the federation's defences, giving particular protection to the Veian and Pomptine settlers (180). Most of the consular tribunes had direct interests in these developments which may partly explain their election; Lucretius had settled the Veian lands in 393; Valerius and Aemilius, who had personal interests in the Pomptine lands, held office in 387, when their disposal was a major issue; Satricum was founded in 385, Manlius' last office. Despite these settlements, the same issues - Volscian attacks and Latin unrest, now expressed in open war - prevailed in the elections of 382-380; hence each year six consular tribunes were returned from gentes represented in consular office since

.....

179. For the issues at hand, see Livy 6.20.15-21.2. For the names of the consular tribunes, see Broughton, MRR 103.

180. See n.9 on the commission; cf. n.131, Beloch, RG 305f, De Sanctis, StR 2 149 n.3, and Toynbee, HL 1 122 n.4, 158, 374-5, on the colonies, whose dates are confused.

390; ten with previous experience of high office (181). In 380, after two years of fighting against the Praenestines and Volsci (182), T. Quinctius, the consular tribune of 384, was named as dictator; after choosing Sempronius, an old family friend, as his *magister equitum* (183), he won the final victory over the Latin rebels (184). Also in 380, Tusculum, the Latin town with closest ties to Rome, which had briefly joined the Latin rebels in 381, was enfranchised, and became part of the Papiria tribe, in which some of the Furii are later recorded (185). Sp. Postumius and C. Sulpicius may have begun to register such citizens when they became censors in 380 (186). All gentes named here may have been supported for the twelve *curule* posts they held in these three years because they had influence in Latium, and thus were promoting enfranchisement there.

.....

181. Broughton, MRR 103-6. The tradition of 380 is badly confused; I accept the first six names noted by the Capitoline Fasti, since Livy and Diodorus note at least four of them, and I accepted above that Sergius had his second consular tribunate in 385. The only plebeian in the three years is Menenius in 380, when his tribe was attacked directly by Praeneste (Livy 6.27.11-28.3).

182. Livy 6.22-4; Plut. Cam. 37.

183. Quinctius' uncle had shared consular tribunates with the last known Sempronius, in 425 and 420, when Aequian attacks on Latium were their main concern.

184. For full refs. to this, see Broughton, MRR 105.

185. Plut. Cam. 38; Dio. 7.28; Livy 6.25-6; D.H. 14.6; Val. Max. 7.3 ext.9; Taylor, VDRR 216-7, 301.

186. For support of their censorship, see Cram, HSCP 1940, 78-80; Degrassi, *op.cit.* 102; Broughton, MRR 106.

In 379, rising debt, which caused disruption to the levy in 380 (187), and the Volscian war were the issues at hand. Three consular tribunes, P. and C. Manlius and L. Iulius, a consular tribune of 388, were patricians, and three, C. Sextilius, M. Albinus and L. Antistius, were descended from fifth century plebeian tribunes (188). Since six were returned, a compromise was probably agreed in the senate before the election to ensure that in the popular unrest majorities were won in the assembly, but the basis for it is uncertain (189).

By 378 the Manlii had been defeated by the Volsci and Praeneste had revolted (190). Again, six consular tribunes, largely from lesser gentes, were returned (191). They were Q. Servilius, consular tribune of 382, Sp. Furius, M. Horatius, Menenius, the plebeian consular tribune of 380, and P. Cloelius and L. Geganius, both from minor patrician gentes, last represented with Menenius' and Furius' forebears from 444 to 439. As in that period, the minor leaders might have gained office partly because they shared the plebeian leaders' objections

.....

187. Livy 6.27.3-11.

188. Livy 6.30.2; cf. Chr. 354 in Degrassi, op.cit. 394; Diod. 15.51.1.

189. The nature of earlier links between patrician leaders and the kinsmen of Antistius and Sextilius is unclear; see n.73, 91, 98. Albinus had helped to save Rome in 390 (Livy 5.46.7-10; Plut. Cam. 21; Ogilvie, CL 724); perhaps he had threatened to arouse internal unrest, like Manlius, cousin of his colleagues, in 384, if he was not supported; cf. Livy 6.30.9.

190. Livy 6.30.3-8.

191. Broughton, MRR 107.

to the recent monopoly of office, and partly because they belonged to gentes based on the restless Latin and Volscian borders, and therefore shared the military leaders' concern about the wars. Four of the consular tribunes led the armies out in 378 (192) after they had appeased plebeian agitators by appointing Sp. Servilius and Q. Cloelius as censors to investigate debt, and promising that no war taxes or judgements on debt be made until the war was completed (193).

In 377, since the question of the state's defence largely dictated the choice of the six consular tribunes, the renewal of prosecutions by the censors for debt may not have begun until after the election (194). L. Aemilius and P. Valerius, the consular tribune of 380, defended their estates against the Latins and Volsci in the west, winning the surrender of Antium, possibly through Valerius' personal influence. Ser. Sulpicius, and L. Quinctius, who both had ancient ties in Latium and were kinsmen of victors there in 380 recovered Tusculum from the Latins. C. Veturius and C. Quinctius shared both these spheres of interest; Veturius, from a gens represented twice since 451, may also have shared some of his predecessors' resentment of monopoly of office (195).

.....

192. Livy 6.31.5-8.

193. Livy 6.31.2-5; cf. Degrassi, *op.cit.* 102.

194. cf. Livy 6.32.1-3, 34.1-4.

195. Broughton, MRR 107-8 gives full refs. to names and events.

After the military successes of 377, the questions of plebeian representation in curule office, debt and land shortage became the main political issues until 367. It would have been generally appreciated by this time that the original purpose of the consular tribunate - to prevent monopoly of office - had been entirely lost once the patrician military leaders dominated the senate and developed client control, and that it was hardly in the state's general interests for the plebeian leaders to be forced to threaten to use vetoes and instigate secession whenever they could muster enough popular support to do so in order to win high office. Furthermore, many different types of political and personal ties were developing between patrician and plebeian leaders. Hence, when, in 376, the plebeian tribunes Licinius, son of the consular tribune of 400, and Sextius, possibly a relation of the consular tribune of 379, introduced their proposals for political and economic reform in the plebeian assembly, they would have gained support from those patricians who hoped that if one seat in the freely elected consulship was reserved for plebeians, then they might combine with their most influential plebeian allies to exclude patricians with whom they had increasingly little in common. Such patrician supporters of the law are likely to have included some of those establishing new spheres of interest in the new citizen areas in Etruria and Latium, because some plebeian leaders in Rome had family branches there, and many powerful Latin plebeians had recently acquired citizen rights (196). The only

.....

patrician supporters named in the tradition are Fabius, Licinius' father-in-law, and Manlius, Licinius' kinsman, who was appointed as dictator in 368 in the hope that his authority might help the plebeian tribunes to carry the law; he chose Licinius as his *magister equitum* (197). A few other families most likely to have supported the law may be suggested; the Cornelii and Sulpicii were also related to Licinius (198) and the Valerii and Postumii shared with all those noted above an interest in Greek religion, reflected in this period by the passage of a law reserving places among the *decemviri sacris faciundis* for plebeians in 368 (199); all these families were active in the recent period of expansion and continued to hold office regularly after the passage of the law.

Despite this support, Licinius and Sectius linked their demands with economic measures to prevent obstruction in the plebeian assemblies from colleagues; such plebeian opponents would have included those who had no hope of benefiting from the political clauses, and who advocated more extreme economic reforms. Patrician

.....

197. For Fabius' support, see Livy 6.34.5-11, 36.7f; Dio. 7.29; Zon. 7.24; cf. Alföldi, ERL 147f. For Manlius' dictatorship, see Fast. Cap. in Degrassi, op. cit. 32-3, 103-4; Livy 6.38.10f; Plut. Cam. 39.5; Dio. 7.29.5-6. Plutarch may only say that he passed the law on the *ager publicus* because he knew the legend that Licinius later contravened this clause (Ch.4, 248); Livy 6.39.2-4 contradicts him.

198. See above, 212, 224, n.163 for details of all Licinius' patrician relations and their common interests.

199. See above, 196, 214-5, 217-8, 222 for hints of these interests. See Ch.1B 63 for the law of 368. Le Bonniec, CC 236, and Gag e, AR 115f, 197f, link the development of Greek religious practices under the *decemviri* with the increasing influence of Caere.

opponents might have had allies among the leading plebeian families in Rome and Latium and have foreseen combining politically with them on occasion, but have still opposed the reservation of one plebeian place in the consulship, fearing that it would reduce their chances of office.

Livy names Furius Camillus as such an opponent in 368 (200). Minor patrician gentes which never reached consular office for more than a century after the implementation of the law, such as the Geganii, Iulii, Sergii, Lucretii, Nautii, Pinarii, Aebutii, Sempronii, Cloelii, and Horatii, are also likely opponents.

Livy also notes objections to the law by Claudius (201), whose gens never appears to have had any links with plebeians, except in 450, when his grandfather, in order to pass the *lex conubii*, promoted plebeians who were not in the same class as the patricians, similar to those who now opposed the Licinian-Sextian law (202).

In the conflict over the Licinian-Sextian law only four leading figures, who had already held ten consular tribuneships - Menenius, Papirius, Cornelius and Sulpicius - had enough personal authority and client control to win the consular tribuneship election in 376 (203). From 375 to 371 Livy says that Licinius and Sextius obstructed the elections of consular magistrates, but the absence of names is more likely to be the result of chronological

.....

200. Livy 6.38.4f; Plut. Cam. 39.

201. Livy 6.40-1; cf. Cornelius, UFRG 29.

202. Livy 6.35.7f, 36.8f suggests that the tribunes vetoing the bill had been called by patricians to do so.

203. Broughton, MRR 108-9.

confusion (204). From 370 to 367 plebeian tribunes Licinius and Sextius continued to build up popular and senatorial support for their law, but still failed to win it through the plebeian assembly, because of the veto of plebeian opponents. In this period, four colleges of six consular tribunes were elected (205). Perhaps compromises over the domestic issues were being made at senatorial level to ensure that there were enough generals to deal with the military threats, first from Velitrae, and then from the Gauls (206). Fifteen of the twenty-four consular tribunates were held by those who had been generals; all the others were from gentes represented by consular tribunes in the past twenty years, who had local interests in defence of the areas under attack. It may have been fear of obstruction of the levy at a time of possible Gallic invasion that caused the consular tribunes to name Furius Camillus as military dictator in 368 and 367. Like many of the consular tribunes, his *magistri equites*, Aemilius, who was consul with Sextius the year after the Licinian-Sextian law was finally passed, and Quinctius, might have differed with him over the bill, but have been chosen for their military experience (207).

.....

204. See Ch.1A 17 n.25. Because of this, Livy 6.36.3, assumes that an interrex held the election in 370.

205. Broughton, MRR 110-113.

206. Livy 6.36.1-6, 38.1, 42.4f.

207. Fourteen consular tribunes from 370 to 367 belonged to gentes noted above as likely supporters of the bill; only one belonged to those listed as possible opponents.

Once it was clear that there would be no invasion in 368, Camillus was forced to abdicate by the supporters of the bill and was replaced by Manlius (208). In 367, however, after the tribunes finally got the law through the plebeian assembly, but its patrician opponents prevented it winning *auctoritas patrum*, he used his authority as dictator to bring about an informal compromise, whereby extra posts of praetor and curule aedile were created for the patricians, who agreed in return not to obstruct the election of plebeian consuls (209).

Conclusion

Summing up, matters of policy might have influenced the results of most curule elections at senatorial level from 444 to 367. The most prevalent policies - the maintenance of patrician monopoly, which was declining by 367, the wars, and the attempts to reduce land hunger, were generally of a fairly long term nature, and the

.....

208. Plut. Cam. 39, Livy 6.38.8 and Fast. Cap. in Degrassi op.cit. 398, hint at Camillus' military intentions in 368; the impossibility of Livy's suggestion (6.38.4f) that he tried to prevent the law when president of the concilium plebis, the identity of his *magister equitum*, his early abdication, and the likely nervousness of Rome's leaders about rumours of another Gallic invasion at a time of such internal unrest (cf. Livy 6.36.4) all suggest that Livy 6.38.3 and Plut. Cam. 39 assumed his appointment was primarily to deal with internal affairs only because they knew he opposed the law, and took action concerning it in 367.

209. Polyb. 2.18.2, shows that Camillus' war against the Gauls in 367 (Livy 6.42.4-8; D.H. 14.9.10; Plut. Cam. 40-2; Degrassi, op.cit. 32f, 539-540) is a duplicate of that of 361. For this interpretation of the final internal settlement (Livy 6.42.9-14; Plut. Cam. 42; Ovid. Fast. 6 641-644), see Ch.1B 60-63. Momigliano, CQ 1941 115f, shows that Camillus' dedication of the temple of Concord to mark the agreement is doubtful.

factions implementing them seem to have been relatively stable, each holding power for several years at a time. Throughout the period, the practice of popularising was consistently quelled, most notably in 440, 432, 391 and 384, as such factions developed the custom of marshalling clients and amici to the elections. In the latter years of the period, the prospect of winning large consular tribunates may often have encouraged political leaders with similar, or at least not conflicting, policies to co-operate with each other in order to use these marshalled voters effectively. Of course, it must be acknowledged that in any one year the repetition of office might be due to the need for military experience rather than factional loyalty, the family links of magistrates might be due solely to family loyalty rather than the family basis of political views, and the sharing of office by those with few apparent views in common might be due to the above factors, or a chance result, rather than compromises between political factions.

Infrafranchisement and citizen settlement beyond the immediate boundaries of the city, resulting in the creation of six new tribes, was encouraged by senators who had personal connections in their areas in the hope of gaining electoral advantages from them. Such senators supported the development of a code of practice condemning the distraction of clients and tribunes from their commitments by bribery and canvassing, and opposed the publication of the civil law in 301, which limited clients' dependence

CHAPTER 4 - ELECTIONS: 366-304 B.C.

The Political Issues

The use of various methods of electoral control, now that free choice was available in all regular elections, was a prime political issue in this period. Attempts by electoral presidents, especially dictators, who had the most personal authority and were frequently required in this time of heavy war, to exercise their full powers, and augural interference, are regularly cited in the yearly account below. The laws passed in 342 and 338 after a series of solely patrician consular colleges suggest that the patricians, when they shared enough common ground, were still controlling elections by co-operating over candidates and using the auctoritas patrum and interregna. When the patricians were not united, the interregna served to attain compromises after the use of other devices caused deadlock (1). The practice of marshalling clients and amici from beyond Rome was fully developed in this period. Enfranchisement and citizen settlement beyond the immediate boundaries of the city, resulting in the creation of six new tribes, was encouraged by senators who had personal connections in their areas in the hope of gaining electoral advantages from them. Such senators supported the development of a code of practice condemning the distraction of clients and tribesmen from their commitments by bribery and canvassing, and opposed the publication of the civil law in 304, which loosened clients' dependence

.....

1. For details of all these devices, see Ch.1B 48-56, 64-66.

on their patrons. However, the frequent changes in tribal registration, enfranchisements, and varying political allegiances as the state rapidly expanded, made client control particularly difficult; hence the prevalence of the other methods noted above and the importance of gaining spare votes in the assembly in this period (2).

A political issue closely linked with that of electoral control was the development of the new broader governing class, as the patrician monopoly collapsed. Concern to prevent such monopolies of government inspired the lex Genucia of 342, and the lex Ovinia, passed by 312 (3). Personal jealousy played a significant part here. Well established but minor gentes envied and feared the Latin aristocrats entering the senate (4). Generals winning glory and riches in the great wars at the end of the century developed great personal rivalries, which contributed, with their differences over policy, to their political disputes.

It was partly in reaction to the increasing opportunities for magistrates to build up powerful positions for themselves on more distant campaigns that the senate developed its authority over the implementation of foreign and military policy in the second half of the period. At the same time, the reduction of the role of auctoritas patrum in 339 made the preliminary senatus consulta more

.....

2. See Ch.1C 94, 102-113 for all these methods of controlling voters.

3. Ch.1B 66, 77.

4. Ch.1C 80f.

significant in regular legislation (5). Senators with the greatest ability to control elections by marshalling clients, and thus the least dependence on their fellow senators' support, such as Fabius Rullianus, would have been least willing to see such senatorial authority increasing over the magistrates, and most able to resist it (6).

We can only infer a magistrate's political attitude from his actions in the second half of this period when he seems to have such personal authority, or to belong to a faction dominant in the senate.

The heavy wars which made Rome the dominant power in central Italy by the end of the period were the issues of greatest immediate concern in the elections (7). The scale of war is indicated by the appointment of about thirty-five dictators, seventeen suspensions of the *lex Genucia* which forbade frequent repetition of office, three *promagistracies*, some thirty-five triumphs, and an increase in officers in 311 (8). Military expansion was motivated by several factors. Senators naturally shared concern to improve Rome's military defences and those of vulnerable neighbours, and extend Rome's dominions, especially in their own spheres of interest. More specifically, those who aided personal associates in Latium, Campania and Etruria against external attacks or internal opponents hoped that Rome might thus

.....

5. For full details see Ch1B 68-75.

6. See Ch.1C 120; below 288.

7. For some recent historical treatments of them, see Toynbee, HL 1 120-153; Salmon, SS 187-254; Harris, REU 45-61.

8. Broughton, MRR 114-168 *passim*; Degrassi, II 13.1.540-543; Develin, POH 14-15; Ch.1B 35.

gain control of such areas, to the mutual political advantage of themselves and their provincial allies (9). The senators' traditions of war and personal desires for glory, influence, and riches from land, trade and industry, all particularly accessible in Campania, also contributed to their promotion of war (10). Their commercial, industrial and cultural interests were stimulated in this period by increasing contacts with Carthage, Etruria, and maritime Greek cities in south Italy, and by the growing wealth in the state (11).

Economic distress in Rome in the first half of the period, caused by pestilence and lack of colonisation, is indicated by several debt measures from 357, and a revolt in 342 against long wars without substantial economic gains (12). Subsequently, however, it was steadily relieved by the creation of *virgane* allotments and colonies on land won in the wars (13); the increase in

.....

9. I would not assume, as e.g. Sordi, RRC 58f, does of Etruria, that those with personal ties in an area would have favoured no military aggression there. cf. Ch.1C 95-6; Polyb. 1.6.3-4; Heurgon, CP 252f; Bernardi, Ath. 1943 21f; Sherwin-White, RC² 23f; Harris, WIRR 175-182; Toynbee, HL 1 330f.

10. Livy 7.31.1; Staveley, Hist. 1959, 410-433; Cassola, GPR 26f; Salmon, SS 194-217; Harris, WIRR 54f.

11. See Frank, ES 1 35, 43, 51-5, and Staveley, art.cit. 419-423 (wealth, public works and trade); Ogilvie, CL 88f (the development of the legend that Numa was a pupil of Pythagoras); Scullard, HRW⁴ 350f (Etruscan and Greek art at Rome). Full details of diplomatic contacts with Mediterranean powers are noted in the yearly account under 348, 343, 332 and 306.

12. Livy 7.1.7f, 27.1; Frank, ES 1 37-8; Staveley, art.cit. 420 n.65; Salmon, RC 44f; Cassola, GPR 146-8.

13. cf. Beloch RG 620; Frank ES 1 41-2; Last, CAH7 542; Salmon, RC 45f; Taylor, VDRR 53-9.

citizens in the whole period was only just over half the proportionate increase in acreage of Roman land (14). By 326, debt laws were probably largely for the benefit of those speculating in commercial and industrial enterprises as a result of their Campanian connections, and by the final years of the second Samnite war, the promise of movable wealth and the provision of new commercial and industrial opportunities rather than the need for land would have been used to encourage military commitments by the people of Rome and Latium (15).

The detection of political views is difficult in this period of expansion. We can no longer assume that all those in the biggest gentes had the same attitudes. For example, we shall see later that the direct descendants of the leading generals in the period of expansion from the early fourth century, from gentes such as the Claudii, Cornelii, Aemilii and Valerii, who appear particularly frequently in curule offices after the settlement of 338, often seem to retain more ambitious foreign policies than their kinsmen in the minor branches of their gentes, such as the Aemilii Papii, Valerii Flacci and Potitii, Claudii Marcelli and Cornelii Lentuli. And because of the heavy wars and increasing authority of the senate, magistrates' military talent and experience or local knowledge might often have been of more importance to their election than their views on policy, and at other times external circumstances, rather than any Roman policy, might have dictated

.....

14. Frank, AJP 1930 313-324.

15. cf. Staveley, art.cit. 420f.

their actions (16).

The Elections

In the period from 366 to 343, the agreement of 367 that a plebeian consul would be elected each year, while patricians maintained other curule posts, rapidly collapsed, as leading senators united in cliques over other political issues of more immediate importance. Twenty gentes held curule office in the whole period; of the fourteen patrician, nine had held curule posts since 370, and hence would have dominated the senate (17). Since there was relatively little change in the composition of the citizenry in this period, we may assume that the magistrates won the elections at assembly level largely through client control, except where other methods are noted.

Fifteen of the twenty gentes were represented by curule magistrates from 366 to 361. Furius Camillus held the first praetorship, the office which his father had instituted to compensate the patricians in the compromise of 367. Claudius and Pinarius were likely opponents of the Licinian-Sextian law, since Claudius spoke against it in 368, and

.....

16. cf. Ch.1C 87f, 121-2.

17. Since senators' views on major issues of the day - military expansion, electoral control, and the extent of plebeian representation in high office - would have largely been dictated by the spheres of interest they inherited in central Italy and their family ties, and since almost all gentes in office are represented by only one member, or members whose kinship links can be traced within the previous century, individuals' views may largely be deduced from their gentes in this period. For the names of all magistrates: 366-343, see Broughton, MRR 114-133.

both were from families unrepresented since the fifth century (18). The views of Aemilius, Servilius and Quinctius about the law are not clear. Fabius, Manlius, Cornelius, Sulpicius and Postumius, however, shared close links with Licinius, who gained consulships in this period. Other plebeians in curule office were Sextius, Licinius' fellow plebeian tribune, two Genucii, members of a leading plebeian gens last represented in curule office during the siege of Veii together with the forefathers of Licinius and his allies, and Popillius, from a previously unknown family. Altogether, it is likely that most of these magistrates had united in support of the Licinian-Sextian law before 367 (19); in its spirit, they introduced the free election of military tribunes in the tribal assembly in 362 (20).

While there may have been a few differences over plebeian representation among those in power from 366 to 361, all shared concern to keep back the Gauls and dispel Latin and Hernician unrest, not just for the sake of general security, but also to protect their family spheres of interest and, for some, to improve upon the performance

.....

18. Ch.3 234-6; Garzetti, *Ath.* 1947 180.

19. Ch.3 212, 232-3. *Fast. Cap.* (Degrassi, II 13.1.32-5) gives C. Licinius Calvus as consul in 364 and C. Licinius Stolo as consul in 361; Livy 7.2.1, 9.1 and Val. Max. 2.4.4 give the reverse. Since they share the same praenomen, and four other consuls repeat office in these five years, they may simply be the same man. cf. Münzer, *RAA* 9-21, who, following *Fast. Cap.*, argues that until 361 leading plebeian and lesser patrician consuls mediated in the struggle of the orders.

20. Ch.1B 35.

of their forefathers against the Gauls in 390 (21). In 366 and 363-1, when military action was most likely, four of the generals had held military command since 377, and the consular colleges of 365 and 364 may have been re-elected in 362 and 361 partly for their experience of leadership (22).

Another issue possibly influencing electoral results from 366 to 361 was the pestilence of 365-4; the consuls of 364, Licinius and Sulpicius, whose families shared interests in Etruscan and Greek religion, attempted to avert it with a lectisternium, and distract the people with Etruscan scenic games; when this failed, their kinsman, Manlius, was named as dictator 'clavi figendi causa' on the Capitol, his family seat; this was a rite

.....

21. For their military policy, see De Sanctis, *StR* 2 253-4. Servilius' grandfather, Fabius' father and uncles, a Sulpicius and a Cornelius fought the Gauls in 390. All gentes in power from 366 to 361, save Claudius, Licinius and Genucius, had ancient ties in Latium (Ch.2 136-8, 144-5, 155-7; below 246) or could have developed them in previous wars; members of all twelve, save the Popillii, Manlii and Pinarii, fought the neighbouring Aequi, in the wars of 471-463, and 431-408, in the likely direction of the Gauls' invasion in 366-361 (Livy 7.1.3) and, more recently, with a Manlius, fought the Latins from 383 to 380; three of them, Servilius, Sulpicius and Postumius, were censors in 380 and 378, registering enfranchised Tusculans.

22. Aemilius, consul in 366, when attacks by Gauls and Hernici were rumoured (Livy 7.1.3) and in 363, when the Hernici still threatened (Livy 7.3.9) fought the Volsci in 377; Claudius, the dictator fighting the Hernici in 362 (Degrassi, *op.cit.* 98, 539-540) after Genucius' unsuccessful attack on them (Livy 7.6-8) fought at Veii in 403; Sulpicius, who fought the Hernici in 361 (Degrassi, *op.cit.* 540) fought the Latins in 380 and the Hernici in 362 (Livy 7.7.1, 8.6); Cornelius, magister equitum fighting the Gauls in 361 (Broughton, *MRR* 119-120 gives full refs.) had been consular tribune seven times.

of Etruscan origin reputed to allay pestilence (23).

Only ten gentes held curule office from 360 to 356. Almost all shared personal interests in Latium, where Tibur had allied with the Gauls in 361; nearby the Hernici were still in arms against Rome (24). The Popillii and Plautii, being unknown in Rome before 367, may have been recently enfranchised Latin aristocrats; branches of the Plautii are later known in Tibur and Praeneste; the Plautii's and Marcii's registration in the Papiria tribe may date to this period (25); the Fabii, Manlii, Sulpicii, Quinctii, Servilii and Valerii could have built up associations in Latium when they held office in the early fourth century (26). In 358 the group temporarily restored peace in the area by renewing the Cassian treaty, which allowed them to defeat the Gauls and Hernici, and face the Etruscan cities and Privernum, which had taken advantage of these wars to rebel against the growing power of Rome and Latium; most of those in power at Rome also

.....

23. Livy 7.2-3; Zon. 7.24; Val. Max. 2.4.4; Sordi, RRC 77, 79; Latte, RR 154. For hints of the religious interests of these magistrates, and Pinarius, Manlius' *magister equitum*, see Ch.2 145; Ch.3 214-5, 233. The first *lectisternium* was held in the period 400 to 396, when ten of the gentes in curule office from 366 to 361 held power. The attempt to convict Manlius, on charges varying in different accounts, by Pomponius (possibly an ally of those in power, also being descended from a consular tribune of 400-396) was probably due to fears of his ambition when he overstayed his dictatorship (Münzer, 'Manlius' PWRE (Stuttgart, 1928) 14.1, 1177-9; Degrassi, *op.cit.* 106).

24. Livy 7.11.1-3.

25. Degrassi, *op.cit.* 105; Münzer, RAA 44-5; Taylor, VDRR 273, 301-2; cf. Beloch, RG 338.

26. See n.21 above.

had personal interests to maintain in these areas of conflict (27). Their concern to ensure Rome's military defences and strength, after hints of discontent in the army in 358 (28), may partly explain the creation of two new tribes in 358 - the Pomptina, on Volscian land north of Privernum taken in 389, and the Publilia, on Hernician land won by Plautius in 358 (29) - the passage of a tax law to provide for military pay (30), and an attempt to ease debt in 357 (31).

The dictators and *magistri equites* fighting the Gauls from 360 to 356 would have been named largely because they had influence among the Latins, and military experience or talent (32). The other magistrates of the period appear to have formed a clique bound by the common

.....

27. All patrician *gentes* in power had been represented by several leaders in the Etruscan wars of 405-390, and the Volscian wars of 408-4 and 386-3; the interests of the *Valerii* and *Marcii* in the Volscian area and Ostia date to regal times (Ch.2 144; Ch.3 209f). For events in the period, see Degraffi, *op.cit.* 68-9, 540 (noting six triumphs); Homo, CAH7 570-3 and Walbank CP 1 185-7 (on the chronological difficulties in the accounts of the Gallic incursions); Harris, REU 47-8 (arguing for the Etruscan war being defensive); Beloch, RG 359-360 (on Rome's progress in the west).

28. Livy 7.12.12f.

29. See Taylor, VDRR 50-3 for their location. The Pomptine tribe took the name of the area (Beloch, RG 356-8); the Publilia took that of an ancestress of the censor (Mommsen, RSt 3³ 171-2; Münzer RAA 35.n.1) or Plautius (Taylor VDRR 50-2).

30. Concern about the army's loyalty may explain why it was passed in the camp; see Livy 7.16.7-8; Ch.1B 71.

31. Livy 7.16.1; Tac. Ann. 6.16.

32. The dictators, Servilius and Sulpicius, held four consulships from 365 to 361; their *magistri equites* Quinctius and Valerius held four from 355 to 351; Sulpicius and Quinctius had ancient family ties in Latium (Ch.2 135, 155); Sulpicius had named Quinctius as dictator to fight the Gauls in 361.

aim of gaining political control by marshalling clients and amici in tribal formation; this involved the promotion of certain influential plebeians, including Latin aristocrats (33). It has already been suggested that the father and uncle of the Fabii brothers and Manlius, the patrician consuls of the period, supported the Licinian-Sextian law for this reason (34). For the first time, in 356, a plebeian, Marcius, consul of 357, held a dictatorship, with Plautius, consul of 358, as his magister equitum (35). Popillius, consul in 359 and 356, had already gained the curule aedileship, breaking the agreement of 367, in the tribal assembly in 364 (36). His prosecution of Licinius when aedile again in 357 may be a hint of the dividing off of this clique within the broader set of plebeian leaders (37). The plebeian tribune who passed a law against ambitus in 358 (38),

.....

33. cf. Münzer, RAA 21f, who argues that a similar clique maintained a monopoly for 18 years from 360.

34. Ch.3 232-3.

35. Livy 7.17.6-9. The senate's denial of a triumph to him may be a hint of the reaction against such plebeians evident from 355.

36. He carried out the scenic games in 364; see Mommsen, RSt 2³ 482 n.2; cf. Beloch, RG 347-8. The electoral president, Genucius or Servilius, having probably supported the Licinian-Sextian law himself, would have accepted his candidature; cf. Livy 7.1.6.

37. cf. Sordi, RRC 74f. The charge that he held more ager publicus than his own law allowed (Livy 7.16.9) is clearly a late invention (Tibiletti, Ath. 1948, 227-8, 230; Ch.1B 61). D.H. 14.12 notes no charge.

38. Ch.1C 110.

Poetelius, was consul in 360; the plebeian tribunes who passed the debt law in 357, Menenius and Duillius, shared old family ties with Marcius and Poetelius, and Menenius had ancient links with Latium; all presumably won their offices partly because the consuls' faction marshalled clients for them (39). The clique would have created the two new tribes in 358 partly with the intention of improving such methods of electoral control of all the assemblies (40).

Natural resentment and fear of the predominance of such a clique by other patrician gentes caused conflict in the elections from 355 to 351. Four times this resulted in solely patrician consular colleges; the need for six interreges before the first suggests great dispute over the issue within the patriciate (41). The patrician consulships clearly represent compromises, since of each pair one belonged to a gens - either the Fabii or Sulpicii - which had held consular office with a plebeian colleague since 366, and one - from either the Valerii

.....

39. The Duillii, Marcii and Poetelii were all represented in the plebeian tribunate from 449 to 440; Menenii, whose tribe lay by the Anio, held three posts in allegiance with Fabii and Manlii against hostile Latins from 387 to 380.

40. One of the Menenii was consular tribune in 387, when the new tribes at Veii, in which the Manlii are later known, were created (Ch.3 224). Plautius gained influence in the Publilia, when he conquered its land in 358; Manlius' grandfather held office with Valerius' father, both in 389, when the latter took the Pomptine land, and in 383, when commissioners were appointed to allot it; Fabius' grandfather, as censor in 363, might have gained influence in all these areas.

41. Livy 7.17.10-13, 18.3-10, 19.5-6, 22.1-2; cf. Staveley, *Hist.* 1954 201. See Ch.1B 63, n.96, and n.33 above for alternative views of the 2 patrician colleges.

or Quinctii - did not. Military threats made such a compromise essential. Tibur, having risen again, was temporarily quelled in 354, but the treaty with the Samnites beyond Latium in that year indicates that Rome's leaders still felt insecure. The following year's events justified their fears; the Volsci invaded Roman land, and Caere joined the Etruscan towns in arms against Rome from 355 to 351 (42). The consuls were clearly named partly for their personal influence in the areas where they fought, being all members of leading military families of the fifth and fourth centuries, and for their military talents, sharing between them eighteen consular posts from 380 to 342. The most prominent were Quinctius, Valerius and Sulpicius, who held seven consulships from 355 to 351; although two were from families absent from office since 367, all had particularly relevant experience; Valerius, who had fought the Gauls allied with Tibur as Sulpicius' *magister equitum* in 358, fought Tibur in 355, and in 353 fought the Volsci in the area taken by his father in 389; Quinctius, who had made a pact with Tibur in 361 when dictator, forced surrender from it in 354, and fought the Etruscans in 351, as he did in 354; Sulpicius fought Tarquinii in 353 and 351, as he did in

.....

42. For arguments that the Samnite treaty was a defensive move, see Adcock, *CAH*7, 585-6, *RAW* 52, 76; Forni, *Ath.* 1953 231. cf. Sordi, *RRC* 61, and Salmon *SS* 188-195, 204, who see it as part of a policy of expansion into Campania. For the Etruscan war, see De Sanctis, *StR* 2 255-6 and Harris, *REU* 47-9; for objections to the view of Torelli, *ET* 82f, that the leader of Tarquinii included Caere in an Etruscan league against Rome, see the review by Cornell, *JRS* 1978, 171-2. For the conflict with the Latins and Volsci, see Livy 7.18.2, 19.2-4, 8-9; Degrassi, *op.cit.* 540.

355 (43). Two military dictators were also required, Manlius, named to quell Caere, had proved his military talent against the Gauls in 361. He and his magister equitum, Cornelius, may also have been chosen for their personal influence in Caere, which had special links with Delphi; both were descended from envoys to Delphi, and dedicated a temple to Apollo after renewing Rome's alliance with Caere (44). Iulius, named to meet Etruscan threats which actually came to nothing, was from a gens unknown since 379, but his magister equitum, Aemilius, had held three consular posts. Given Iulius' background, the story of his attempt to use his authority to return patrician consuls in 351, which resulted in an interregnum, is credible (45). Iulius was presumably reacting against the choice of the plebeian Marcius, as consul in 352, after the plebeian leaders had taken advantage of mounting popular distress over debt to protest over the resumption

.....

43. Of the other three consuls, Fabius, who quelled Tarquinii and made the Samnite treaty in 354, had already fought Tarquinii in 356, and had a Samnite great-grandfather (Ch.5 339 n.131); P. Valerius and Marcius did not have to fight.

44. For Manlius' exploits in 361, see Broughton, MRR 119-120; n.58 below. For the view that Caere's alliance with Rome was renewed after its revolt, see Beloch, RG 363-5; Toynbee, HL 1 415-8; Sherwin-White, RC² 53-8; for some alternative views, see De Sanctis, StR 2 256-7; Sordi, RRC 123f. Manlii and Cornelii had held fourteen curule posts during the Etruscan wars and Gallic sack from 405 to 390, when Rome and Caere were closely allied; on this, their forefathers' embassies and Caere's links with Delphi, see Ch.3, 184, n.5, 214-5, 217-8. For the dedication of the temple, see Gagé, AR 149-150.

45. Livy 7.21.9-22.1; Ch.3, 234.

of patrician monopoly, causing another interregnum (46). Marcius could claim the necessary military experience, having won a triumph in 357, and having been dictator in 356. He might also have encouraged the debt law in 357; a commission was set up to investigate debt in 352 (47), and he followed up its work as the first plebeian censor, the following year, with his consular colleague of 357, Manlius (48).

In 350, fear of the Gauls may have inspired a compromise in the senate among those wrangling over electoral control by small cliques. Consuls were the Latin plebeian M. Popillius, who in 350 defeated the Gauls in Latium (49), where he had led the army as consul in 356, and L. Cornelius Scipio, son of the curule aedile of 366, whose gens had held no consulships since the

.....

46. For the twelve interreges of 352, see Livy 7.21.2-4. Perhaps conflict over plebeian consuls in the election of 352 is the basis of the obscure note of Cic. Brut. 55: 'M'. Curium, quod is tribunis plebis interrege Appio Caeco diserto homine comitia contra leges habente, cum de plebe consulem non accipiebat, patres ante auctores fieri coegerit: quod fuit permagnum nondum lege Maenia lata'; he may confuse the validation of auctoritas patrum with the patricians' nomination voiced by the interrex, and Caecus with his grandfather; cf. Willems, SRR 2 69f; Staveley, Hist. 1954 201.

47. Frank, ES 1 30; Last CAH7 544. Broughton, MRR 126, notes Duillius, Decius, Publilius, Aemilius and Papirius as the commissioners. The first three were from leading plebeian gentes in Rome in the fifth century, like Marcius. The conclusions from the fact that the five, and Marcius, or their relatives, all held curule offices from 342 to 336, when Rome took control of Campania, that they shared resentment of recent patrician monopoly (Münzer, RAA 34-8) and that they shared a Campanian policy based on concern to bring wealth to the debt-ridden community (Staveley, Hist. 1959 427) may both be partly right.

48. Livy 7.22.6-10, 10.8.8. His family's religious authority (Ch.3 222, n.156) may have helped him gain the censorship.

49. Livy 7.23-4; App. Celt. 1.2.

passage of the Licinian-Sextian law. The praetor was P. Valerius Poplicola, consul in 352, in the period of reaction against the dominance of Popillius and his allies. The election of such a trio may have been partly due to the influence in senate and assembly of the electoral dictator, M. Fabius, princeps senatus (50) and consul in 360 and 356, and his magister equitum, Servilius, consul in 365 and 362; together they represented the three phases of government since 367 (51).

In 349, the electoral dictator, L. Furius Camillus, returned as consuls and praetor, himself, App. Claudius and Pinarius. The latter two have already been noted as opponents of the Licinian-Sextian law with Furius' father; Furius himself, who had gained no curule post since serving in his father's army forty years before, is likely to have shared with them concern to regain patrician monopoly (52). Perhaps Scipio, being too ill to hold the election himself, had named a dictator with such attitudes in jealousy of his colleague's triumph over the Gauls, and it had been in return for this that Camillus made his brother his magister equitum (53). Camillus' inheritance from his father of influence in Rome and Latium, where the levy to fight the Gauls was greatly resented in 349, presumably aided his unorthodox election in both senate and assembly (54).

.....

50. Pliny, NH 7 133.

51. cf. Livy 7.22.10-23.1.

52. Above, 243-4; Plut. Cam. 35.1.

53. Livy 7.24.10-25.2; Degrassi, op.cit. 68-9; 540.

54. Livy 7.25.3-12. See Broughton, MRR 128-9 for full refs. to Furius' defeat of the Gauls in 349.

From 348 to 343, peace being established elsewhere, the policy of expansion down the west coast prevailed. While it may have been prompted initially by the raids of Greek pirates in 349 (55), its eventual purpose was to gain control of the rich land of Campania, which had been an important part of the old Etruscan trading empire. The four most prominent patrician gentes in office in this period, the Furii, Valerii, Cornelii and Manlii, shared interests in the Etruscan and Volscian coastal areas, having dominated the leadership from 408 to 380, when Rome's influence there was greatly increased; more recently, as dictator, Manlius, consul of 347 and 344, with Cornelius Cossus, consul of 343, as his *magister equitum*, had renewed Rome's alliance with Caere in 353. Through such contacts, all these gentes could have gained personal associates in Campania who encouraged such a policy (56).

Since the crucial steps towards western expansion were all taken in the three consulships of Valerius Corvus, he may be viewed as a leading promoter of the policy (57). Having already demonstrated his military talent against the Gauls, he reached his first consulship

.....

55. De Sanctis, *StR* 2 264f; Thiel, *HRSP* 7-8, 49f.

56. For particularly clear hints of these gentes' spheres of interest, see Ch.3 205f, 209, 213-9, 222, 225-6, 231; above 251. For hints of Romans having Campanian associates in this period, see *Livy* 8.3.3.

57. cf. Staveley, *Hist.* 1959 426-7; Salmon, *SS* 206.

in 348 at the age of twenty-three (58). In that year, he secured a renewal of Carthage's treaty with Rome, whereby Carthage restricted Roman traders, but in return recognised Rome's authority in Latium, and promised maritime protection of the Latin coast, thereby hinting at her moral support of Rome's future expansion on land (59). In 343, Corvus, and his consular colleague, Cornelius Cossus, may have made a similar agreement, gaining acceptance of Rome's influence in Campania in return for recognising Carthage's trading rights there, when Punic envoys brought congratulations for Rome's successes in their war against the Samnites (60). This war had been declared by Rome in 343 in response to Campanian appeals for aid (61).

.....

58. Livy 7.26, 32.5-17; Develin, POH 60; Broughton, MRR 129. While Valerius' supposed combat with a Gaul in 349 closely resembles that of Manlius in 361 (Heurgon, CP 163-4) the careers of both suggest that they were based on genuine traditions of their military talents.

59. This agreement does not imply that Rome's leaders had no interest in commerce, as Frank, ES 1 36 suggests; it simply shows that gaining such an ally, which might protect the coast, not just from foreign pirates, but also from those based in Antium, and thus deter Latins contemplating revolt, was more significant. For full details, see Adcock, CAH7 586-7; Thiel, HRSP 15-16, 53-4; Walbank, CP 1 345-9; Sordi, RRC 100-6; Toynbee, HL 1 521-6, 536-9; Meiggs, RO² 23-4.

60. De Sanctis, StR 2 253 n.3; Toynbee, HL 1 540-2.

61. Adcock, CAH 588-9 and Heurgon, CP 163-7, view the whole war as an invention, arguing that Rome would not have taken such a risk when the Latins were already restless; however this risk precluded a Samnite/Latin alliance forming against Rome; see further De Sanctis, StR 2 269f; Bernardi, Ath. 1942 89f, Ath. 1943 25; Salmon, SS 197-202, 207; Toynbee, HL 1 124, 128; all acknowledge that the Campanians' supposed *deditio* to Rome in 343 (Livy 7.30f) is unlikely.

In his second consulship in 346, Corvus had prepared the way to Campania by retaking Antium and Satricum from the Volsci, destroying the latter, save the temple of Mater Matuta, and distributing much booty (62). The following year, Furius Camillus, the consul of 349, was named as dictator to face the neighbouring Aurunci, who had risen in reaction to this, and were causing further unrest in Latium; with Cn. Manlius as his magister equitum, he defeated the Aurunci, and vowed a temple to Juno (63). Clearly the military leaders were trying to gain the people's support (64), and the approval of the gods, especially those fostered by their forefathers. For similar reasons, the Sibylline books were twice consulted in this period, in Corvus' consulship in 348, after pestilence, and in T. Manlius' consulship in 344, after bad prodigies followed the dedication of the temple of Juno. The first resulted in a lectisternium; the second in the appointment of Valerius Poplicola as dictator to

.....

62. His gens had special links with Antium and Mater Matuta; see Ch.3 215. For these events, see Livy 6.33.5, 7.27.2, 5-9; Degrassi, *op.cit.* 68-9; Toynbee, *HL* 1 128 n.1.

63. Furius inherited Latin connections (above, 253) and fought just north of the Aurunci in 389 (*Plut. Cam.* 35.1) and 349 (against Greek raiders); for his action in 346, see Livy 7.28.1-6, Degrassi, *op.cit.* 105. His father had also vowed a temple to Juno (Ch.3 219).

64. For a hint of opposition to the levy, see Livy 7.27.4.

establish days of worship (65). Also, in 343, when Cornelius Cossus, who had dedicated a temple to Apollo in 353, and Corvus were consuls, the Delphic oracle was consulted; as a result, statues of Pythagoras and Alcibiades were built in Rome, which also served to ingratiate Rome to the Greeks in south Italy during the Samnite war (66).

Although the Fabii and Sulpicii shared the same spheres of interest as the other patrician gentes in office in this period, it is less certain that their representatives in this period, the consuls of 345, and the magister equitum of 344, supported western expansion. Fabius' kinsman had made peace with the Samnites in 354, and both gentes held only two other curule posts from 350 to 326, when Rome became fully established in Campania. Perhaps senators unnerved by the Volsci stirring up fears of Roman ambitions in Latium supported the consuls of 345, Fabius Dorsuo and Sulpicius Camerinus, because they had a more neutral attitude to western expansion and personal influence in Latium. They precluded Auruncan infiltration into Latium by taking Sora, on the upper Liris, beyond the Publilia tribe founded in 358, when one

.....

65. See Ch.3 214-8, 233, and above, 245-6, 251 for hints of the interests of Valerii, Corneli, Furii and Manlii in the Sibylline books and Greek religion. For the measures taken in 348 and 345-3, see Livy 7.27.1-2, 28.6-8; Pliny, NH 34.26. Furius may have felt that the execution of Manlius, in whose consulship his father's temple to Juno was dedicated, had somehow contaminated the temple, and built the new one on the site of Manlius' house to emphasise that he was renewing the cult. The appointment of Manlii, who had formally disowned the condemned man, as magister equitum in 345 and consul in 344 may have been partly for similar reasons.

66. Alföldi, ERL 346.

of the Fabii renewed the Latins' treaty. His influence in Latium and their common religious interests may explain the choice of Fabius Ambustus as *magister equitum* by Valerius Poplicola to aid him in organising the participation of the Latins in supplications to the gods (67).

Turning to the plebeians in office from 348 to 343, there are clear hints that Plautius, consul in 347, and Marcius, consul in 344, supported the policy of western expansion. Marcius inherited ancient connections with the west coast; one of the Plautii was consul when the Pomptina tribe was established; the Plautii adopted Decius, who had close links in Campania, at about this time; Plautius and Marcius held their second consulships during the first Samnite war (68). Both shared concern with debt at Rome, a problem readily solved if Rome gained access to the wealth of Campania; measures were carried to alleviate it in their consulships in 347 and 344, and in Marcius' consulships in 357 and 352. Such concern may have been motivated partly by their own commercial

.....

67. See 244-6 above, and the refs. to Ch.3 quoted in n.23 and 56 above for hints of the Fabii's and Sulpicii's spheres of interest and religious authority. Note that Sulpicius Camerinus was the first member of his family in office since the censor of 380, who registered Tusculans in the state. Fabius Dorsuo, whose family links with the Fabii Maximi are unknown, may have represented the gens because the next generation of the latter was too young (Develin, POH 62). There are hints of the families being linked; in 390 a Fabius Dorsuo acted for the gens (Livy 5.46.2) and Fabii Maximi inherited connections in Sora (Münzer, RAA 59), as did Sulpicius' son, who recaptured it in 314. For Sora's capture in 345, see Salmon, SS 194 n.1; cf. De Sanctis, StR 2 266, and Adcock, CAH7 587, who argue that it duplicates 314.

68. See 246-7 above, and 259-262, 272, n.117 below.

interests, and partly by their recognition of its value in gathering popular support to prevent their exclusion from curule office, especially if they were now divided over foreign policy with their former supporters, the Fabii (69). The support of former allies such as the Fabii may still have contributed to the election of the other two plebeians in power, Poetelius, consul of 346, and Popillius, consul of 348, whose gentes show no signs of support for western expansion; they only appear in three years when reasons for elections are particularly uncertain, until the second century (70). Popillius' influence as Flamen, and the popularity he acquired holding the scenic games in 364 and distributing booty in 350, all of which may have helped him quell popular sedition in 348 (71), and the religious authority that Marcius and Poetelius inherited (72) might have aided their elections in both senate and assembly; religious measures taken in Popillius' and Marcius' consulships have been noted above.

From 342 to 338 Rome's position in central Italy was fundamentally changed. After a mutiny in Campania in 342 by Roman soldiers, alarmed by the distance of the Samnite war, and probably encouraged by pro-Samnite

.....

69. For the debt measures and their significance, see Frank, ES 1 28-31; n.47 above. There were two solely patrician consular colleges in this period, in 345 and 343, both doubtless due to the senate's preoccupation with the military situation.

70. See 273, 282-4 below.

71. n.36 above; Livy 7.24.9, 25.1; Cic. Brut. 56.

72. Palmer, ACR 146-152.

Campanians and conscripted Latins (73), Volsci and Privernates were defeated in 341 (74). The Romans then renewed their alliance with the Samnites who had asked for peace, since they needed their aid against Latins, Volsci and Campanians, who had united in arms against Rome by 340 (75). After their defeat (76), Latin and Campanian land was confiscated, and the Campanian people were forced to pay an indemnity, while the Campanian knights who had remained loyal were given *civitas sine suffragio* and special rights in the army (77). Some Latin and Volscian towns were only finally quelled in 338 (78). A final settlement was then made, whereby further land was taken, all Campanians, loyal since 340,

.....

73. Bernardi, *Ath.* 1943 25; Heurgon, *CP* 243f; Cassola, *GPR* 146-8; Toynbee, *HL* 1 128-9. The story that T. Quinctius came out of retirement at Tusculum to lead the revolt (*Livy* 7.39.11-41.2) may have developed from a genuine tradition of his opposition to the Samnite war amid Latin unrest; he had made the Samnite treaty in 354; his gens is represented only once in the rest of the fourth century, when Rome expanded south; living in Latium, he would have appreciated the scale of unrest there.

74. *Livy* 8.1.1-6; see also n.117 below.

75. Bernardi, *Ath.* 1943, 24-5; Toynbee, *HL* 1 124f, 143f; Salmon, *SS* 206-7.

76. For full refs. to it, see Broughton, *MRR* 135-7. It was probably near Capua; see Beloch, *RG* 373; Salmon, *SS* 207-8; Scullard, *HRW*⁴ 478. The tale of Manlius' harsh discipline of his son at the battle is told of Postumius in 431 (*Livy* 5.29.5-6) and is echoed in tales of his own father's trial in 363 (n.23). Decius' 'devotio' in the battle, and that of his grandson in 279, duplicate that of his son in 295; see De Sanctis, *StR* 2 257 n.2; Heurgon, *CP* 262-3, 268-270.

77. In defence of this version of events, see Heurgon, *CP* 157, 254f; Cassola, *GPR* 122; Toynbee, *HL* 1 401-2; Sherwin-White, *RC*² 40.

78. Broughton, *MRR* 137-8.

gained *civitas sine suffragio*, some Latins were enfranchised, others became allies or gained the *Ius Latii*, and citizen colonies were established at Ostia and Antium. This ensured long term peace, and laid the basis of the Roman federation (79).

Almost all magistrates of this period gained election as part of a faction united in support of these developments because of their personal interests in Campania and Latium (80). C. Marcius, consul of 342, M. Valerius Corvus, dictator of 342, Plautius, consul of 341, and T. Manlius, consul of 340, who together held six consulships from 348 to 343, have already been noted for their promotion of western expansion. Their influence in the senate and experience of leadership would also have contributed to their election. In particular, Corvus' authority as leader of the Campanian policy made him the natural choice as dictator to quell the army mutiny in 342 (81). L. Aemilius, Valerius' *magister equitum* in

.....

79. For full details of these measures and their significance, see Bernardi, *Ath.* 1942 86-103, *Ath.* 1943 25-6; Staveley, *Hist.* 1959 422-3; Salmon, *RC* 45-54; Meiggs, *RO*² 20f; Sherwin-White, *RC*² 31-41; Scullard, *HRW*⁴ 111-4.

80. cf. Münzer, *RAA* 37f; Heurgon, *CP* 246f; Staveley, *art. cit.* 426f; Cassola, *GPR* 126f; Salmon, *SS* 205-6; all note various combinations of magistrates of this period supporting this policy.

81. See Broughton, *MRR* 129-137 for details of these magistrates. Military requirements gained three dispensation from the *Genucian* law noted below, and in 340, caused an interregnum (*Livy* 8.3.4-5). Heurgon, *CP* 249-250, and Cassola, *GPR* 127, suggest the latter was due to differences over policy, but the use of the minimum number of interreges supports *Livy*. Valerius' use of the *Peteline Grove* to pass his military reforms (*Gagé*, *RP* 1953 48f) may explain the tradition that a *Manlius* led the revolt (*Livy* 7.42.4); see *Ch.3* 227.

342 and consul in 341, Ti. Aemilius, praetor in 341 and consul in 339, the Cornelii Scipio brothers, censors in 340, L. Furius Camillus, consul of 338, and the Papirii, dictator and praetor in 340, were also likely supporters of current policy, being directly descended from magistrates active in Rome's expansion in Etruria, the Volscian areas and Latium from 408 to 380. More recently, Furius' uncle and the Cornelii's kinsmen had promoted the Campanian policy with Corvus from 348 to 343. The four families were represented regularly in office down to the end of the century, when Rome's southern interests were extended; indeed magistrates of the period held sixteen posts from 337 to 310. It may be no coincidence that the Papirii and Furii, whose gentes had the most ancient interests in Latium, were elected in 340, when the Latin rebellion was at its height, and 338, when the final settlement was made (82).

Decius, consul in 340, Publilius, consul and dictator in 339, Iunius, magister equitum in 339, and Maenius,

.....

82. See Broughton, MRR 134-8 for details of these magistrates. While forefathers of the Papirii, both Cursor and Crassus, fought mainly in Latium, near their family tribe (Ch.3 191-4, 200-5, 224-9), their holding of seventeen curule posts from 340 to 310 suggests they shared interests in southern expansion; for Cursor, it allowed him to exercise his great military talent (Beloch, RG 480; cf. Cassola, GPR 145). The immediate forefathers of the Aemilii Mamercini, who held seven curule posts from 342 to 310, fought mainly in Etruria (Ch.3 195, 209f, 217-221) and beyond their family tribe against the Volsci (Ch.3 228, 231); perhaps the family fostered the story of its descent from Numa (Ch.2 149 n.129) as the story of Pythagoras teaching Numa developed from their southern contacts in this period; cf. n.11. For the spheres of interest of the Furii and Cornelii, see n.44 and 63 above. Note that in the settlement, Lanuvium had to share its cult of Juno, who was promoted by the Furii (n.63), with Rome (Livy 8.14.2).

consul in 338, were from gentes represented by plebeian tribunes in the fifth century (83). At the same time, the story of Decius' military exploit in 343 in Campania and his nomination the year of the Campanian revolt (84), the Greek and Volscian cognomina of Publilius and his forefathers (85), and the family ties of the Iunii with the Etruscan kings of Rome (86), are hints that branches of their gentes were also established in the west coast and Campania. Certainly they appear to have supported current policy; Publilius, Maenius, Iunius and his kinsman, and Decius' son held twenty-one more curule posts before the end of the second Samnite war (87).

Foreign policy was not the only issue at hand from 342 to 338. By this time many senators, including some hoping to gain from the foreign policy outlined above, had become united by their common resentment of the monopoly of office by small cliques since 360. Servilius, the last to represent his family in curule office in 362, may have been elected as consul with

.....

83. For details of their forefathers' and their own posts, see Broughton, MRR 15-17, 23, 29-30, 74, 102, 135-8.

84. Decius rescued Cornelius at Saticula, in Campania, in 343 (Heurgon, CP 270-5) and contributed to the victory of 340 (n.76). Either he originated in Campania, and the early plebeian tribunes of his name belonged to another branch of the gens in Rome (cf. Münzer, RAA 37f; Bernardi, Ath. 1943 27-8; Heurgon, CP 260-277; Toynbee, HL 1 340 n.1) or he was descended from the tribunes, and had relations in Campania (cf. Garzetti, Ath. 1947 187; Cassola, GPR 153-4).

85. See Ch.3 213.

86. See Ch.2 132f for the Iunii's ties with the Tarquins; see D.H. 4.62, Ogilvie, CL 234, and Ch.3 184 n.5 for the Tarquins' interests in the west coast.

87. Publilius was the most prominent; see Beloch, RG 477f; Garzetti, art.cit. 185f; Cassola, GPR 124f.

C. Marcius in 342, when the state was hard pressed by threats of Latin unrest and internal revolt, as a compromise with this sector in the senate to ensure the election of two experienced leaders. Since the Servilii are subsequently absent from office until 284, he may not have been an active supporter of southern expansion, unlike other patricians who shared his concern about monopoly of office, the Aemilii and Papirii, whose gentes were previously represented in curule office in 363 and 368 respectively (88). Plebeians of this sector included Genucius, Publilius, Maenius, Decius and Iunius. All were from gentes unknown since their plebeian tribunates in the fifth century, except after protests against monopolies - in consular tribunates from 400 to 396, consulships from 365 to 362 with Servilius and Aemilius, and in the debt commission of 352, with members of the Aemilii and Papirii (89). Since Genucius' gens is absent after 342 until 303, he may have gained election as plebeian tribune in 342 through the same senatorial compromise as Servilius, as well as by promising debt reform to the people (90). All the other plebeians have been noted as likely supporters of the current foreign policy. The influence of this whole sector in

.....

88. Servilius had chosen Quinctius, who features in 342 as an opponent of the Samnite war, as his *magister equitum* in 360. Servilius' personal influence in Latium (n.32) would have been an important factor in the compromise of 342.

89. See n.47 for its significance.

90. Genucius' debt law banned interest (Livy 7.42.1-2; Tacit. Ann. 6.16.3; App. B.C. 1.54; Last, CAH7 544-5).

the senate is indicated by Genucius', Publilius' and Maenius' passage of laws restricting repetition of office and the use of *auctoritas patrum*, and the recognition, henceforth, of the Licinian-Sextian ruling on plebeian consuls (91).

From 337 to 327, there was a broad range of magistrates - thirty individuals from eighteen gentes, only eight of which had held power between 366 and 341 (92). This pattern was due partly to the Genucian law against repetition of office - no crucial war requiring its suspension - and partly to a decline in electoral control, because of recent changes in the number and location of citizens. Hence conclusions about the reasons for the magistrates' elections in this period are particularly speculative.

In 337, the consuls were C. Sulpicius Longus, son of the consul of 345, and P. Aelius, whose gens was last represented by a fifth century quaestor (93). They may have been randomly elected through personal support, there being no contentious political issues after the recent settlements of domestic and federal issues.

When the Aurunci appealed to Rome for aid against the

.....

91. See Ch.1B 60-3, 66, 70 on these measures. Livy (8.12.4-17) may have assumed that Aemilius and Publilius were opponents of the senate because Publilius was a *novus homo*, Aemilius appointed Publilius as dictator, unusual but not unique (Beloch, RG 478), and Aemilius was refused a triumph, which may have been simply because he did not end the revolt. cf. Beloch, RG 476f; Münzer, RAA 34f; Heurgon, CP 246f.

92. cf. Münzer, RAA 33; Develin, POH 13-15.

93. See Broughton, MRR 78, 138-9 for them and Aelius' forefather.

Sidicini in the course of the year, the consuls, neither of whom appear to have had any interests in southern expansion (94), hesitated to take out troops. The senate, whose leaders were doubtless anxious to extend Rome's influence in the area, then demanded that they name a dictator to take military action. However, the dictator, C. Claudius, was then declared to be faultily elected and abdicated; perhaps this was a manoeuvre by augurs opposing further southern activity, to delay military action and decrease the number of ex-magistrates with aggressive military policies in the senate (95).

In 336 and 335, with the war against the Sidicini at hand (96), the senate's military leaders regained some control of the elections. Patrician consuls were L. Papirius, the dictator of 340, and M. Valerius Corvus, the consul of 343, who in 335 ended the war, capturing Cales (97). He may also have made a treaty with the Gauls of Apulia, to ensure an ally in Samnium's rear (98).

.....

94. See 257-8, n.67 on the Sulpicii; Sulpicius' opposition to Publilius' election in 336 may have been due to their differences over policy (Livy 8.15.9, suggests that it was because he was plebeian; this is unlikely; see 244, 249f above). No Aelii hold military posts again until the third century, and nothing else is known of the early gens.

95. Livy 8.15.1-6; cf. Ch.1B, 50, 54, 74-5. The Claudii's interests in western expansion are suggested by hints of their gens in Corsica and Caere in the fifth and fourth centuries (Livy 9.36.2-9; Rawson, *Hist.* 1977, 340).

96. Livy 8.16.1-4.

97. Broughton, MRR 139-140.

98. Polyb. 2.18.9 dates an agreement thirteen years after the previous invasion, which Livy 7.26 places in 349.

The plebeian consuls, K. Duillius and M. Atilius, and Publilius, the first plebeian praetor in 336, belonged to the sector resenting monopolies; all were descended from leading plebeian agitators for political representation in the fifth century. Publilius and Atilius, who had close Campanian connections, and may have gained office partly because of his local knowledge, would also have shared their patrician colleague's attitude to the war (99).

In 334, the consuls, still fighting the Sidicini, named a fellow supporter of southern expansion, L. Aemilius, consul of 341, as electoral dictator; he made Publilius his *magister equitum*. However, since Cales had been taken by the time of the election, senators may have simply supported personal allies in this election, in which Sp. Postumius and T. Veturius were returned (100). While there are some indirect hints of their gentes'

.....

99. For their names, see Broughton, MRR 139-140. The three gentes provided plebeian agitators: 472-0, 449-4, 400-396 (Ch.2 155, 172-3, Ch.3 193, 212). Duillius' kinsman was on the debt commission with Publilius (n.47), but unlike those of his colleagues, his gens was absent from curule office from 334 to 260; hence he and Publilius may only have shared opposition to monopoly. For full details of the Atilii's Campanian connections, see Münzer, RAA 56f, and Heurgon, CP 285-294, arguing that he was actually Campanian; see Beloch, RG 338, and Cassola, GPR 152f, for objections to this.

100. For the timing of the election, see Livy 8.16.11-12; for the names of the magistrates, see Broughton, MRR 140-1. Mommsen, RF 1 120, Münzer, RAA 123 and Shatzman, CQ 1973 65f, accept the plebeian status of Veturius, whose gens was otherwise apparently patrician (Ch.2 158); cf. Beloch, RG 344f.

interests in commerce and the west coast (101), they never appear when expansionist policies were being pursued in the south in the second half of the fourth century, and two of the commissioners appointed in 334 to colonise Cales, M. Fabius and T. Quinctius, have been noted as possible opponents of such policies (102). The enforced abdication of the dictator, P. Cornelius Rufinus, and his *magister equitum*, Antonius, who were named when it was feared that the Samnites were gathering arms, could have been a step by conservative augurs to prevent expansionist leaders instigating another war, or holding the next election, if the consuls had named the dictator under pressure from such leaders in the senate, as in 337 (103).

In 332, on the pretext of the pestilence after the dictator's abdication an *interregnum* was called; only after five *interreges* were consuls named. There may have been particular disputes within the patriciate between the two main factions divided over future policy in Campania

.....

101. The Veturia tribe lay in the west (Ch.2 137); Antium and Ostia were included in it in 338; Postumius' early forefathers had interests in Greece (Ch.2 169); and recently a Postumius, from Etruria (Cassola, GPR 28) or Antium (Thiel, HRSP 7 n.12) had been captured in Sicily for piracy (Diod. Sic. 16.82.3).

102. The *gentes* of both consuls had been absent from office for thirty years already. For the commission, see Livy 8.16.13-14. See Ch.3 192-8, n.54 on the old family ties between Quinctius and Postumius; see 257-8 and n.73 above for hints of the opposition of the *Fabii* and Quinctius to southern expansion. M. Fabius might have been the consul of 360, the consul of 345, or the captive in Cales who helped Corvus take the town (Livy 8.16.9-10).

103. For the dictatorship, see Broughton, MRR 141, noting 333 as a 'dictator year'. Since Rufinus' branch of the gens is unknown, Antonius' gens is only known previously twice (Ch.2 173), and neither individual appears again, they would have been easily manipulated by the senate.

because a censorial election was due, and being the first since the settlement of 338, the censors' registration of citizens was of special significance for electoral control (104). After Cornelius Cossus, a promoter of southern expansion, and Cn. Domitius, a novus homo whose allegiances are unknown, were agreed as consuls, and L. Papirius, the consul of 336 or 326, became praetor, one member of each faction, Q. Publilius, the consul of 339, and Sp. Postumius, consul of 334 - either by direct competition in the assembly or prearranged compromise in the senate - were returned as censors (105). They registered citizens in the former Volscian lands in west Latium in two new tribes, Maecia and Scaptia (106). Other measures taken in 332 reflect the policy of the patrician consul's faction. Acerrae, near Naples, was given civitas sine suffragio (107), and a treaty was completed with Tarentum and its ally Alexander of Epirus, who were concerned to ensure Roman neutrality in their southern wars. The treaty linked Rome up with another of Samnium's enemies in the rear (108), which may

.....

104. Livy 8.17.4; Staveley, art.cit. 427.

105. Livy 8.17.11.

106. Taylor, VDRR 53-5. Given Publilius' Volscian connections (n.85) and Postumius' influence in Latium (n.21), both censors may have already had personal influence in the area.

107. Livy 8.17.12.

108. Since the treaty stipulated that military ships could not sail past the Lacinian headland (Thiel, HRSP 21-2), its most likely date was during the Tarentine/Samnite war, before Rome gained land in Apulia (M. Cary, 'Early Roman Treaties with Tarentum and Rhodes', J.Phil. 1920 165-170). See Cassola, GPR 39-41 for the idea of a Roman embassy going to Alexander the Great in this period.

have been a device particularly favoured by Cornelius Cossus and Valerius Corvus; it was in their consulships in 348, 343 and 335 that similar links were made with Carthage and possibly the Gauls. When attacks by the Gauls were rumoured in the east in 332, the consuls named a dictator, M. Papirius Crassus, who may have had appropriate local knowledge; he took P. Valerius Poplicola, who had gained military experience against the Gauls when praetor in 350, as his *magister equitum* (109). The particular religious authority of several of these magistrates (110) would have contributed to their choice in this year of pestilence.

In 331, the consuls were C. Valerius Potitus, from a branch of his gens absent for fifty years, and M. Claudius Marcellus, the first known member of a freedman branch of his gens; both families were absent from office again from 327 to 287 (111). Other magistrates, C. Quinctius, dictator '*clavi figendi causa*' to avert the pestilence, and Q. Fabius Rullianus, *curule aedile*, were sons of the consuls of 354, who I have suggested opposed military expansion in the south (112). Perhaps all the magistrates were united over this issue, gaining election because events in 332 caused more senators to take this attitude,

.....

109. Livy 7.23.3, 8.17.6-7; n.82 above; cf. Beloch, RG 69.

110. For hints, see Ch.2 164, 169; Ch.3 214-5; above 251, 257.

111. Broughton, MRR 143. The last known Potitus was consul in 392. For Marcellus' origin, see Cic. de orat. 1.39.176; see Schur, Hermes 1924, 467-470, for an alternative view.

112. Livy 8.18.4-5, 12-13; n.102 above.

and because Postumius the censor, a likely sympathiser, had aided their client control when registering citizens in the new tribes (113). The religious authority of Potitus, whom Quinctius named as his *magister equitum*, and Quinctius' family links with the Capitoline, where he performed religious rites, would also have contributed to their election (114).

After 331, the policy of strengthening Rome's control over the western coastal area, including Campania, seems to have gained increasing support in the senate. The measures taken from 330 to 326 - the punishment of Privernum's leaders and bestowal of *civitas sine suffragio* on its inhabitants in 329 after its revolt in 330, the colonisation of Tarracina and Fregellae in 329 and 328, the war with Palaepolis and Naples in 327, followed by a treaty of alliance with the latter in 326 - inevitably resulted in hostilities with the Samnites again by 326 (115). At home, imprisonment for debt was abolished the year that the Samnite war broke out, to stimulate popular backing for the war, especially among those recently

.....

113. Since Fabius' father had promoted tribal marshalling of clients from 360 to 356, and forefathers of Fabius, Postumius and Sulpicius (the consul of 337 who probably shared their views) had held six censorships since 380, when Quinctius' father took Tusculum (Broughton, MRR 105, 115, 117, 142), their faction could have had particularly efficient client control.

114. Quinctius, like Manlius, the last dictator to drive the nail, had the cognomen *Capitolinus*, while Potitus, like Pinarius, Manlius' *magister equitum*, guarded the cult of Hercules (n.23 above; Ch.2 137). The latter coincidence may be simply because Hercules protected commerce, and in a pestilence corn was usually imported.

115. For full details of these events, and how they contributed to war in 326, see De Sanctis, StR 2 295-302; Staveley, art.cit. 425-6; Cassola, GPR 121-3; Toynbee, HL 1 142-4; Salmon, SS 210-9.

speculating in Campania (116).

Those promoting this aggressive policy dominated the elections from 330 to 326. Indeed eight of the consuls in this period were themselves, or were kinsmen of, magistrates in office in the initial stage of the policy, from 348 to 335, and therefore were now leaders in the senate. The unusual sequence of Plautii holding three consulships from 330 to 328 may be due to their inheritance of relevant local influence; the kinsman of the consul of 330 had fought at Privernum in 341, and the consul of 329 and 328 may have been adopted from a Campanian family. Papirius, consul of 330, who fought the Sidicini in 336, and Aemilius, consul of 329, who had fought at Privernum in 341, would have been elected for similar reasons. Publilius, Papirius Cursor and Poetelius, consuls in 327 and 326, also had experience of leadership (117).

Despite these events and magistracies, there are hints that those opposing southern expansion had some influence in this period. In 329 Valerius Potitus was elected as curule aedile (118), and the senate only decided

.....

116. Last, CAH7 545-6; Staveley, art.cit. 420-1.

117. For refs. to reconstructions of the faction promoting the Samnite war in this period, see n.80. See Broughton, MRR 143-7 for details of the magistrates. Münzer, RAA 37, argues that Plautius Decianus, consul of 329, was adopted from the Decii. Livy 8.19.13,21 hints at the Plautii's links with Privernum. Even the leader of the revolt had a house in Rome (Livy 8.19.4). The assumption from the coincidence of names and events in 341 and 329 that those in 341 (Livy 8.1.3, 11.13) duplicate those in 329 (Beloch, RG 359, 390; De Sanctis, StR 2 273) or vice versa (Salmon, SS 198 n.7) is unwarranted; the punishment in 341 could have partly inspired the revolt in 329 (see further Münzer, Plautius No. 18, PWRE 21.1 (Stuttgart, 1951) 11-13; Taylor, VDRR 56).

118. Broughton, MRR 144.

on the fate of Privernum after a long debate (119). In 327, when perhaps some senators were having last minute doubts about another Samnite war, another possible opponent of the war won a consulship; he was L. Cornelius Lentulus, from an unknown branch of the gens, taking only one more post before the end of the war, and naming M. Claudius Marcellus, Potitus' colleague in 331, as electoral dictator for 326; Marcellus named Postumius, the consul of 334, as his magister equitum. However, augurs in the war party forced Marcellus to abdicate, and, despite the tribunes' suspicions, called for an interregnum. In the patriciate opinion was clearly divided too; it was the fourteenth interrex who finally named acceptable consuls - Papirius, the magister equitum of 340, and Poetelius, consul of 346; they may have represented a compromise of attitudes to the war. Another reason for their choice may have been their inheritance of religious authority; in 326 a lectisternium was held to propitiate the gods for the coming war (120).

In the period of the second Samnite war, from 325 to 304, factions of opinion formed on questions such as the extent of Roman military activity, especially in the more outlying regions of Apulia and Etruria, the nature of settlements made with conquered peoples, the extent of senatorial authority, the number of novi homines in the governing class, and the marshalling of voters to elections

.....

119. Livy 8.20.10-21.10; Val. Max. 6.2.1.

120. For the election and lectisternium, see Livy 8.23 14-17, 25.1; Staveley, art.cit. 427-8; cf. Salmon, SS 217. For the consuls' religious authority, see Ch.2 164 and n.72 above. Poetelius' attitude to the war is not clear; see above, 259.

in tribal formation. The fluidity of political allegiances, continued fear of monopolies, and difficulties of client control, meant that twenty-six different gentes, six for the first time, were represented in curule office from 325 to 304 (121).

In 325, the war party clearly controlled the elections; four experienced members were elected - Furius, the consul of 338, and Iunius, magister equitum of 339, as consuls, Papirius Crassus, consul of 330, as praefectus urbi, and Papirius Cursor, consul of 326, as dictator (122). They laid the way for the war party's aggressive strategy of fighting the Samnites both from Campania and Apulia, with which an alliance had been made in 326; Furius fought from Campania, until Cursor replaced him when he fell ill, while Iunius quelled the Vestini, trying to open a northern route to Apulia (123). Cursor's magister equitum, Q. Fabius Rullianus, who shows no interest in southern expansion in

.....

121. The need for military experience was also catered for; 18 consulships and 7 military dictatorships were held by ex-consuls, and the *lex Genucia* was suspended 11 times.

122. Broughton, MRR 147-8.

123. See Livy 8.29 for military activity this year. Livy 8.25.3 notes an alliance between Rome, Apulia, and Lucania, which may be a town in the land of the Ferentani, in 326; the idea is supported by Rome's recent alliance with the Gauls (above, 266), the absence of hostilities with the Aequi for over 60 years, and the Roman talent for long marches (Adcock, RAW 69-71). This alliance, Tarentum's suspicion of Rome and the alliance of Lucania, south of Campania, with the Samnites (Livy 8.25.8,27) may explain Iunius' activity in 325; see De Sanctis, StR 2 303-5; Frederiksen, JRS 1968 225-7; Ogilvie, rev. Salmon, SS, CR 1968 331. For doubts about the alliance and Roman activity in Apulia up to 320, see Beloch, RG 397; Adcock, CAH7 595-8; Salmon, SS 215-6, 222-4. For a general discussion of the links between foreign policy and strategy, see Adcock, RAW 75f.

the rest of his career, may have been named primarily for his knowledge of Campania and his military talent (124). The quarrel between Fabius and Papirius, which the ancients use to illustrate constitutional points, borrowing many details from a similar incident in 217, may in fact have been due to jealousy and their basic disagreement over the aggressive strategy (125).

The consuls of 323, Sulpicius, consul in 337, and Aulus, from a previously unknown gens, who was perhaps a recently enfranchised Latin aristocrat (126), may, like Fabius, have favoured a more defensive approach to the war; Sulpicius had opposed aggression in the south in 337, and both gentes were rarely active there in the future. They could have continued the strategy of 325 under pressure from the senate's leaders, having been elected through efficient marshalling of clients by those who shared their attitude to the war, whose numbers may have increased since Papirius' triumph in 325 (127).

.....

124. His kinsman's colonisation of Cales in 334 suggests the former, some details in the story of his dispute with Papirius, and his future career suggest the latter. See above 270-1 for hints of his attitude to the war.

125. See Broughton, MRR 147-9 for full refs. to the story. For ideas of how it developed from a historical nucleus, cf. Münzer, RAA 110; Cassola, GPR 141f; R. Bauman, 'The Lex de Valeria de provocatione of 300 B.C.', Hist. 1973 37-8; Frier, LAPM 244, 269. Livy 8.29.3-6 hints at disputes over strategy this year.

126. Broughton, MRR 149; Degrassi, op.cit. 109.

127. See Livy 8.37.2-6 on their activity, and for hints of their faction's efficiency with clients. N.B. 324 was a 'dictator year' (Broughton, MRR 148-9).

Flavius' prosecution of the people of Tusculum in 323 in the hope of discrediting Latin senators whose promotion in the Roman governing class he resented, may have been inspired by the results of the election of 323, and by the expected candidacy in 322 of a novus homo from Tusculum, L. Fulvius Curvus, Q. Fabius Rullianus, whose father had brought the first Latin aristocrats to office, and Plautius, a descendant of one of them; the prosecution failed, and the three were elected as consuls and praetor respectively (128). Fabius, and perhaps Fulvius too, since his gens is only known in two more offices this century, would have been backed by the same group as their predecessors. Fabius, as son of the princeps senatus, had enough personal influence to ensure that they took no aggressive military action. At the same time, Plautius, whose kinsmen had been promoting southern expansion in five posts since 347, and Cornelius Cossus, the consul of 343 and 332, who, as dictator, refused to negotiate with the Samnites after he had defeated them, would have been backed by the military leaders of the senate. Cornelius may have nominated Fabius, the princeps senatus, as his magister equitum and senior military advisor as part of a compromise with the consuls (129).

.....

128. See 246-9 above; Livy 8.37.8-12, 40.2; Val. Max. 9.10.1; Münzer, RAA 64-5; Taylor, VDRR 302; cf. Heurgon, CP 261. Flavius had won his plebeian tribunate in 327 by bribery (Livy 8.22.2-4).

129. For this version of military events, see Livy 8.38-39, 40.4-5; Zon. 7.26. Fabius, consul in 360, might only have been in his late 60's. The alternative version, attributing military action to the consuls (Livy 8.40.1-3; Act. Tr. in Degrassi, op.cit. 70-1, 542) is supported by Broughton, MRR 150, and Frederiksen, art.cit. 226. De Sanctis, StR 2 306, and Salmon, SS 221-222 doubt victory by either magistrate.

In 321, the consuls were T. Veturius and Sp. Postumius, the consuls of 334. They maintained a defensive stand in Campania until the Samnites lured them into the Caudine Forks; once caught there, they surrendered at the instance of L. Cornelius Lentulus, the consul of 327, giving up garrisons and hostages in return for the safety of the army. Presumably they gained election in the same way as their predecessors, and through their backing and their personal authority as ex-consuls and ex-censor, were able to pursue their own strategy until the Samnites' apparent threat to the footholds Rome had recently gained in Apulia forced them into more aggressive action (130).

After the consuls of 321 had made peace with the Samnites, the angry senate demanded that they name a dictator to hold the next election. After they named first Q. Fabius Ambustus, Rullianus' uncle, with Aelius, Sulpicius' colleague in 337, as magister equitum, and then M. Aemilius Papus, with L. Valerius Flaccus as his magister equitum, and all were in turn forced to abdicate, the state reverted to an interregnum. All four nominees may have shared the consuls' views on the peace; their families did not participate in the conquest of the south in the next

.....

130. For the likely attitudes of the consuls and Lentulus, see above 267-8, 273. For full refs. to their names and events, see Broughton, MRR 150-1; Degrassi, op.cit. 107. For alternatives to the traditional explanation of the expedition as a rescue operation, and details of peace terms, see De Sanctis, StR 2 307f; Salmon, SS 224-6; Scullard, HRW⁴ 133. The subsequent seizure of Fregellae, whose colonisation was the original 'casus belli' (Salmon, SS 216), by the Samnites (Livy 9.12.5-8) was in accord with these terms.

forty years, and the defensive attitudes of other Fabii and Aelius have already been suggested. Presumably the consuls hoped that by appointing sympathetic electoral dictators and then marshalling their clients in an assembly election, they might retain the consulship for those who favoured peace. But the more aggressive leaders of the senate had enough support in the augural college and the patriciate to foil this scheme, the second interrex, M. Valerius Corvus, named as consuls L. Papirius Cursor and Q. Publilius Philo, leading promoters of the war with recent experience of military leadership (131). They made a bold campaign to Luceria to rescue the hostages held by the Samnites as guarantors of the peace of 321, Papirius by the north and Publilius through Caudium; they succeeded in capturing Luceria, and made an alliance with Arpi (132).

In 319, the presidency of the dictator, T. Manlius,

.....

131. Broughton, MRR 151-2.

132. For the renewal of war, see Livy 9.8-15.1; Zon. 7.26; Cic. de off. 3.109; Gell. 17.21.36; Degrassi, op.cit. 70-1; 416-7. While the story of Postumius trying to negate the peace by personally surrendering to the Samnites was probably an elaboration by Albinus to cover up his personal disgrace (cf. De Sanctis, StR 2 312f), the consuls' justification of the breach of the promise of 321 not to renew war by the fact that their predecessors had taken their actions independently is credible (see Ch.1B 74-5). Since such a renewal of war was hardly more honourable than the original surrender, I would not accept the view of De Sanctis, StR 2 315-320, Adcock, CAH7 600f and Salmon, SS 228f, that it was invented to cover up the disgrace of 321, and that the peace in fact lasted until 316; for further objections to this view, see Frederiksen, art.cit. 226; Harris, WIRR 256.

consul in 340 who took Cursor as his magister equitum (133), and Cursor's local influence in Satricum, which had revolted by the time of the election, may have helped Cursor to gain re-election as consul (134), while the recent experience of leadership of his colleague Aulius, consul of 323 (135), and Aulius' possible influence as president in the election of the censor, Sulpicius, also consul in 323, may have helped these more conservative leaders to win their offices. Sulpicius was then forced to abdicate (136); presumably the augurs in the aggressive faction wanted to ensure that their allies were censors, since there were now enough citizens in Campania and the west coast for new tribes to be created there.

In 318, the censorship was gained by two likely members of the expansionist party, Maenius, consul of 338, and another of the Papirii Crassi, whose relations held office with Maenius in the period 340-338, when earlier settlements were made. They registered citizens in the new tribes of Oufentina, on Privernate land, and Falerna,

.....

133. Fast. Cap. in Degrassi, op.cit. 36-7, 108-9.

134. cf. Livy 9.15.11. For the first hints of Satricum's revolt, see Livy 9.12.5. Papirius' and Manlius' grandfathers were consular tribunes in 385, when the colony was founded there, and Papirius regained it in 319 through the compliance of inhabitants (Livy 9.16; Degrassi, op. cit. 542; Beloch, RG 360; cf. De Sanctis, StR 2 296 n.2, 317).

135. Livy 9.15.11-16.1, notes that in 319 he captured the city of the Ferentani; it might have been on his route to Apulia in 323.

136. Fast. Cap. in Degrassi, op.cit. 36-7, 109; Broughton, MRR 154.

in Campania (137). Perhaps in this process, they favoured Plautius, consul of 318, who already had close ties in both areas, and Furius, the praetor of 318, a kinsman of Maenius' colleague in 338; both their names later appear in the new tribes. We know too little of the other consul of 318, Folius, to draw certain conclusions about his election (138). The consuls of 317, however, appear to represent a new generation of those favouring southern expansion; they were C. Iunius Brutus, who held five more posts before the war ended, and Q. Aemilius Barbula, who was his colleague again in 311; both were related to senior members of the faction (139).

A two year truce was made with Samnium in 318 by this group to allow it to regain control of the area around Satricum and Campania, which had been restless since 321, and to consolidate Rome's position in Apulia (140). In 318 and 317 prefects were sent to Capua,

.....

137. Degrassi, *op.cit.* 416-7; Taylor, *VDRR* 55-6. The tribes consolidated Rome's authority in Campania; see Bernardi, *Ath.* 1942 103; Heurgon, *CP* 278.

138. For these magistrates, see Broughton, *MRR* 154-5. Plautius may have been son of the consul of 330; see 272 above for his gens' spheres of interest. See Taylor, *VDRR* 217, 244 for Furii and Plautii in the tribes. Follii are only previously known in 433 and 390; it may have only been as a result of his magistracy in 318 that Folius had influence in Campania in 314, and one of the gens was engaged in commerce by the third century (Cassola, *GPR* 31).

139. Broughton, *MRR* 155. Barbula could have been a cousin of the consul of 329.

140. Livy 9.6-7.4, 15.1, 20.2-3.

Cumae and Antium (141); Plautius gained the submission of the Teanenses and Canusini in Apulia in 318; the next year the consuls won Forentum and Nerulum there, bringing Roman influence to the area immediately south of Campania and Samnium (142).

In 316, two minor leaders became consuls, Sp. Nautius, the first of his gens in office since 404, and M. Popillius, the first since his father was consul in 348 (143).

Apart from Nautius, consul of 287, neither gens is known again. In 316 they may only have been elected because of the great competition between candidates with different attitudes to the war for the magistracies in the year the Samnite truce ended, and their difficulties in organising their clients after the recent registration of citizens. Leaders with experience against the Samnites were required, however; hence L. Aemilius Privernas, consul in 341 and 329, and L. Fulvius Curvus, consul in 322, were named as dictator and magister equitum; they defeated the Samnites in 316 (144).

In 315, the two bold campaigners of 320, L. Papirius Cursor and Q. Publilius Philo, became consuls, and led the armies into Apulia, to set up a colony at Luceria. However,

.....

141. The extent of their authority is not certain; cf. Mommsen, *StR* 2³ 608; Bernardi, *art.cit.* 89; Heurgon, *CP* 162, 278; Sherwin-White, *RC*² 43f.

142. Livy 9.20.4, 8-9; cf. Diod. 19.65.7; Beloch, *RG* 402, 465.

143. Broughton, *MRR* 155.

144. Livy 9.21; Degrassi, *op.cit.* 36-7, 109, 418f.

when the Samnites struck out towards Latium, and Sora, which one of the Fabii had taken in 345, revolted, Q. Fabius Rullianus was named as dictator, taking as his magister equitum Aulius, who had recently taken the coastal area north of Luceria and Sora. Fabius recaptured Saticula, just beyond Cales, which his kinsman had settled in 334, and defeated the Samnites, after appointing his brother as magister equitum to replace Aulius, who had fallen in battle. It appears that after Aemilius' success in 316 most senators had come to favour the more ambitious policy of crushing the Samnites between western and eastern spheres of Roman influence, but that when the Samnites struck back, they supported more defensive leaders, both for their policy and their local knowledge (145).

The consuls of 314, Sulpicius, son of the consul of 345, and active himself just beyond the Auruncan lands in 337 and 323, and Poetelius, a relative of the consul of 346, may have been supported for the same reasons as Fabius and Aulius; through deserters they gained the submission of Sora, which Sulpicius' father had taken in 345, and the Aurunci, who had last risen against Rome in 346, before defeating the Samnites themselves (146). Meanwhile, the

.....

145. For the magistrates' names, see Broughton, MRR 156-7. The Apulia campaign is only indirectly suggested by Livy, 9.23.1, 26.2, and Diod. 19.72.4. Livy 9.22.1 may have omitted it because he confused it with that of 320, and was distracted by the other events. See further Beloch, RG 405-6. For the revolt of Sora, see Diod. 19.21.3; Livy 9.23.1; for a hint of Samnite raids, see Strabo 5.232. For the appointment of the dictator, see Cassola, GPR 143. For Fabius' campaign, see Livy 9.23; Frontin. Str. 1.11.21; Diod. 19.72.3-9; Degrassi, op.cit. 36-7, 109-110.

146. Livy 9.24-25, 27-28.1; Diod. 19.76.1-5; Degrassi, op.cit. 70-1, 110, 418-9; Salmon, SS 235-8; n.67 above.

Roman army in Apulia, presumably under a promagistrate, retook Luceria from the Samnites, and established a colony there (147). Also in 314 Maenius and Folius became dictator and magister equitum to investigate conspiracies against Rome in Campania, presumably because they had developed personal influence there in their magistracies in 338 and 318 (148).

After Maenius and Folius quelled the Campanian revolts, an investigation of coitiones in Rome was carried out, first by Maenius and Folius, and then by the consuls, Sulpicius and Poetelius (149). All these leaders belonged to families promoting the marshalling of clients from the provinces from 380, as did Publilius, the Papirii Crassi, Plautii, Popillii, Poetelii and Furii (150); all, except for the Sulpicii and Furii, who henceforth appear much less frequently, disappear from the lists after 312. I would suggest that these coitiones had been trying to divert clients marshalled from the provinces from support of their patrons, by popularising or bribery, and that they affected these families most of all, because they were already losing influence in Latium and Campania, as the citizen composition rapidly changed. The novi homines among them

.....

147. Salmon, RC 58. The promagistrate is more likely to be Cursor, since Publilius was in Rome later in the year (see below).

148. Livy 9.25.2-3, 26.5-7; Diod. 19.76.3-5; Degrassi, op.cit. 36-7, 109-110, 416-9; Bauman, Hist. 1973 38f; Sherwin-White, RC² 45. cf. Ch.1C 116 and n.151 below.

149. Livy 9.26.8-11.

150. See above 246-9, 262, 269-271, 275-7, 280.

also faced the jealousy of other senators, which they displayed by calling for the consuls to investigate the participation of Maenius, Folius and Publilius themselves in the coitiones. The consuls' differences with them over foreign policy would have made them willing to do so (151).

In 313, the outpost in Apulia having been established, most senators would have been concerned simply to consolidate the routes to Campania, and make an aggressive drive into Samnium from that side to end the war. Accordingly they supported leaders with recent experience or local knowledge in the elections. L. Papirius Cursor, consul for the fifth time, and C. Iunius, consul of 317, who held military posts every year from 313 to 310, were elected as consuls; C. Poetelius, son of the consul of 326, became dictator, and one of the magistrates of 314, Poetelius or Folius, became his magister equitum (152). They took Nola, Atina, Calatia and Fregellae, strongholds in Campania and north Samnium; Saticula, Interramna Suscina, Suessa Aurunca and Pontiae were colonised in 313

.....

151. cf. Ch.1C 82-3, 116. Maenius' and Publilius' triumphs, honours and monuments (e.g. see Livy 8.13.9, 16.12, 23.12; Pliny NH 34.20; Fest. 120L; Degrassi, op. cit. 541) might have been the basis of charges of popularising. See further Forni, Ath. 1953, 229-230; Bauman, art.cit. 41f. For arguments that the inquiry in some sense involved conspiracies of Romans and Campanians, cf. Heurgon, CP 278-9; Bernardi, Ath. 1943, 29; Staveley, Hist. 1959, 428-9; Cassola, GPR 125f.

152. For full details of the confusion in the magistrates' names, see Broughton, MRR 158-9. If the dictator was actually named 'clavi figendi causa' (Livy 9.28.2-6) the religious authority of himself and his magister equitum (see Ch.3 196 and above 259) would have dictated their choice.

or 312, completing a ring of fortresses around Samnium (153).

In 312, the consuls, P. Decius Mus and M. Valerius Corvinus, who continued the war against the Samnites, and the censors, Ap. Claudius Caecus and C. Plautius Venno, being all sons of magistrates from 343 to 337 who supported expansion into Campania, may have held the same views as their predecessors (154). Sulpicius, the consul of 314 who was less concerned with southern expansion, was also named as dictator in the course of the year to meet the threat of an uprising by Etruscans who had united to oppose Rome's growing strength while her forces were thinly spread; he took another experienced man, Iunius, the consul of 313, as his *magister equitum* (155). Using public funds, Claudius built the Appian way to Capua, and an aqueduct at Rome, thus promoting the conquest of southern Italy, commerce and industry, aiding the marshalling of his and his allies' voters from the Campanian area, and enhancing his own reputation. He also breached traditional social and religious norms by including the sons of freedmen in the senate, depriving the Potitii and Pinarii of the cult

.....

153. Salmon, RC 58-9, SS 238-9; Thiel, HRSP 10-11; Toynbee, HL 1 169; cf. De Sanctis, StR 2 324f.

154. Valerius had gained experience against the Samnites in 325 (Livy 8.35.10-11). For full refs. to their names and military action, see Broughton, MRR 159. Valerius' supposed triumph over the Sorani (Act. Tr. in Degrassi, op.cit. 542) may be due to confusion over Sulpicius holding magistracies in 314 and 312; cf. Heurgon, CP 263; Salmon, SS 239.

155. Livy 9.29.1-5; Fast. Cap. in Degrassi, op.cit. 36-7, 110, 420-1; De Sanctis, StR 2 328f; Harris, REU 48f; Torelli, ET 91; cf. Beloch, RG 412-4, denying the whole Etruscan war from 311 to 308. Iunius had ancient Etruscan ties (see above 263) and Sulpicius' forefathers had fought in earlier Etruscan wars (see above, 247, 251).

of Hercules, and expelling from the temple of Jupiter the flute players, who then seceded to Tibur. Since Claudius' family had no known Latin ties, his grandfather had opposed the Licinian-Sextian law, Hercules and Jupiter were leading deities in Latium, and his Latin colleague Plautius resigned after a disagreement with him, these measures, like those in 323 and 314 noted above, may have been partly inspired by prejudice against increasing Latin influence in the governing class (156). Perhaps, like the censors of 307, who also had no clear Latin ties, he discriminated against Latin senators in his *lectio senatus* (157). Such prejudice

.....

156. For details of Claudius' measures, see Broughton, MRR 160; Ch.1C 107. H. Fiske, 'The Politics of the patrician Claudii', HSCP 1902 30f, Thiel, HRSP, 10, 42, 57f, Staveley, Hist. 1959, 418f, and T. Wiseman, 'Roman Republican Road Building', PBSR 1970, 130, 140-2, 149, argue for their military, commercial and industrial significance. For some alternative views of Claudius, cf. B. Niebuhr, *History of Rome*, (trans. Smith, London, 1842) 3 294f, and Passarini, Ath. 1943 111 (a reactionary); Mommsen, RF 1 301f and Beloch, RG 481f (a demagogue); Münzer, RAA 41-2 and Garzetti, Ath. 1947 175f (a political opportunist, supported by Plautius). For Claudius' reaction against traditional religion, and interest in Pythagoras see Mommsen, RF 1 303f; Fiske, art.cit. 35; Garzetti, art.cit. 207-9. For the significance of Jupiter in Latium, see Latte, RR 144-5. For the Valerii Potitii's and Pinarii's cults of Hercules, god of commerce, and the Pinarii, Plautii and Hercules in Tibur, see Ch.2 137, 145, and 246 above. Note also that after Plautius took Privernum in 329, the goods of its leader were dedicated to Semo Sancus, a god linked with Hercules (Ch.2 169; Livy 7.20.8; cf. Gagé, AR 140-1), and that Plautius the censor arranged the return of the flute players to Rome (Ovid Fast. 6.657-692). For Plautius' abdication, see Cassola, GPR 137f. For hints of client control of the Potitii and their allies in the Latin area, and their opposition to expansion south, see 270-1, 275-8 above. The Potitii's lack of interest in commerce might partly explain Claudius' taking the cult from them.

157. The censors of 307 expelled the Latin senator Annius; see Willems, SRR 1 265 n.1.

might partly explain why Fabius and Marcius, the consuls in 310, refused to recognise his *lectio*, and why Sempronius and Furius, plebeian tribunes in 310 and 308, tried to make him lay down his censorship; all were particularly dependent on Latin allies (158).

In 311, the senate supported its leading generals to pursue the wars north and south. Iunius, the consul of 317 and 313, commanded in Samnium, regaining Cluviae and capturing Bovianum, the rich capital of the Pentrian Samnites, which enabled him to distribute much booty (159). Aemilius, his colleague in 317 also, served in Etruria, trying to relieve Sutrium, where he may have had personal influence, since it was founded as a Latin colony when his grandfather was consular tribune (160). The passage of plebiscita increasing the number of military tribunes and placing *duumviri navales* in charge of equipping and repairing a fleet by plebeian tribunes Atilius, Marcius and Decius, who were all kinsmen of promoters of southern expansion in office from 342 to 335, attests to the increasing ambitions of expansionist leaders in the senate (161).

.....

158. Ch.1B 62, 77; Cassola, GPR 139f, 149, 151; above 262; below, 288, 294.

159. Livy 9.31; cf. Salmon, SS 244, 251.

160. See Ch.3 195, 227-8 for Aemilius' family interest in Etruria. For his action there in 311, see Degrassi, *op.cit.* 542; Harris, REU 49-56, 59; C. Delplace, 'L'Intervention Etrusque dans les dernières années de la deuxième guerre Samnite (312-308)', *Latomus*, 1967, 454-7. cf. De Sanctis, StR 2 329 n.2 (arguing that it is duplicated from 310).

161. Ch.1B 35; Livy 9.30.3-4; Thiel, HRSP 9-10, 41-7.

While both the consuls of 310, Q. Fabius Rullianus and C. Marcius, the plebeian tribune of 311, inherited interests in the area of Campania, the Etruscan connections bequeathed by their fathers, who both fought there in 356, would have given them special interests in the northern wars (162). Efficient organisation of clients from the Latin area, and Fabius' personal authority, rather than a clear predominance of those with similar priorities in the senate, may explain their election (163). After Fabius gained several victories in Etruria with Marcius, he made a provocative march, against the senate's wishes, through the Ciminian wood to north Etruria and Umbria, where he made an alliance with Camerinum and thirty year truces with Perugia, Cortona and Arretium. As Marcius was suffering reverses in the south, and Cornelius the duovir navalis was having little success at sea, the senate then pressurised Fabius to appoint as dictator one of the promoters of war in the south, L. Papirius Cursor, with whom Fabius had argued over strategy in the first years of the war; he named as his magister equitum another experienced leader, C. Iunius Brutus, his consular colleague of 313; Valerius Corvus and Decius Mus were his lieutenants. By the end of the year, they had won back

.....

162. For hints of their interests in Campania, see 258, 261, 268, 274-5, 287 above. For arguments for Fabius pursuing an 'Etruscan policy' see Münzer, RAA 55-6, Staveley, art.cit. 432, and Harris, REU 49, 58.

163. cf. 246-9, 270-1, 275-8 above.

a commanding position in Samnium for Rome (164).

In 308, in fear of the collaboration of Etruscans and Marsi with the Samnites against Rome (165) senators supported three talented generals with recent experience in the elections; Fabius Rullianus, Decius Mus and Valerius Corvus, became consuls and praetor respectively. Fabius' victory in Etruria at the end of 310, and his influence as electoral president, doubtless helped him gain this immediate repetition of office (166). While Fabius quelled the Marsi and Paeligni, Decius re-established Roman authority in Etruria, giving a forty year truce to Tarquinii, and an annual truce to Volsinii and other towns. He then returned to defend Rome against attacks by Umbrians, which Fabius pre-empted with a victory further north (167).

.....

164. For hints of the senate and Fabius differing over his northern policy, see Livy 9.36.14, 38.9-14; Flor. 1.12.3. For full discussions of events in 310, see Degrassi, *op.cit.* 420-1, 542; Broughton, MRR 161-4; De Sanctis, *StR* 2 329-333; Cassola, GPR 156-8; Salmon, SS 242, 245-6; Harris, REU 50-6, 59-60; Delplace, *art. cit.* 455-463. While differing over details in the problematic evidence, they all agree that Fabius' march north was beyond the bounds of necessity, and that the victory attributed to Papirius in the north duplicates a later event.

165. Livy 9.38.7, 41.4. 309 was a 'dictator year' (Broughton, MRR 163).

166. Broughton, MRR 164; Livy 9.40.18-41.1. Since Fabius' kinsmen had fought the Hernici in 360, founded a tribe on their land in 358, and taken Sora, between Marsian and Hernician land, in 345, he might have had interests and influence in the crucial area.

167. For this version of events, see Salmon, SS 243, 246, and Harris, REU, 56-7, 60-1; cf. De Sanctis, *StR* 2 33-5 and Thiel, HRSP, 4-5, 10 (accepting Fabius' victory in Campania noted by Livy 9.41.3-4); Beloch, RG 403-4 (viewing the Marsi as Rome's allies against the Samnites); Delplace, *art.cit.* 465 (denying the Umbrian attacks).

These successes may have had some bearing on the magistracies of 307. Fabius was made proconsul, despite the protests of Caecus, whose *lectio senatus* he had rejected in 310; he gained the surrender of the Samnites at Allifae, imposing harsh terms on their allies. The enhanced reputation of the electoral president, Decius, may have contributed to the election of Caecus, who shared his interests in southern expansion, as consul for 307 (168). Their allies, M. Valerius Corvinus, the consul of 312, and C. Iunius, the consul of 311, who also had considerable military standing, were elected as censors. They increased their personal reputations, promoted industry at Rome, and improved communications with the east coast, by letting contracts for the Via Valeria and the temple of Salus, vowed earlier by Iunius (169). The other consul, Volumnius, from an Etruscan gens absent since 461, led an expedition into the land of the Sallentini; he may have been promoted by his colleague's faction, or have been a lesser candidate winning through the conflict of others, and implementing the policy of this faction, because it still prevailed in the senate as a

.....

168. Livy 9.42.2,6-8.

169. Broughton, MRR 165; Wiseman, art.cit. 139-140, 149. The road from Tibur allowed them to increase their influence in east Latium (see 285-7 above) and the area beyond, where Iunius and his kinsman had marched in 325 and 317.

whole (170).

In 306, the leading faction was represented by P. Cornelius Arvina, son of the consul of 343 and 332; he defeated the Samnites who had taken Calatia and Sora (171). He may have been supported partly because he inherited personal influence in Carthage and Tarentum from his father, who had made treaties with them in 343 and 332. Such influence may have contributed to the drawing up of a treaty in 306 with Carthage, which was at war with Syracuse, and, like Tarentum, may have been concerned about Rome's recent advances south and on to the sea. The treaty, excluding Rome's warships from Sicily and Carthage's from Italy, suggests that the leaders of the senate by now aspired to hegemony over the

.....

170. Livy 9.42.2-5; cf. Diod. 20.80.1-2. The expedition may have been to defend Roman positions in Apulia (Salmon, SS 246-7) or to promote support for Rome in Tarentum (Staveley, art.cit. 430). Volumnius may have inherited old family ties with leaders influential in this period; his gens in the fifth century was related to the Marcii; and its only known magistrate shared offices with members of the Sulpicii, Fabii, Postumii and Minucii (Livy 2.40, 3.10.5, 25.6-9), which held seven consulships from 310 to 304. Difficulties in assessing his attitudes are acknowledged by Cassola, GPR 202-3, who challenges the usual assumption that he was allied to Claudius.

171. Beloch, RG 417-8 and Salmon, SS 248-9, are sceptical about the extent of his success. Atilius Caiatinus, whose marriage to Rullianus' daughter may have resulted from Fabius' involvement in Cales, near Caiatia (Atilius' cognomen may denote his origin there), may have gained his position as leader of the garrison at Sora in 306 through the Fabii (see 258, n.67, 267-8 above; Münzer, RAA 56f; Heurgon, CP 289).

southern half of the Italian peninsula (172). We cannot be certain of the basis of the election of Arvina's colleague, Q. Marcius Tremulus, who fought the Samnites with his colleague, quelled a revolt of the Hernici and Anagnini, and won an equestrian statue set before the temple of Castor, the patron of horsemen (173). He may have been supported as part of the faction of his colleague and forefathers concerned with southern expansion, or as a member of the sector more concerned with the defence of Latium, gaining his seat because this group could efficiently organise clients from the several tribes in the area (174); Iuventius, a Tusculan, may have gained the curule aedileship in 306 in the latter way (175).

In the election in 305, the main issue at hand was the unrest which the Hernician settlement had stirred up

.....

172. Livy 9.43.26; Serv. ad Aen. 4.628; cf. Polyb. 3.26. For full treatments of the treaty's date and purpose, cf. Cary, JRS 1919 67f; Thiel, HRSP 12f; Cassola, GPR 87-8; Toynebee, HL 1 540f; R. Mitchell, 'Roman-Carthaginian Treaties: 306 and 279/8 B.C.', Hist. 1971, 633f. Most date Rome's attempt to colonise Corsica to this period because Servius notes it in the treaty, but this may be due to the creation of the Roman fleet, and Carthage's acquisition of control of the island, recently (see Ch.3 185 n.10; Ch.5 340-5). The idea that Rome made a treaty with Rhodes at this time is rejected by Cary, JPh 1920 171-2, and M. Holleaux, Rome, la Grèce et les Monarchies Hellénistiques (Paris, 1921)(=RGM) 29-46.

173. The Hernici were aroused by recent events; see Livy 9.42.8; Salmon, SS 248. For Marcius' campaign, and the settlement, whereby the Anagnini were given civitas sine suffragio, and isolated from the other Hernici, see Beloch, RG 417-8; De Sanctis, StR 2 336-8; Sherwin-White, RC² 48-9. For the statue, see Livy 9.43.22; Pliny NH 34.23; n.183 below.

174. See 246-9, 288 above.

175. Broughton, MRR 166; Münzer, RAA 48.

amongst the Aequi, the first attested for over eighty years (176). It may be no coincidence that the consuls elected were from minor gentes whose members were active against the Aequi in the fifth century - L. Postumius Megellos, possibly grandson of the consul of 321, who had opposed the second Samnite war, and Ti. Minucius, from a gens unknown in curule office since 457. Their families may have been developing relevant local associations since that time. M. Fulvius, from Tusculum, who became consul suffect, would have shared their local influence and concern with Latium's defence. All would have been aided by the efficient marshalling of clients from the area by those with similar priorities (177). Since there were no actual uprisings, in the east, however, the consuls continued with the senate's prime concern - bringing hostilities with the Samnites to an end (178). They commemorated their successes by setting up a statue of Hercules on the Capitol thus reassociating the cult with their faction after Claudius' action in 312 (179).

.....

176. Livy 9.45.6-8; Salmon, SS 248, 251; Sherwin-White, RC² 48-9.

177. For their names, see Broughton, MRR 166-7. For their forefathers' action against the Aequi in the fifth century, see Ch.2 157-9, 165; Ch.3 190-2, 195, 197, 205-6. They were elected although a likely supporter of southern expansion, Scipio, consul of 328, was electoral dictator, with Decius as his magister equitum (Degrassi, op.cit. 111). cf. 270-1, 275-8, above.

178. De Sanctis, StR 2 338-9; Salmon, SS 249-252.

179. Livy 9.44.16. Postumius' forefather had dedicated the temple to Semo Sancus, who was closely associated with Hercules (Ch.2 169).

In 304, those most concerned with the Aequian unrest were elected in the same way as their predecessors. P. Sempronius Sophus, who had opposed Claudius as plebeian tribune in 310, and whose gens was last known in 380, and P. Sulpicius Saverrio, from an unknown branch of his gens, were descended from leaders who fought the Aequi in the fifth century, and established firm links in Latium in the early fourth century (180). Both quelled the Aequi after making alliances with the northern Sabellian tribes and the Samnites (181). The censors of 304 were elected earlier than normal, presumably in anticipation of the settlements. They may represent a compromise between parties with different spheres of interest. They were Q. Fabius, who was primarily concerned with northern and central areas, and P. Decius, who was probably more interested in the Campanian region (182). Fabius marked the final settlement with the institution of the *transvectio equitum*, to honour Castor and Pollux, the Greek patrons of horsemen of Rome, Latium and Campania,

.....

180. For the consuls, see Broughton, MRR 167. For their backgrounds, see Ch.3 191-202, 229 and above 275. Beloch, RG 339, rejects the conclusion of Schur, *Hermes* 1924, 470-2, from the cognomen Tuditanus of a later kinsman, that Sempronius was Umbrian; his own cognomen is actually Greek.

181. For the campaigns, cf. Livy 9.45; Diod. 20.101.5; Act. Tr. in Degrassi, *op.cit.* 543. For details of the settlement, see Salmon, SS 252-4; Toynbee, HL 1 152-4, 169-171; with it, Rome contained the Samnites who were now threatened by Cleonymus of Sparta, and ensured the routes to the Adriatic.

182. For full refs. see Broughton, MRR 167-8. For their spheres of interest, see 258, 263, 288-9 above.

and to commemorate the battle of Lake Regillus, where the forefather of his ally, Postumius, the consul of 305, aided by the Dioscuri, had taken the first step towards gaining the supremacy of the Roman Republic in central Italy (183). The censors, both dependent on the system of marshalling clients, also restricted the humilias of the city to four urban tribes in 304.

As I suggested in Chapter 1, this was in reaction to the election of Flavius as curule aedile by direct appeal to city voters, who included rural tribesmen who had come to Rome to invest their booty or because they had lost their lands in the wars, and there was work on the new public works available. Flavius had promised that he would publish the civil law codes and calendar, and thus free the ordinary citizen from the legal monopoly of the pontifices, and loosen the ties of the client to the patron. He did so, and with the grudging aid of the pontifex, Scipio, built the temple of Concord, doubtless hoping to increase his popularity and personal

.....

183. Hill, RMC 37-9. Postumius, son of the victor at L. Regillus (Ch.2 138) had dedicated the temple of Castor, (Ch.2 169). The agreement made with the Campanian equites in 340 was appropriately stored in the temple (Livy 8.11.16), thus ensuring that the god was their protector within the Roman federation (cf. Gag e, AR 150). Marcius, a possible ally of Fabius, had his statue placed outside the temple in 306.

reputation (184).

Conclusion

Views on foreign policy and military strategy, and experience of military leadership, were the important factors influencing elections in this period of great expansion. The single most significant policy, which prevailed in the senate throughout the second half of the fourth century, was that of extending Rome's sphere of domination into the rich and cultured areas further south. Also of importance in the elections were matters not so directly attested by the ancients - family loyalty, the expansion of the governing class, the extent of senatorial authority, and methods of electoral control; rapid changes in these spheres in this period reduce our ability to evaluate precise reasons for electoral results.

.....

184. Since Flavius' father was a freedman, Annius, descended from an opponent of Rome in 340 (Ch.1C 107-8) and one of his patron's gens, the tribune of 327, had to use bribery (see 276, n.128 above), Flavius clearly had little chance of gaining senatorial support, and thus had to use direct appeal. cf. Bauman, Hist. 1973 45-6, who suggests that Flavius' father actually was the tribune of 323. Flavius' colleague, Anicius Praenestinus, may have gained his place through the client control of his Roman and Latin amici (Heurgon, CP 284), like Annius, the Latin senator expelled in 307 (n.157), who belonged to a different branch of the gens to the freedman's son (Ch.1C 81; Taylor, VDRR 279-280) or in the same way as Flavius (Pliny NH 33.17; Staveley, Hist. 1959 421). For Flavius' legal reform, see Ch.1C 94; for the temple, see Livy 9.46.6-7; Pliny NH 33.19.

CHAPTER 5 - ELECTIONS: 303-241 B.C.

The Political Issues

As a result of the expansion of the Roman state in the second half of the fourth century, there were great opportunities for Rome's leaders to build up glory, popularity, and large client bases in their military and political careers (1). Those with the most self-sufficient client bases and individual authority and talent would have hoped to benefit from this, while those from lesser families and of less ability and hence most dependent on the support of others would have feared that it would result in the fragmentation of the oligarchy and hence their own decline (2). The former clearly prevailed in the crucial years of the third Samnite war, when rival generals frequently went beyond the norms of electoral and executive behaviour (3); the full assertion of the latter in reaction to this is evident in several spheres by 290.

Firstly, the senate's ability to implement its policies through plebeian tribunes, whose elections were difficult for narrow factions to control, was increased when the requirement that *auctoritas patrum* be passed for

.....

1. See further, Ch.1B 74-5; Ch.1C 96-7.
2. cf. Ch.1C 86-9.
3. cf. details in Livy 10.13-46 *passim*, with the norms outlined in Ch.1B 51, 63-66, 71-79.

plebiscita was removed by the lex Hortensia in 287; this also gave the *senatus consulta* more authority (4).

Senatorial pressure on magistrates to return to hold the elections, which served to curb their executive power as generals, may account for the fact that only two electoral dictators are known in this period of heavy war (5).

When the military situation required continuous leadership, the senate itself appointed promagistrates (6). Except when disputes between the senate and magistrates over the implementation of foreign policy are noted (7), or magistrates come from narrow factions with particular authority, it may be assumed that policies implemented in this period were those of the senate as a whole, or the most prominent faction within it (8).

Secondly, the consuls' judicial powers were diminished in this period. *Provocatio* from their judgment in capital cases to the *comitia centuriata*, which

.....

4. Ch.1B 70, 73-4; Ch.1C 109-110.

5. Ch.1B 50; Bauman, *Hist.* 1973, 45.

6. Ch.1C 75. There were seven promagistracies in the third Samnite war; one in the Pyrrhic war; ten in the first Punic war. They gradually replaced the taking of the praetorship the year after the consulship, which happened three times in the third Samnite war, twice in the Pyrrhic war, and once in the first Punic war (Ch.1B 66; Develin, *POH* 17-18).

7. e.g. See below, 318, 331-2, 338, 348; cf. Ch.1B 71-5.

8. Therefore the political views of individuals may be less readily detected from their actions than before. cf. Ch.1C 118-122.

since 449 had been possible only with the tribunes' *ius auxilii*, was made compulsory in 300 (9). However the plebeian tribunes still retained a political judicial role, prosecuting magistrates on behalf of the senate when they developed dangerous levels of individual power (10).

Thirdly, as the administration became more complex, it was not left directly in the leading magistrates' control; they appointed *triumviri* from 289 to deal with coinage and police work, but the *quaestors* of the fleet, from 267, and the second *praetor*, from 242, were elected (11).

Finally, the oligarchy asserted its' authority over candidacy and electoral procedure. After 290, *interregna*, suspensions of the *lex Genucia* and electoral disputes were less frequent (12). Stricter controls were established

.....

9. See Staveley, *Hist.* 1954, 414-5, 418-9, *Hist.* 1959 431, associating this with the tribunes' full incorporation in the governing class. For an alternative view that it rendered the dictator liable to *provocatio*, see Bauman, *Hist.* 1973 34-47.

10. cf. Ch.2 127. For examples, see 318, 348.

11. See Ch.1B 34-5, 75 n.133, and 302, n.23, 306, 320, 353 below.

12. cf. Ch.1B 49, 66. There were no *interregna* after the two in 298 and 291. The *lex Genucia* was suspended 4 times from 299 to 291, but only 5 times from 290 to 264; it increased to 9 from 264 to 241 largely because of the first Punic war. From 290 to 264, individuals ten times held their second consulships 10-15 years after their first, which suggests that it was the *lex Genucia* which prevented them taking it earlier. Of course the absence of Livy after 290 (Ch.1A 26) may partly explain the lack of evidence of electoral disputes.

over candidacy for the post of censor, who controlled the composition of both the senate and the tribes, from which clients were by now regularly marshalled (13). No new tribes were created, despite enfranchisements and settlements in the north east, between 299 and 241; this allowed all senators to fully organise their client bases (14). As a result of all this, the governing class was stabilised; while the number of *novi homines* remained constant, more individuals from *gentes* well established in the senate reached office than before (15).

In the course of their disputes over the role of the individual within the governing class, senators were also forming into factions according to their views on foreign, military and economic policy, many of which would have been dictated by their immediate families' economic circumstances

.....

13. See Ch.1B 61-2, 66, 77-8, Ch.1C 106 for full details. 11 censors in the fourth century had not previously been consuls; there were only 2 such censors in 303-241.

14. cf. Ch.1C 104-6. While those with their main spheres of interest in central Italy may have developed the best systems of marshalling clients in the period of tribal formation there from 366 to 300, the increasing number of fully enfranchised offspring of *cives sine suffragio* and Romans in Campania would have been steadily improving the client control of those whose main interests lay there in the third century.

15. On the *novi homines*, see Ch.1C 82-3; Develin, POH 49-50. There was a marked increase in the number of *curule* posts held by *gentes maiores* in this period; see Develin, POH 35-7; 319 below. The number of individuals in the consulship, the only magistracy regularly attested, goes up from 69 in 366-304, to 102 in 303-241; cf. Develin, POH 15. The decrease in repetition of office contributes to the difficulty noted above in deducing individual attitudes, although we are helped by the fact that most were direct relations of other magistrates (Develin, POH 54-7), and most political issues were still based in the family (see above, 297; below, 300-1).

and spheres of interest (16). We may begin, however, by noting two broader issues in these fields which were least affected by such factors (17). Firstly, on certain occasions, the consolidation of Rome's federation by building up socii, citizens, and colonies within it, and quelling enemies on its borders, in all parts of Italy (18), might have appeared essential to any senators, wherever their own spheres of interest lay, to secure general stability and loyalty. Secondly, the development of commerce and industry in all parts of the federation, stimulated by the 'pax Romana' and increased wealth in the state (19), would have benefited a broad range of senators. It is attested by public works (20), pottery and art in Rome and beyond (21), legislation promoting

.....

16. Ch.1C 84f. Common views of members of large gentes on such issues cannot now be taken for granted, especially for those in families which take office in different periods when different issues prevail; cf. Develin, POH 32.

17. When such issues prevailed, individuals may have reverted to their broader gens loyalties; see Ch.1C 88-9, 120-122.

18. For details of its development, see Polyb. 1.6; Ch.1C 103-4; Frank, CAH7 658f; Salmon, RC 59-65, 76-81; Toynbee, HL 1 147f; Scullard, HRW⁴ 144-153.

19. Frank, ES 1 41-2; Salmon, SS 277 n.1; Scullard, HRW⁴ 150-1.

20. See Forni, Ath. 1953, 223-8 (aqueducts and drainage); Wiseman, PBSR 1970, 131-7, 140, 144-5 (road building and repairs); Scullard, FCRR 277-8 (temples). See Ch.1C 96, 105-6, 111-2, on their value to politicians.

21. Frank, ES 1 49-52; Harris, REU 172-3; B. Bandinelli, Rome, the Centre of Power, trans. P. Green, (London, 1970) 114-6. See also 313 n.64, 315-6, 320, 331-2, 339 n.130 below.

commercial activity (22), the development of Rome's own coinage (23), and diplomatic, commercial and cultural contacts with the east (24).

Besides these two general motives, there were three specific reasons for the promotion of war in north and central Italy, largely held by those with existing spheres of interest nearby - to forestall Etruscan uprisings and Gallic attacks, especially before Samnium was fully quelled (25), to gain new land for themselves in the

.....

22. After the secession of 287 (below, 320) business was allowed on 'faste' days (Macrob. Sat. 1.16.30), and rules on liabilities for damages to property were fixed in a lex Aequillia (M. Torelli, Rerum Romanorum Fontes, 292-264 B.C. (Pisa, 1978) (=RRF) 74-6).

23. After much bronze was taken in the third Samnite war (e.g. Livy 10.46) triumviri were created in 289 to supervise its regular minting (Pomp. Dig. 1.2.2.27-32; H. Mattingly, 'The First Age of Roman Coinage', JRS 1929, 22f, JRS 1945, 65; cf. Harris, CQ 1976, 102-4 and Crawford, RRC 598-603, for a later date. Silver didrachms were coined at Campania for Rome from the time of the Pyrrhic war (Pliny NH 33.42; Mattingly, JRS 1929, 21f; Crawford, RRC 35f; contra T. Mommsen, Geschichte des Römischen Münzwesens (Berlin, 1860) 211f, Frank, ES 1 42-7 etc., who date this to the mid fourth century). In 269, silver minting began at Rome (Livy, Per. 15; Pliny, NH 33.44; Mattingly, JRS 1945 66f; Crawford, RRC 36f, 42-3). Mommsen's school date the denarii system to 269; Mattingly etc., date it after 218.

Coin markings may have been used as propaganda by the consuls or censors who allocated funds for their issue; cf. Crawford, RRC 42-5, 616-8, 712-6.

24. See 316, 328f, 335 on embassies to Epidaurus in 292, Egypt in 273 and Apollonia in 266; see Cassola, GPR 31-2 for direct evidence of Romans trading in the east in the early third century. For examples of imports of Greek and Sicilian customs to Rome in this period, see Livy 10.47.3; Pliny NH 7.211-4; n.130 below.

25. cf. Adcock, CAH 7 615-6, Frank, CAH7 638; Salmon, SS 256f, 280-1.

relatively unpopulated areas of the north east (26), and to settle citizens and make enfranchisements. The latter had two purposes - to increase their own client bases (27) and to ensure that the traditional basis of peasant citizenry in the city state was maintained. Pestilences from 295 to 282, and the effects of the third Samnite war - casualties, the infusion of wealth for urban projects, and the creation of large colonies to defend the new conquests (28) - caused a sharp decline in the numbers of citizen peasants in the early years of the third century (29). The effects of this on the agrarian economy and the strength of the army, which thereby threatened to become dominated by allied contingents of more dubious loyalty and broader views on foreign policy (30), would have particularly worried those whose personal spheres of interest were among the rural citizens in central Italy. Some redistribution of *ager publicus* in the 290's and the creation and resettlement of citizens after the conquests in the north in 290 and 283 (31), followed by a decrease

.....

26. This was probably the least significant; see Ch.1C 104-5.

27. Ch.1C 104f.

28. See Livy 10.11-47 *passim* on the import of corn, pestilences, war casualties and booty from 299 to 292. See Frank, ES 1 41 and Fraccaro, *Opusc.* 2 198, 200-2 on the exodus of citizens to 11 Latin colonies from 314 to 290.

29. cf. Ch.4 284-5, 294-5. Livy 9.19.1,10.47.2, shows only a modest increase in citizen numbers from 332 to 293.

30. cf. Staveley, *Hist.* 1959, 423; Toynbee HL 1 142-3, 292-3, 425; Cassola, GPR 89f, 148f, 193.

31. De Sanctis, *StR* 2 365-6; Adcock, *RAW* 23; Tibiletti, *Ath.* 1949 30; Forni, *Ath.* 1953 193-214; Cassola, GPR 91-2. For objections to the view of Forni and Cassola that the policy was implemented through its popular appeal, see Ch.1C 112; Staveley, *JRS* 1963 183-5.

in the number of colonies and heavy wars, and proof of the loyalty of southern allies in the Tarentine war reduced concern about this matter until the first Punic war (32).

Southern expansion continued to be a major issue in this period, when the whole of southern Italy and Sicily was brought under Rome's control. This happened largely as a result of opportunism on the part of the enemy, especially in the third Samnite war (33), direct imperialism of Romans, especially those with commercial interests, and the increasingly complex network of obligations of Roman leaders to their allies. A few details about the circumstances of wars in the south after 290 will show that these reasons often cannot be clearly distinguished. Roman expansionism, fear of the Lucanians gaining strength at the expense of the weakening Greeks, and personal links between Romans and Thurians may explain Rome's alliance with Thurii against the Lucanians in 286 (34). However in the course of garrisoning Thurii and other Greek towns Rome violated her treaty with Tarentum (35). Concern

.....

32. Only six Latin colonies were founded from 283 to 244 (Salmon, RC 62-3, 110, 111); there was a pestilence in 266 (see 335 below); after increasing from 293, the citizen population fell during the first Punic war (Frank, AJP 1930, 323), when the allies' loyalty was shaky (see 306, 343-8 below). De Sanctis, StR 2.528 suggests that the four temples to native gods built from 278 to 267 (n.110, 115, 118) were an attempt to retain Rome's identity amid her allies.

33. Livy 10.11.7f; D.H. 17.1-3; Salmon, SS 255f.

34. Livy Per. 11; Pliny NH 34.32; De Sanctis, StR 2.375; Frank, CAH7 638-641.

35. See Livy 9.14, Ch.4 291, for earlier hints of Tarentine suspicion. The treaty of 332 (Ch.4 269-270) was violated by Rome sending a fleet to the south coast in 282; see Beloch, RG 462f; De Sanctis StR 2 380f; Thiel, HRSP 23-6; Cassola, GPR 159-161.

to maintain the loyalty of the Greek socii in the south, won in the consequent Tarentine war, then necessitated in 270 the harsh treatment of Campanian mercenaries who had seized Rhegium (36). However six years later, Rome allied with the Campanian Mamertini, who had taken Messana in much the same way as their allies at Rhegium, and with them, had aided Rome in 275 (37). This provoked the first Punic war, already rendered inevitable by Roman and Punic imperialist aims and mutual fear and distrust (38). Carthage's fear of Rome's expansion is indicated by the presence of Punic ships at Rome's taking of Tarentum in 272 (39), and the Punic garrisoning of Messana, after the Mamertini's defeat by Hiero, in 269 (40). Rome's fear

.....

36. Polyb. 1.7.12; cf. De Sanctis, StR 2 421-2; Beloch, *Griechische Geschichte*, 2nd ed. (Berlin, 1927) (=GG²) 4 479-485; Cassola, GPR 171-8.

37. For the Mamertini's background, and action up to 275, see App. Samn. 9.1, 12.1; Plut. Pyrrh. 23-4; Diod. 22.1.2-3, 7.4; Polyb. 1.7.1-4, 8; D.H. 20.4.11.

38. The main arguments for Rome's alliance with the Mamertini in 264 were that it might protect southern allies against possible Carthaginian aggression, and that some of the Mamertini themselves might have been allies or relatives of Romans; against this, the alliance did break the treaty of 306, and the Mamertini had committed a crime for which the Campanians had been punished in 270; see further on these and the more indirect reasons for war: Polyb. 1.10.3-9; Diod. 23.1.4; Zon. 8.8; De Sanctis, StR 3 97-102; Frank, CAH 7 669-671; Thiel, HRSP 128-141; Cassola, GPR 178-184.

39. Frank, CAH 7 655-6 and Scullard, HRW⁴ 164, following Oros. 4.3.1, argue that it was simply reconnoitring, without breaking the treaty of 306 (Ch.4 291-2); cf. De Sanctis, StR 2 419, following Livy, Per. 15 (an aggressive move by Carthage, breaking the treaty); Beloch, GG² 4.2. 277-8, Thiel, HRSP 14-15, and Cassola, GPR 179 (a story fabricated to prove that Rome was not the first to break the treaty of 306 in 264).

40. Beloch, GG² 4.2. 279-280; Thiel, HRSP 145-8. cf. De Sanctis, StR 3 95-6 and Walbank, CP 1 53-5, who date it in 265.

of Carthage is suggested by its foundation of coastal colonies, Cosa and Paestum, in 273 (41), its acceptance of aid from Hiero, the enemy of Carthage, in taking Rhegium in 270 (42), and its development of an auxiliary fleet of allied ships under quaestores classici and capture of the port of Brundisium in 267 (43).

Finally, two controversial issues particularly associated with the first Punic war should be noted. The first was the construction of the first Roman navies, to protect allies in the south from Punic raids and relieve them of the heavy cost of providing their own ships for Rome, and reduce the pressure on the land armies in Sicily; however the naval allies still had to provide most of the rowers, and their constant shipwrecks were demoralising and expensive (44). The second was a constitutional matter; the comitia centuriata voted for alliance with Thurii in 286 and with the Mamertini in 264, the latter after the senate reached deadlock (45); in 241 it refused

.....

41. Frank, *Klio*, 1911, 379; Salmon, *RC* 63, 79. The revolt of Caere, just south of Cosa, in 273, might have been instigated by Carthage (cf. Ch.3 184, n.5; Dio. fr. 33; Harris, *REU* 155).

42. De Sanctis, *StR* 2.422; Beloch, *GG*² 4.1.643; Thiel, *HRSP* 30; Cassola, *GPR* 177.

43. Mommsen, *HR* 2.39; Thiel, *HRSP* 32-7; Cassola, *GPR* 67, 179; Meiggs, *RO*² 25.

44. Polyb. 1.20; Thiel, *HRSP*, 37f, 46-7, 63f, 73f, 95-128, 320-332. For the cost of the war in men and money, cf. Tarn, 'The Fleets of the first Punic War', *JHS* 1907 48-60; De Sanctis, *StR* 3.1.190 n.98; Beloch, *GG*² 4.1.363; Frank, *ES* 1 61-8, *CAH* 7 684-9; Thiel, *HRSP* 83-96.

45. See 304-5 above; Polyb. 1.11.1-3; Livy *Per.* 16; cf. Ch.1B 71 n.120. For objections to the view of Gelzer, *Hermes*, 1933, 133f, that the deadlock in 264 was invented by Pictor to excuse the senate, see Cassola, *GPR* 180f.

the initial peace terms made with Carthage (46). These votes may have been carried not just through client control and their general appeal, but more specifically through the influence of the growing number of urban rich looking for new fields of exploitation, especially in 241, when such prospects were more certain, and they wanted direct returns for the loans they had made to the state to build the fleet that had won the final victory in the war (47). Ten years later, the influence of this sector was reduced with the reform of the *comitia centuriata* (48).

The Elections

Immediately after the second Samnite war, most senators would have been simply concerned with consolidating Rome's position in Italy. In 303 and 302, the conquest of the eastern tribes of the Vestini, Marsi and Aequi, was completed with the confiscation of land, foundation of colonies, bestowal of *civitas sine suffragio*, and formation of alliances. The borders were strengthened with expeditions north to Umbria and Arretium and south to the land of the Sallentini. The influence in the senate of those primarily concerned

.....

46. De Sanctis, *StR* 3.1.187f; Thiel, *HRSP* 316f.

47. The assembly may have passed the slightly modified terms negotiated by senatorial commissioners in 241 largely because senators had time to marshal rural clients to it; cf. De Sanctis, *StR* 3.1.190f; Thiel, *HRSP* 318-9. See n.166 below on the loans.

48. Ch.10 114. Ed. Meyer, *Kleine Schriften* 2nd ed. (Halle, 1924)(=KS²) 2.380, attributes the assembly vote to this sector in 264 and 241. For other factors influencing them in all three years, see above, 304-5; below, 321; De Sanctis, *StR* 3.1.98f, 189f; Cassola, *GPR* 180f.

with northern and eastern expansion, who had dominated the magistracies since 310, and who may now have gained the support of those with Campanian interests which were for the moment firmly secured, is evident in these actions. The Umbrian expedition was of an aggressive nature; only a two year truce was made with Etruria, and the Aequian and Marsian area was so rapidly settled that a tribe, Aniensis, was created there in 299 (49). The consuls may represent this group. The known forefathers of Ser. Cornelius Lentulus, whose gens was originally based in the north, C. Genucius Aventinensis, and M. Livius Dentor, a novus homo, who possibly had personal connections in Fidenae and further north, did not play an aggressive part in securing Campania in the second half of the fourth century; M. Aemilius Paullus, being son or grandson of Mamertinus, and possibly a cousin of Barbula, who fought in Etruria in 311, may have had interests in both north and south (50). Dictators who dealt with revolts at Arretium and among the Marsi and Aequi in 302, C. Iunius and M. Valerius Corvus, and Valerius' magister equitum, Rullianus, were doubtless chosen primarily for their long experience, and for the knowledge and personal interests they developed in the north and north east during the

.....

49. For full details of military activity and settlements, see Livy 10.1-5; Diod. 20.104; Degraffi, II 13.1, 111, 424-5, 543; Frank, *Klio*, 1911, 375-6; Taylor, *VDRR* 56; Salmon, *RC* 59-60, *SS* 255-6; Harris, *REU* 63, 115; cf. Beloch, *RG* 422-3.

50. For their names, see Broughton, *MRR* 169-170. For hints of their spheres of interest, see Livy 9.8.14; Gagé, *AR* 254-6; Ch.2 149; Ch.4 262, 264, 273, 287.

second Samnite war. Iunius' magister equitum, Titinius, may have been an old family friend, who shared his interests in Campania and the south (51).

Corvus was presumably elected as consul in 300, when he fought Aequian rebels and passed the law on provocatio, and as consul suffect in 299, when he served in Etruria, because of his long military experience, his local knowledge, and his general authority in the senate (52). His colleague, Appuleius, a novus homo of an otherwise unknown family, continued activity against the Umbrians (53). The censors of 300, Sempronius and Sulpicius, having been consuls when the settlement of 304 was made, would have had personal interests in their formation of the Aniensis tribe from Aequian land in central Italy, where Sulpicius' gens is later registered. They also founded the tribe of Terentina in the lower Liris valley, in Auruncan land north of Campania. Several minor gentes recently in the consulships and later known in this tribe - the Titinii, Minucii, Appuleii and Genucii - may have gained influence there

.....

51. See Broughton, MRR 169-171 for details of their names, noting 301 as a dictator year. There is some confusion over Corvus' magister equitum (cf. Livy 10.3.3-8; Fast. Cap. in Degrassi, op.cit. 111, 424-5); Harris, REU 63-5 argues for Rullianus, who, while very experienced, was still Corvus' junior. The dictators and Rullianus had already held 24 curule posts. For hints of all their spheres of interest, see Ch.4 245-7, 258, 288-290; Pliny, NH 7.211; Salmon, SS 256. For the personal links between Romans and Arretium's rulers, see Forni, Ath. 1953 235 n.2. Titinii and Iunii were plebeian agitators in the second half of the fifth century (Livy 3.54.13, 4.16.5, 40.6).

52. See n.9 above; Livy 10.9.7-8, 10.11.4-6; Cic. Sen. 60; Val. Max. 8.15.5; Degrassi, op.cit. 111, 424-5.

53. Harris, REU 65.

through these censors in repayment for their support in their election (54). Also in 300, the Ogulnii, who were Etruscan *novi homines* closely linked with the Fabii, passed a law reserving half the positions in the pontificate and augurate, which those promoting the second Samnite war in the south had dominated to their political advantage, for plebeians. Most of those subsequently co-opted from plebeian *gentes* with appropriate religious authority shared with the Ogulnii spheres of interest in central and north Italy. Perhaps Claudius Caecus' opposition to the law was due to his fear that it would result in an increase in political power of such leaders, who did not share his priority of southern expansion (55).

.....

54. For the censors' names, see Degrassi, *op.cit.* 111, 424-5. For the location of these tribes, and the *gentes* known in them, see Taylor, *VDRR* 52, 56-9, 192, 218, 236, 256-7, 259, 284. For their common spheres of interest and their forefathers' links in office up to 390, see Ch.2 136-8, 169-172; Ch.3 211-3, 218; Ch.4 293-4; Livy 3.54.13, 5.32.8.

55. For the Ogulnii's links with the Fabii - their Etruscan connections and religious interests, which included the foreign cults guarded by the *decemviri sacris faciundis*, the college similarly enlarged by Licinius backed by Fabius etc., in 367 (Ch.3 233), - see Münzer, *RAA* 83-9, Gagé *AR* 152-3, 252 and below, 315-6. For the political significance of the *lex Ogulnia*, see Ch.1B 54, 63-4. For its passage, see Livy 10.6-9. For the use of augural authority in the second Samnite war, see Ch.4 278-9. See Ch.4 285-7 for Claudius' religious measures in 312, against the Latins and his political opponents in the senate; he was opposed then by Fabius, whose family retained links with the augurate throughout the 3rd century (Münzer, *RAA* 54-5; Cassola, *GPR* 336-346) and Sempronius and Marcius, who became pontifices and augurs in 300 (cf. Staveley, *Hist.* 1959 432). Others were Aelius, consul of 337, Livius, consul of 302, and relatives of Genucius and Minucius (see Ch.4 265-6 and n.50, 54 above for their spheres of interest), Decius, who might have developed interests in the north when he fought there in 308, and spoke against Claudius in 300, and T. Publilius, whose kinsmen had gained influence in Latium in 358 and 332 (Ch.4 247, 269). The Marcii (Palmer, *ACR* 146-151) and Livii (Gagé, *AR* 252f) had ancient religious authority; a Minucius was *pontifex maximus* in 420 (Ch.3 202); Decius and Sempronius were the two most recent plebeian censors.

In 299, the truce with Etruria was due to end. The lex Genucia may have been enforced against Fabius Rullianus' election as consul, but all the magistrates finally elected are likely to have shared his interests in expansion in central and north Italy (56). The consuls, M. Fulvius Paetinus, who captured and colonised the Umbrian town of Nequinium, and T. Manlius Torquatus, who made a treaty with Picenum, and then died in Etruria, inherited interests in Latium and Etruria, and their gentes held only four curule posts when Rome was expanding south from 340 to 311, and 286 to 264 (57). The curule aediles, Domitius, son of the consul in 332, and Carvilius, a novus homo, may have belonged to recently enfranchised Latin families, like Fulvius (58).

By the time of the election of 298, the Samnites had taken advantage of the Roman leaders' preoccupation with the north to provoke another conflict with Rome by attacking the Lucanians. In the interregnum possibly called to reach a compromise over military priorities suitably qualified consuls were quickly named. Cn. Fulvius, whose brother fought in Umbria in 299, and who himself had served as lieutenant in 302 against the Etruscans, whom he fought, as well as the Samnites, in 298, may have represented those

.....

56. cf. Livy 10.9.10. After the censorships of Fabius and his allies in 304 and 300, they would have had particularly efficient client control (cf. Ch.4 271, 275f, 288, 293-4).

57. For their names and activity, see Broughton, MRR 173-4. For their spheres of interest, see Ch.4 244-7, 251, 276. The treaty and colony strengthened Rome's position in the north against Sabines and Gauls (Polyb. 2.19.1-4; Salmon, RC 60).

58. Livy 10.9.11-13, 23.22.4f; Ch.4 269; Vell. 2.128.2.

primarily concerned with the north. Scipio, whose forefather had interests in Campania, and who fought the Samnites and subdued Lucania in 298, may have represented those primarily concerned with the south (59).

The need to quell the Samnites, Etruscans and Gauls and prevent them uniting their forces against Rome dominated the elections from 297 to 295, when the threat was removed with the great victory of Fabius and Decius at Sentinum (60). In the three years sixteen military curule magistracies and four more junior military posts were held by eleven ex-magistrates with relevant knowledge or experience as generals (61). Previous differences between some of them, and competition for the great honours and booty promised by the wars created much wrangling both in the elections (62)

.....

59. For the outbreak of war, see above, 304; for the interregnum, see Livy 10.11.10; for the consuls' backgrounds, see Livy 8.22.1, 10.4.7; Dessau, ILS 1.1; Ch.4 262, 281; above, 311.

The ancients are confused about the exact areas of the consuls' activity; see Degrassi, *op.cit.* 543; Harris, REU 66-7; Salmon, SS 251, 259-261; Reynolds, JRS 1971 139.

60. For full details of events, cf. De Sanctis, StR 2 352-9; Degrassi, *op.cit.* 543-4; Walbank, CP 1 187-8; Harris, REU 67-74; Salmon, SS 261-8.

61. Broughton, MRR 175-9. Ten are attested as leading the army, 17 times in total; the 11th, Claudius Caecus, who fought the Etruscans and Sabines in 296 and 295, might have had local connections (Ch.2 139, 149, n.132; Ch.4 n.266 n.95).

62. Livy 10.13.5-13, 15.7-12, 21.11-23.10. His stories of Fabius' protests at his offices breaking the *lex Genucia* in 297 and 296 are presumably misplaced from 295, and his portrayal of disputes being over patrician monopoly may be anachronisms due to the reappearance in this period of names which featured in such disputes earlier (e.g. Ch.2 177, n.265; Ch.4 251-2) and the recent *lex Ogulnia*. See further, Garzetti, Ath. 1947 214-7; Staveley, Hist. 1959 431-2; Rotondi, LP 236-7; Cassola, GPR 148f.

and on the campaigns (63). The booty won, the leaders' concern with personal glory, and the need to appease the gods after the pestilence of 295 may explain the many temples and sacred offerings noted in these years. Some were by curule and plebeian aediles, the Ogulnii, Aelius, Fulvius and Fabius Gurges, who were probably all elected for these non-military posts through the efficient client control of Rullianus' faction. Their prosecutions of usurers and graziers for using too much *ager publicus* may have been partly motivated by their concern to secure the position of the citizen peasantry (64).

A new phase begins in 294; the veteran generals Valerius Corvus, P. Decius, C. Iunius Brutus and Fabius Rullianus held no more curule offices after Sentinum (65).

.....

63. Livy 10.17.11-12, 18.4-19.13, 24.1-26.7; Garzetti, *Ath.* 1947, 216-8; Cassola, *GPR* 151. Details are exaggerated; see Broughton, *MRR* 179 n.1; Harris, *REU* 68, 70.

64. In 296, Claudius vowed a temple to Bellona, and hung portraits of his ancestors in it; in 295, when the Sibylline books were consulted, Fabius and his son vowed temples to Jupiter Victor and Venus, possibly from Ardea; in 295, the Ogulnii dedicated usurers' fines to Jupiter, improved the road to the temple of the god of war, Mars, and made a statue of Romulus and Remus and the wolf (Ch.1A 16, n.21) who represented Mars (Wissowa, *RKR*² 141f, 555f) and gave Fabius a portent at Sentinum; in 295, Fulvius and Aelius offered graziers' fines to Ceres, the plebeian peasants' deity; see Livy 10.13.14, 19.17, 23.11-13, 27.8-9, 29.14, 31.8-9, 22.1.12; Zon. 8.1.6; Ovid *Fast.* 6.191, 199-202, Pliny, *NH* 35.12; D.H. 1.79.8. For hints of the political significance of these acts to the magistrates, see Scullard, *FCRR* 101-2, 146, 177; Ch.2 132, 149 n.129; Ch.3 209, n.104 233; Ch.4 285-6; above, 303, 310.

65. cf. Ch.4 260 n.76; Develin, *POH* 60-2.

From 294 to 288 fifteen individuals from eleven gentes held the twenty-one known curule posts as well as three lieutenantships. Marcius Censorinus, Cornelius Arvina, Valerius Corvinus and Postumius Megellos had already held curule posts from 310 to 305. L. Papirius Cursor, Q. Fabius Gurges and C. Iunius Brutus, who were all the sons of magistrates of 310, P. Cornelius Rufinus, and two novi homines, Sp. Carvilius and M' Curius, all held office again in the period 277 to 269, when two grandsons and one great nephew of both consuls of 303, Rufinus' son Blasio, and Marcius' kinsman, Philippus, son of the consul of 306, also held office. The other magistrates of 294 to 288 were D. Iunius Brutus, of the same family as his successor in the consulship, M. Atilius Regulus, who may have been related, if distantly, to Censorinus' fellow plebeian tribune in 311 and to Fabius Gurges, and Q. Caedicius, who held no other office. From 310 to 303, and from 277 to 269 similar policies to those of 294 to 288 were being carried out, which suggests that these leaders formed a specific political faction promoting them (66).

Firstly, from 310 to 303, 294 to 288, and 277 to 269, they consolidated the confederacy, with the aim in the south of finally quelling the Samnites, and in the north

.....

66. For full refs. to magistrates: 294-288, see Broughton, MRR 179-185. For Atilius' possible family ties, see Ch.4, 287, 291, n.171. For other interpretations of some of these common offices, see Münzer, RAA 63-4; Scullard, RP 32-33; Cassola, GPR 152, 194, 196, 198; Lippold, C 127-8.

of extending Roman influence into Etruria and the Sabine area (67).

Secondly, several of them inherited interests in diplomatic, cultural and commercial links with Greece and the east, which they developed in these periods to unite the confederacy, and promote their own standing (68).

In 292, Fabius' ally Ogulnius led a commission to Epidaurus to bring the serpent of Asclepius to Rome, at the bidding of the Sibylline books, to end the pestilence (69).

According to Greek legend, Asclepius was the son of Apollo, whose cult had been fostered by the forefathers of several members of the group (70). The temple to Asclepius was dedicated in 291 by Iunius, the consul whose father had dedicated a temple to Salus in 302. It is generally assumed that Asclepius became associated with Salus in the 180's when the Fabii, Iunii and Postumii dominated religious and curule posts, but the link could have already been made in this period. The temple of Salus had been decorated

.....

67. cf. Flor. 1.16.8. For details of this in 294-0, cf. De Sanctis, StR 2 359-365; Degrassi, op.cit. 544-5; Salmon, SS 268-279; Harris, REU 74-8; Torelli, RRF 36-61.

68. For some hints of these interests, see Ch.2 169, n.227; Ch.3 233; Ch.4 251, 257, 259, 263, 268, 288, 292-5; above, 310, 313; below, 324. For the purpose of their development, see Gagé, AR 150f. At the same time, they did not neglect Rome's native religious heritage; see n.32, 64, 76, 110, 118, 172.

69. Torelli, RRF 27-36, 41-3; Gagé, AR 153-4.

70. Pindar, Pyth. 3; Ch.3 191, n.26, 214; Ch.4 251. Crawford, RRC 44-5 dates coins featuring Apollo to 275.

by Fabius Pictor, Rullianus' brother; one of Pictor's sons held consular office with Ognulius in 269; the other did so with Iunius, son of the consul of 292, in 266, when the Sibylline books were again consulted because of the pestilence. This was a year before the third consulship of Pictor's cousin, Gurges, and a year after diplomatic contact was made with Apollonia. In 273, when Fabius Licinius was consul, Ogulnius went to Egypt with Gurges, the consul of 292, who was censor with Carvilius in 289, the year triumviri of the mint were set up, and Pictor, Ogulnius' consular colleague in 269, when silver coinage was introduced to Rome (71). Fabius and the Ognulii may have represented themselves on coins minted at this time by Romulus and Remus with the wolf and Hercules, all heroes with whom they are linked in the tradition (72). Pictor the historian, son of the consul of 269, fully developed his family's interest in the east later in the century (73).

A third matter of concern to the magistrates in power from 294 was the diminishing numbers of citizen peasants

.....

71. See further on all these details, Ch.4 290; Scullard, FCRR 54-5; Broughton, MRR 196-7, 200-1, 387-419 passim; Münzer, RAA 83-9; Frier, LAPM 225f; Crawford, RRC 39-40, 484; below, 328, 335.

72. The Fabii and Ogulnii had associated themselves with the wolf, and Romulus and Remus in 295; the Fabii, following Greek custom, had claimed descent from Hercules and the race he founded, the Spartans, by the time of Pictor; many of Rullianus' allies - Latins, Potitus and the consuls of 305 - were associated with Hercules; cf. Ch.1C 84 n.14; Ch.2 149 n.129, 152; Ch.4 286, n.156, 293, n.179; above, n.64; Pais, ALRH 169-178; Münzer, Fabius, PWRE 6 1740; Mattingly, JRS 1945 67 n.14; Bayet, Hercule 318; Lippold, C 351-3; Crawford, RRC 44-5, 727 n.2.

73. Ch.1A 16, 23.

in the state, which was of particular interest to those who had their main connections in central and north Italy. Cornelius and Marcius, the censors, divided up the land in the Ager Privernum into allotments in 294. Graziers were again prosecuted for their use of ager publicus in 293, the fines being used to pave the Via Appia. Curius, whose concern about this problem may have been partly the basis of his portrayal as a modest farmer, gave the Sabines and Praetuttii civitas sine suffragio after his expedition there in 290, and took land for a colony at Hadria and viritane allotments in the region (74).

Since many of these leaders had been magistrates since 310, they had leading places in the senate, which voted them many triumphs for their military tasks which most senators would have recognised as expedient. In 291, Postumius was even able to break the lex Genucia through his influence in the patriciate, presiding over his own election as interrex just three years after his previous consulship. Yet the faction may not have formed a majority in the senate; its efficient marshalling of provincial voters, the religious authority of several of

.....

74. For the measures in 294-3, see Livy 10.47.2,4. Marcius may have inherited interest in Privernum from his father (Livy 7.16.3-6). On tales of Curius' frugality, see n.111. On Curius' settlements in the north east, see Salmon, RC 62 (emphasising its strategic significance), Forni, art.cit. 197-204 and Cassola, GPR 92-3, 156-9 (both supporting the tradition of him founding viritane allotments to build up peasant stock, contra Frank, Klio 1911, 367-372; see n.30 above and 76, 78 below for objections to their view that Curius thereby gained popular support). For later and generally less direct hints of this group's concern with maintaining citizen peasants, see above, 303-4; below, 322, n.85; 331, n.110, 354-5.

its members, especially significant in these years of pestilence, and a lack of united opposition to it, could have allowed it to dominate the elections as a relatively small group (75). This is suggested by hints of senatorial opposition to the faction. Senatorial pressure may have prevented Curius carrying out his full plans for allotments in the north. More clearly, in reaction to some of these magistrates' attempts to increase their individual standing with temples, shrines and statues, their pursuit of their own military strategies, and their autocratic treatment of the army the senate refused triumphs, tried to recall one consul, and had another prosecuted by plebeian tribunes (76).

.....

75. On the six triumphs, see Degrassi, *op.cit.* 544-5; Torelli, RRF 45-8. For Postumius' interregnum, see Livy 27.6.8. For hints of these leaders' efficient client control and religious authority, see Livy 10.40.9-14; Ch.2 164; above, 309-311, 315.

76. For possible reasons for senatorial obstruction of Curius' settlements in the north east, see Ch.1C 103-5. It may explain the story of his popular following of App. Samn. 5; cf. Forni, *art.cit.* 199f; Cassola, GPR 92. The censors of 289, Fabius and Carvilius, would still have registered some settlers in the area taken by Curius, and thereby increased their own and their allies' influence there; cf. n.85. For the temples, shrines and statues, to Victory, Jupiter and Quirinus, see Livy 10.33.9, 36.11, 37.15-16, 46.7-9, 14; Pliny NH 34.43. Papirius' supposed modesty and generosity to the treasury (Pliny, NH 14.91; Livy 10.42.7, 46.2-9) may have been to placate the senate. See Livy 10.44.3-5 on Papirius and Carvilius giving their lieutenants special honours. The senate's attempt to remove Gurges from his command is more likely to have been because of the extent of his executive authority than his military incompetence; cf. Salmon, SS 274-5. While there are many difficulties in the stories of Postumius following his own strategy in 294, being refused a triumph, like Atilius, in 294 and again in 291, speaking out against the senate's authority and being charged by tribunes in 293 (protected by Carvilius) and in 291, for working soldiers on his own estate, they may be based on genuine evidence of his individualist attitude; cf. Degrassi, *op.cit.* 543-4; Cassola, GPR 146-7, 194-7; Salmon, SS 275-6; Harris, REU 75; Torelli, RRF 43-7.

In reaction to this phase of individualism most senators over the next decade seem to have been willing to make compromises over policy to ensure that senatorial authority prevailed over that of the magistrates. This meant that foreign policy and military strategy were dilatory and changeable, but on the whole conservative. Electoral results from 287 to 278 clearly attest to the lack of factions or prominent leaders in the senate. After 289, none of the gentes of the most individualist magistrates from 294, the Fabii, Atilii, Papirii, Carvillii and Postumii were able to gain curule posts for at least twenty years. Eighteen different men with broad personal connections in the senate or qualifications for the immediate tasks at hand held the twenty consulships from 287 to 278, and only four did not hold these consulships as their only posts. Seven consulships were held by novi homines, or these whose forefathers had been novi homines since 340; such leaders could be most readily quelled if they showed any signs of individual ambition. Seven of the patrician consulships were held by members of six different families from the broad gentes of the Aemilii, Valerii and Cornelii, which must have held many places in the senate by this time, and therefore would have favoured an increase in its authority when united over other issues (77).

.....

77. For the general basis of this summary. see Ch.1C 86, 88-9, 121; Ch.3 205; above 297-301; Develin, POH 15-16, 36. The attempts to retract from the aggressive moves in the south made in 285 and 282 would have been due not just to circumstances, but also to the prominence in the senate of those less concerned with expansion there - including the princeps senatus (Pliny NH 7 133) - who had held many magistracies since 310. The Aemilii, Cornelii and Valerii held half the number of patrician consulships they had in this period in both previous and subsequent decades, when the more individualist Fabii and Claudii prevailed (cf. below, 356).

In 287 and 286, there were two distinct issues over which senators seem to have agreed. Firstly, in 287, urban discontent, increasing as the vast booty of the third Samnite war dried up, culminated with a secession to the Janiculum of unemployed urban workers, failed speculators, ruined farmers and soldiers home from the wars (78). Earlier concern in the senate about such unrest may have prompted the institution of triumviri capitales, who supervised city police, in 289. Measures taken to end the secession indicate not only willingness to make some accommodation for commercial activity in the city, now of general benefit to most senators, but also the senate's concern to establish its authority in the state (79). Secondly, in the course of 286, Thurii appealed for Rome's alliance; its promise of a statue and crown may have encouraged C. Aelius, consul of 286, to recommend it to the centuriate assembly, whose rich urban sector would have welcomed it as a chance for expanding its spheres of commercial activity. The hope of Rome peacefully extending her political influence among the southern Greeks

.....

78. The secession centred on debt; see Livy Per. 11; Zon. 8.2; Dio. fr. 37; Pliny NH 16. 37; Pomp. Dig. 1.2.2.8; Aug. CD 3.17; Cic. de leg. 3.9; Diod. 21.18.2; Tacit. Ann. 2.37. The recent urban activity and colonising, the remoteness and hostility of recently conquered Sabine country, and the nature of the known measures after the secession (n.79) suggest that the seceders were not agitating for land allotments like their 5th century counterparts; cf. Forni, art. cit. 199f.

79. For the triumviri capitales, see Mommsen, StR 2³ 594f; Lintott, VRR 102-6. For the other measures, see n.4, 22 above. The construction of the Via Clodia, which consolidated Roman authority in central Etruria in 287 might have contributed to the easing of urban problems in 287 (see Wiseman, art.cit. 137).

would also have recommended the alliance to many senators (80). All the consuls of 287-6, C. Aelius, M. Claudius Marcellus, M. Valerius Potitus and C. Nautius, and the dictator of 287, Hortensius, a novus homo, were from minor families, the first three being kinsmen of those who had opposed military aggression in the south in the second half of the fourth century (81). All their families, except the Marcelli, had probably been established in the backbenches of the senate since the fifth century (82).

In 285, the consuls were C. Claudius Canina, possibly Marcellus' brother, and M. Aemilius Lepidus, from a previously unknown branch of the gens; in 284 they were C. Servilius, whose gens had been out of office since 342, and L. Caecilius, a novus homo from a gens unknown since 439 (83). The election of such leaders, again from minor but well established families, would have been the result of uncertainty among senators about how far Rome should become practically involved in the south, now that the Thurian alliance had been made. If the Romans did fight the Lucanians in 285, the consuls would have named a more experienced man as dictator to lead them - Claudius Caecus,

.....

80. See further above, 304, 306-7. Pliny NH 34.32 mistakenly calls Aelius plebeian tribune; see Ch.1B 71, n.120; J. Bleicken, Das Volkstribunat der Klassischen Republik (Munich, 1955) 45-6; Cassola, GPR 161; Salmon, SS 281-2.

81. Broughton, MRR 184-6; Ch.4 265-6, 270.

82. Livy 2.39.9, 41.11, 4.42.3, 54.2-3, 5.32.6.

83. Broughton, MRR 186-7; Degrassi, op.cit. 114; Livy 4.16.5-6; cf. Val. Max. 1.4.5.

consul of 296, who had promoted southern expansion, Cornelius Rufinus, who fought the Samnites in 290, or Aemilius Barbula, brother of the consul of 311 who fought in Lucania; all were dictators sometime between 292 and 285 (84).

By 283, a Gallic invasion threatened. While one of the new consuls, Cn. Domitius, a novus homo, took command in Etruria, Caecilius, re-elected as praetor, went to meet them at Arretium. After the Gauls slew Caecilius, and then Roman legates, more concerted action was taken against them. While Curius, praetor suffect, drove the Senones Gauls from their own country, and established the distant colony of Sena Gallica to protect the vast area of land taken, P. Cornelius Dolabella, the other consul, defeated the Boii Gauls and Etruscans at Lake Vadimon (85). At the same time, C. Fabricius, a novus homo, was sent as

.....

84. Broughton, MRR 187; Livy Per 11; De Sanctis, StR 2 375.

85. For Domitius' action, see Degrassi, op.cit. 545. For Fabricius' embassy, see Cassola, GPR 162-3. For the campaigns of Dolabella, Caecilius and Curius, cf. Polyb. 2.19-20; Livy Per. 11-12 (dating Sena Gallica to 290); App. Samn. 6, Celt 11, and D.H. 19.12.2 (attributing conflict with Senones to Dolabella). The main difficulties of Polybius' account are removed if we assume that he exaggerated losses at Vadimon, and was mistaken in placing it after, rather than at the same time as Curius' Senones expedition; see further, Mommsen, RF 2 365-375; De Sanctis, StR 2 375-377; Harris, REU 79-81. For other reconstructions, see Beloch, RG 133-4, 452f; Salmon, 'Rome's Battles with Etruscans and Gauls in 284-282 B.C.', CP 1935, 23-31; Forni, Ath. 1953, 204-214. The enforced abdication of Caedicius, consul of 289, from the censorship in 283 (Degrassi, op.cit. 40-1, 112) may have been connected with the senate's prevention of the settlement of the remote Ager Gallicus with citizen peasants; cf. n. 76.

legate to promote the loyalty of allied cities of the south. Some possible reasons for these magistrates gaining election in these circumstances may be adduced. The military talents of Dolabella, Domitius and Curius are attested by their victories; the diplomatic talent of Fabricius is indicated by his prominence as legate and consul in the next five years; the consuls may have had personal influence in the south, where Domitius' father and Cornelius' kinsman had made a treaty with Tarentum in 332; Dolabella may have inherited, and Curius had recently acquired, influence in the north (86).

In 282, with the double threat of the Gauls in Etruria, and the southern tribes raising arms, Aemilius Papus and Fabricius, being promising generals likely to implement the senate's wishes, were elected as consuls (87). While Aemilius defeated the Etruscans and Gauls (88)

.....

86. Dolabella's previously unknown branch of the Corneliï might have been based in the Stellatina, the nearest tribe to L. Vadimon (Taylor, VDRR 207; Ch.3 224). If the consuls expected to take action in the south when elected, this, together with his recent experience of leadership, would explain why the praetor led the first expedition north in 283.

The links of some of these leaders and several others in office in this period (see n.111, 161) are often interpreted as hints of their sharing views on the Tarentine war. The variation in conclusions reached on their attitudes (see Cassola, GPR 159) in itself shows that they cannot readily be retrieved from these links, or from their activity in the changing circumstances (see further, above, 319; Cassola, GPR 170-1; Salmon, SS 282).

87. Broughton, MRR 189. Papus' family is only previously known by a conservative dictator of 321; his future career suggests his talent.

88. cf. Polyb. 2.20.4; D.H. 19.13.2; Front. Str. 1.2.7; Zon. 8.2. See refs. in n.85 for various reconstructions of events.

Fabricius tackled the Samnites, Bruttians and Lucanians in the south, recovering Thurii from the Bruttians and winning a statue from the townspeople like Aelius. He then installed garrisons in Locri and Rhegium at their request, with the aid of a fleet commanded by Valerius Flaccus, possibly a family friend (89). Presumably the senate agreed on this gamble, which violated the Tarentine treaty, in the hope that Tarentum would not dare react; when it did so, sinking the fleet, and capturing the garrison at Thurii, the senate immediately became more cautious, sending Postumius Megellos, who may have developed personal connections in the south in 291, as senatorial legate to try and make peace with Tarentum (90).

The consuls of 281, Q. Marcius Philippus, and M. Aemilius Barbula, may have been chosen because they had personal influence in the two areas of danger - the southern Greek towns and Etruria (91), where Marcius successfully

.....

89. See above, 304 on Fabricius' action. Flaccus (Dio fr. 39.4; Zon. 8.2; cf. App. Samn. 7.1; Thiel, HRSP 23 n.60) was of the same family as Papus' magister equitum in 321 (Ch.4 277-8).

90. App. Samn. 7.1-2; Dio fr. 39.4; Zon. 8.2; Livy Per. 12. Tarentum's lack of reaction to the alliance with Thurii since 285 and the length of its debate over war in 281 (Polyb. 1.6.5; Zon. 8.2) show that the Roman gamble was not as reckless as it might first appear. The story of Tarentum's insult to Postumius was doubtless to exonerate Rome from blame for the war. See further De Sanctis, StR 2 381-2; Beloch, RG 463-4; Cassola, GPR 160.

91. Broughton, MRR 190. Marcius had a Greek cognomen (Degrassi, op.cit. 113) and may have been son of the consul of 306, who made the treaty with Carthage claiming Rome's hegemony in the south (Ch.4 291-2); his kinsmen had fought in Etruria in 356 and 310 (Ch.4 288). Aemilius' father and possibly his uncle fought in Lucania and Etruria (Ch.4 280-1, 287; see also above, 321-2).

fought in the course of the year, annexing Tarquinian land and celebrating a triumph (92). Meanwhile the envoy Postumius had returned to Rome without a settlement, and after much debate, the senate decided on war against Tarentum. This was clearly a reluctant decision; Aemilius first led his army against the Samnites, and then tried unsuccessfully to make terms with the Tarentines, who increased their chances of success in war against Rome by sending for Pyrrhus (93).

By 280 the military situation was grave; the consuls of 281 were retained in office as praetor and proconsul to provide experience, local knowledge, and continuity, and the proletarii were called to arms (94). There are no direct hints of reasons for the election of the two consuls, Coruncanus, and M. Valerius Laevinas, both from previously unknown families; however Coruncanus' talents are particularly mentioned, and Laevinas may have inherited from kinsmen interests in the south (95). Coruncanus took command in Etruria, which was still restless, capturing much land and celebrating a triumph (96). Valerius was

.....

92. Degrassi, *op.cit.* 545; Beloch, RG 456.

93. D.H. 19.6,8; Plut. Pyrrh. 13; Dio fr. 39.10; Zon. 8.2; App. Samn. 7.3; Polyb. 1.6.5. See further n.90; Walbank, CP 1 49-51.

94. Gell. 16.10.1; Oros. 4.1.3; Dio fr. 40.13; Zon. 8.3; Aug. CD 3.17; Act. Tr. in Degrassi, *op.cit.* 545-6.

95. For the consuls, see Broughton, MRR 190-192. Cicero's praise of Coruncanus' character is borne out by his long career (see Broughton, MRR 210, 216) although he may not be the first plebeian pontifex maximus (Ch.3 202). Some other Valerii families had interests in the south (see above 324; Ch.4, 285) and the tradition hints that Laevinas represented an aggressive mood in the senate (Cassola, GPR 169; Salmon, SS 283).

96. Degrassi, *op.cit.* 545.

defeated at Heraclea by Pyrrhus, who then retook the southern towns, and marched north at least as far as Campania (97). After Fabricius, Aemilius Papus, and Cornelius Dolabella were despatched to try and get the release of prisoners, Cineas came to Rome to negotiate peace; however Campanian loyalty, and a speech by the elderly Caecus dissuaded a majority of senators from accepting Pyrrhus' terms, which ended Rome's claims to hegemony in the south (98). The censors of 280, Domitius, consul of 283, and Scipio, consul of 298, may have gained election through the support of the same sector in the senate (99).

In the election of 279, held by Domitius in the capacity of electoral dictator, the halting of Pyrrhus' advance was of prime concern. The consuls elected, Sulpicius, son of the man who settled central Italy in 304 and 300, and Decius, who shared the name of the commander of the Campanians who had taken over Rhegium, might have been chosen largely to inspire the loyalty of Rome's

.....

97. cf. De Sanctis, *StR* 2 392f; Beloch, *GG*² 4.1.547-9; Frank, *CAH* 7 644-6.

98. There are many interpretations of the various peace negotiations in the Pyrrhic war. For this version of events after Heraclea, see M. Lefkowitz, 'Pyrrhus' Negotiations with the Romans, 280-278 B.C.', *HSCP* 1959, 154-9 and Cassola, *GPR* 164-9, following App. *Samn.* 10.3; for some alternatives, see e.g., Salmon, *SS* 286 n.3 (following Plut. *Pyrrh.* 18; Pyrrhus was suing for peace with mild terms); Frank, *Rl* 82 n.10, *CAH* 7 646-7 (the embassy was after the rejection of peace terms), Beloch, *GG*² 4.1. 550-2, De Sanctis, *StR* 2 403f, and Passarini, *Ath.* 1943 101-110 (following Justin 18.1-2 and Diod. 22.6; peace negotiations and Claudius' speech were after Ausculum (n.101)).

99. Broughton, *MRR* 191-2; for hints of their interests in the south, see above 312, 322-3.

subjects and allies (100). After the consuls were again defeated by Pyrrhus at Ausculum, the senate sent the peace envoys of 280 back to Pyrrhus again. However the persuasions of Mago, the Carthaginian envoy who promised aid to Rome in Italy against Pyrrhus, in the hope that the rejection of the peace would dissuade Pyrrhus from joining forces with Carthage's enemy, Syracuse, in Sicily, and possibly reports of Pyrrhus' heavy losses at Ausculum and the disunity of his southern allies by the peace envoys, encouraged the senate to reject the peace when it was brought to Rome (101).

In 278, the consuls of 282, Fabricius and Aemilius, were re-elected, presumably for their military experience and personal knowledge of the southern towns and Pyrrhus, with whom they expected to renegotiate or fight. However, as soon as Carthage had divided up its naval forces guarding Sicily to transport Roman soldiers to retake Locri, according to their agreement, Pyrrhus left a small garrison at Tarentum and sailed for Sicily. By the end of the year, Fabricius had been able to defeat the

.....

100. For the consuls' election, see Broughton, MRR 191-2. For their spheres of interest, see Ch.4 263; above, 309-310. The extent of their loyalty when they took Rhegium after Heraclea may have been as unclear to Roman leaders as it is to historians; cf. Mommsen, HR 2.18 (they were traitors); Beloch, GG² 4.2. 482 and De Sanctis, StR 2 395-6 (they feared Rhegium's defection); Cassola, GPR 171-8 (this and their later actions against Greek towns were fostered by Romans opposed to southern expansion; for objections, see Staveley, JRS 1963 183-5).

101. See further Ch.4 260 n.76 (against Decius' devotio at Ausculum); Lefkowitz, art.cit. 155-161, 163 (for the chronology of events); Thiel, HRSP 28-32 (on the Punic agreement causing the rejection of peace with Pyrrhus and the disappearance of the duoviral squadrons). See also n.98.

Tarentines and their southern allies (102).

From 277 to 269, eleven of the twenty-four curule positions were held by magistrates of 298-288 or their sons or cousins (103); five more were held by direct relations of consuls of 310-303 (104). I have already suggested that these leaders formed a clique primarily concerned with broadening Rome's diplomatic, cultural and commercial links outside Italy, and consolidating the Roman confederacy, which by 277 involved, even for the most conservative leaders, establishing firm control of all corners of the Italian peninsula. From 277 to 269, these policies were vigorously pursued; the southern wars were ended, alliances were made with Greek ports in south Italy, coastal colonies were founded, land, including forests valuable for shipbuilding, was confiscated, Caere was given *civitas sine suffragio*, diplomatic relations were established with Egypt, and the minting of silver coinage was begun at Rome (105). Reasons for the election of four of

.....

102. Broughton, MRR 194; Degrassi, *op.cit.* 546; Lefkowitz, *art.cit.* 160-3.

103. Cornelii Rufinus and Blasio; Fabii Pictor and Gurges; Papirius Cursor, Carvilius, Curius, Iunius Brutus and Marcius Philippus. (See Broughton, MRR 194-199 for all the magistrates of this period).

104. The Genucii brothers; Cornelii Lentulus and Merenda.

105. For the clique, see above, 313-8. For details of the military action and settlements in the south, and the colonies see above, 301, 305-6; De Sanctis, *StR* 2 411-422; Degrassi, *op.cit.* 114, 546; Forni, *art.cit.* 214-222; Salmon, *SS* 287-292. On Caere's revolt and settlement, see n.41 above; Beloch, *RG* 363f; Toynbee, *HL* 1 410f; P. Brunt, *Italian Manpower, 225 B.C.-A.D. 14* (Oxford, 1971)(=IM) 515-8; Sherwin-White, *RC²* 53-61, 200-2. (For alternative dates for its *civitas*, see De Sanctis, *StR* 2 256-7; Sordi, *RRC* 36f, 128-133; Harris, *REU* 45f). For the significance of the exchange of embassies by Egypt and Rome, cf. Mommsen, *HR* 261; Beloch, *GG²* 4.1.663; De Sanctis, *StR* 2.428; Holleaux, *RGM* 60-83; A. Momigliano, 'Terra Marique', *JRS* 1942 59-61; Cassola, *GPR* 45-6. On coinage, see n.23.

the other eight curule magistrates will become apparent below (106).

Since their measures would have been generally favoured in the senate, and many of the magistrates had appropriate experience and local knowledge to implement them, the faction probably had broader support in the senate than in 294-0. Most notably, Curius' military skill would have dictated his election as consul in 275, when Pyrrhus was expected back in Italy; his immediate re-election in 274 with Cornelius Merenda, the lieutenant of his colleague in 275, as his fellow consul, was probably in honour of their great victory over Pyrrhus in 275. Fabius Gurges, Cornelius Rufinus, Papirius Cursor and Sp. Carvilius, who all fought the Samnites and their allies in this period, had already won triumphs in the 290's over them (107). Finally, the choice of magistrates to deal with the Campanian mercenaries may have been dictated by their personal backgrounds. The years when their punishment was most feasible were 276, when Pyrrhus had just left Italy, and 271-0, after Tarentum had been taken (108). In these

.....

106. Fabricius, Aemilius Papus, Papirius Praetextatus, Quinctius. Of the other four, Ogulnius and Fabius Licinius have been noted as part of the clique (above, 315-6) Aemilius Barbula, who may have inherited interests in both north and south Italy (see above 324) and Claudius Canina, who may have inherited a defensive attitude to the south, like Fabius (see above, 321), had both held office from 287 to 281 implementing senatorial policy; hence their allegiances are uncertain.

107. Cic. de orat 2.268; Vell. Pat. 2.17.2; Pliny NH 33.38; Passarini, Ath. 1943 112; Forni, art.cit. 179-180, 222, 238; Salmon, SS 287.

108. Perhaps the Campanians' aid to Rome in 275 (above, 305) was partly inspired by fear of such retaliation. Details of which consuls led the final campaign in 271 and 270 are confused; see Broughton, MRR 198.

years, Cornelius Blasio, Quinctius Claudus and the Genucii brothers were consuls. Quinctii and Genucii had held only one curule post since 354, and Blasio's father had been disgraced in 275. Since Cornelius Blasio's father Rufinus had clients in Croton, which he took from the Campanian mercenaries in 277, and the forefathers of the Genucii and Quinctius had opposed the government which promoted Roman links in Campania in 342 (109), it may be speculated that these apparently unlikely leaders were supported partly because of their suitability for carrying out the Campanians' punishment.

At the same time, suspicions of the individual power and ambition of members of the factions within the governing class as a whole may have been aroused in this period, as in 294-0. Curius and Papirius Praetextatus, the first to be censor without previously holding the consulship since Caecus, gained the censorship just three years after their predecessors, and commissioned extensive public works in their sphere of interest in the north east; two temples were built, one including Cursor's portrait; Iunius gave an exhibition honouring his father; Merenda was awarded a

.....

109. See Ch.4 259-265; above, 308; below, 332; Degrassi, *op.cit.* 114; Cassola, GPR 170.

gold crown (110). There are some hints of senatorial reaction against personal aggrandisement. P. Cornelius Rufinus was refused a triumph for his military successes in 277, and was expelled from the senate for possessing ten pounds of silver by the censors Fabricius and Aemilius, who had doubtless gained office in recognition of their services during the Pyrrhic war, when they consistently represented the senate's views. The silver may have been booty that custom demanded should be handed over to the treasury, a symbol of personal wealth, or a hint of a dangerous level of personal contact with the southern Greek cities; it may be noted that two years later the envoys to Egypt were careful not to conceal the gifts

.....

110. For the censors, see Degrassi, *op.cit.* 114; Broughton, *MRR* 198; cf. Beloch, *RG* 85, 629. Papirius' gens had a long tradition in the censorship (Ch.1C 86, n.20; Ch.2 164). Both may have had particularly efficient client control around Latium, where their gentes originated (Ch.2 164, n.208; below, n.111) and in the north east area taken by Curius in 290 and 283. The censors commissioned the Anio aqueduct, which used Curius' spoil of 275, and was completed by Curius and Fulvius, a fellow Tusculan, in 270, the Via Curia, and possibly the drainage of the plain of Reate (Forni, *art.cit.* 223-8). Taylor's idea (VDRR 60f) that the censors also planned to create new tribes at Reate and Cures is rejected by Badian, *JRS* 1962, 203.

For the temples to Summanus and Consus, inspired by prodigies of lightning and possibly bad harvests, see Wissowa, *RKR*² 201-3; Scullard, *FCRR* 153-5; n.32 above; for the other honours, see Livy *Per.* 16; Pliny *NH* 33 38; *Fest.* 228L; Degrassi, *op.cit.* 546; Torelli, *RRF* 196-8.

they had been given (111). Also the objection of Fulvius, the plebeian tribune, to the summary execution of the Campanian mercenaries by the consuls Blasio and Genucius may not have been based on disapproval of their policy, but on the fact that the consuls used their full military authority on their triumph day, when they were immune from *provocatio*, to carry out their executions (112); since Blasio's father had so recently shown signs of individual ambition, and Genucius had been granted dispensation from the *lex Genucia*, this would have been particularly resented by other senators such as Fulvius, whose gens had not reached curule office for over twenty-five years.

Suspicious at Rome of Carthaginian intentions in the south, which had been building up since 275, were further aroused by the Carthaginian garrisoning of Messana in 269. From 268 the most important political issue was the question of how far aggressive action should be taken to aid the Mamertini, deter Punic ambition in the south,

.....

111. On the refusal of Rufinus' triumph, see Broughton, MRR 194-5 (see n.107 for refs. to his military skills). For reasons for his expulsion, cf. Willems, SRR 1 266-7; De Sanctis, StR 2 492-3; Staveley, Hist. 1959 423; Cassola, GPR 170. Cato's pride in fellow Tusculan *novi homines*, Curius, Fabricius and Coruncanus (A. Astin, 'Cato Tusculanus and the Capitoline Fasti', JRS 1972 20-4), his concern about contemporary extravagance, and this incident, may have been partly the basis of his tales of the frugality and resistance to bribery of Fabricius and Curius, which contributed, with the fact that they held many offices in the same period, to Cicero's association of Coruncanus, Decius, Papus, Curius and Fabricius; cf. n.74; Forni, art. cit. 172-183. For the story of the envoys to Egypt, see D.H. 20.4; Zon. 8.6.11; Dio fr. 41.

112. Mommsen, RSt 1³ 132 n.5; Cassola, GPR 174f; for an alternative view, see Bauman, Hist. 1973 40.

and further that of Rome (113); the pattern of magistrates' names and events suggest that opinions in the senate varied according to circumstances.

In 268, after a revolt of Picentes in the north, most senators would have viewed the consolidation of the federation as the first priority; accordingly, in 268, the Picentes were quelled, deprived of land and given *civitas sine suffragio*; a permanent truce was made with Tarquinii in exchange for coastland; Latin colonies were founded at Ariminium and Beneventum; Sabines were given *civitas optime iure* to incorporate them more firmly in the state (114). One of the consuls of 268, Sempronius Sophus, may have gained election because he was most interested in the north east; his father had made the major settlements in central Italy, and had actively opposed Claudius Caecus' aggressive plans for the south, and he himself only returned to office in 252, after the period of the most aggressive strategy in the first Punic war (115). His colleague, Ap. Claudius

.....

113. See 304-6 above. Those with personal links with the Mamertini or Greek coastal towns would have been most inclined to aggression.

114. For details of all these measures, cf. Frank, *Klio* 1911, 373-9, CAH 7 657-8; Beloch, *RG* 472, 621; De Sanctis, *StR* 2, 420-3; Fraccaro, *Opusc.* 2 193-4; Salmon, *RC* 63-4, 92-4; Sherwin-White, *RC*² 98f (some differing over the extent of the land taken, but all agreeing on the strategic value of the measures and the aggression of the campaigns). The enfranchised Sabines (Badian, *JRS* 1962 203) may not have been put in a new tribe, because of fear of the political benefit to Curius and his allies, who may have included the censors, currently in office, Marcius Philippus and Aemilius Barbula (*Ch.1C* 104-5; above, 328-9, 331, n.110; below, 354-5).

115. cf. above 309-310 on his father. He founded a temple to Tellus, an earth goddess linked with the plebeians' deity Ceres (*Ch.2* 132) after an earthquake (Wissowa, *RKR*² 192f; Scullard, *FCRR* 204-5; cf. n.32 above).

Russus, was one of Caecus' sons. His father's interests in Campania, and the fact that he is the first of three members of the family to hold the consulship from 268 to 249, all at times when there were opportunities for Roman aggression in the south, to which the second two responded, suggest that he represented those more concerned with this area. The great client resources of Caecus' large family, and possibly Russus' inherited influence in Sabinum and Etruria, may also have contributed to Russus' election (116).

Once the measures of 268 were taken, concern with Roman interests in the south prevailed in the senate; in 267, to prepare for possible conflict, the new allied fleet was set up, and Brundisium was captured (117). The consul Iulius, holding the only known office of his gens from 352 to 208, may have gained election through conflict over this policy; his colleague, M. Atilius Regulus, having close ties in Campania, and, with two of his kinsmen, promoting aggressive action in the first half of the first Punic war, was presumably backed in the election by its supporters (118).

.....

116. For his family spheres of interest and client base, see Ch.4 285-7; n.14, 61 above; Livy Per. 19; Cic. Sen. 37; Suet. Tib. 2.2 (as interpreted by M. Ihm, 'Die Sogenannte 'Villa Iovis' des Tiberius auf Capri und andere Suetoniana', Hermes, 1901, 302-4).

117. See above, 306.

118. Broughton, MRR 200. For Atilius' Campanian ties, see Ch.4 267 n.99, 287; cf. n.121 below. In vowing a temple to Pales, an ancient god of shepherds after his victory (Wissowa, RKR² 199-201; Scullard, FCRR 103-5) he may have been trying to avert the pestilence of 266; cf. n.32, 120.

In 266, Fabius Pictor, brother of the consul of 269, and D. Iunius, son of the consul of 292, were consuls (119). Their inheritance of links with gods of healing, and interests in Rome's eastern and northern boundaries and Greek neighbours may have gained them support, since there was a pestilence in 266, the capture of Brundisium had provoked an embassy from Apollonia in 267 and unrest among the Sallentini, and the Umbrians were also up in arms (120). They are also likely to have gained support from those opposed to further provocative action in the south. Iunius' gens is absent from office until 253; the traditional attitudes and spheres of interest of the Fabii, and the fact that they were absent from office for eighteen years after 265, suggests that they led such opposition (121).

.....

119. Broughton, MRR, 201.

120. For their inherited interests, see Ch.4 274-5, 285, 288-290; above, 308-9, 314-6. For the pestilence, and their consulting of the Sibylline books, see Oros. 4.5.6-8; Aug. CD 3.17. For their Umbrian and Sallentini campaigns, see Mommsen, HR 2.39; De Sanctis, StR 2 423-4; cf. Beloch, RG 473, 476. The return embassy to Apollonia by Q. Fabius is represented unfavourably in the tradition; see Livy Per. 15; Zon. 8.7; Dio fr. 42; Val. Max. 6.6.5; perhaps the story stemmed from the envoy's failure to reach further office; see Münzer, 'Fabius', nos. 30, 116, PWRE 6.2 (Stuttgart, 1909) 1748-9, 1814-5, suggesting he was Gurges' son. For the significance of the embassies, cf. Holleaux, RGM 1-5; Cassola, GPR 38-9.

121. It is argued that the absence was due to Gurges' death in 265, and that Atilii, Otacilii, Fulvii and Mamillii, gentes linked with the Fabii in earlier times or in the second half of the war, represented them in the first half (Münzer, RAA 57, 63f; Heurgon, CP 285; Thiel, HRSP 137 n.235). However, Gurges' cousin and his son (n.120) were eligible for office, and his grandson was old enough to replace him as augur in 265 (Münzer, RAA 54-5); the priority members of each gens gave to the southern war would have varied according to circumstances and their other interests; cf. Lippold, C 115-121.

In 265, Fabius Gurges gained the consulship for the third time, presumably because of continued fears of southern wars, his military experience, and his connections in the north, where revolt threatened at Volsinii (122). The reason for the election of his colleague, Mamilius, a novus homo from a gens well established at Rome, with Oscan, Tusculan and Etruscan connections, also represented in this period by the consul's brother, who fought in Sicily in 262, is not clear (123). Marcius Censorinus became censor for the second time in 265, doubtless through his close personal ties with Fabius and his great religious authority (124). His colleague, Blasio, the consul of 270, who had many allies in the Greek coastal towns, may have represented those becoming increasingly concerned about Rome's position in the south, and the prospect of Carthaginian attack (125).

.....

122. For Fabius' identity, see Münzer 'Fabius' no. 112 PWRE 6.2 1798-1800 (cf. Beloch, RG 458 n.1 and Degrassi, op.cit. 115, arguing that he was Gurges' son). The revolt at Volsinii was against the local aristocrats supported by the Romans; see Beloch, RG 458f; De Sanctis StR 2 424-5, and Harris, REU 115-8 (differing over the rebels' identity). For arguments against Decius replacing Fabius when he died at Volsinii (Auct. Vir. ill. 36.2) see Degrassi, op.cit. 115; Harris, REU 83-4.

123. On his family origin, see Ch.2 165, n.212; Münzer, RAA 65f; Palmer, ACR 275-6; Richard, OPR 231-2. It would seem natural to associate the brothers' rise with the war; see further 335 n.121 above; 339 below.

124. Ch.1B 66; Ch.4 288; above, 310, 313f; Degrassi, op.cit. 110, 432-3; Münzer, RAA 63.

125. Degrassi, op.cit. 115. He had looked to Hiero for aid in 270; see above, 306, 330.

By the time of the election in 264, the Mamertini's request for Rome's allegiance, and continued unrest in Volsinii after Fabius' death there, heightened conflict over foreign policy, and caused deadlock in the vote over the former issue in the senate in the course of the year. It seems that the two sides in dispute also won one place each in the consular elections, either by arrangement at senatorial level, or after conflict between their clients in the assembly (126). The consul of 264, M. Fulvius, who had been active in the north east in 270, reduced Volsinii in 264, founding colonies at Castrum Novum and Firmium; he may have represented those who opposed the alliance (127). His colleague, Ap. Claudius Caudex, grandson of Caecus, clearly represented the faction promoting active support of the Mamertini; after arguing for the alliance in the comitia centuriata, he sailed to Messina, where the Mamertini had expelled the Punic garrison, either on news of the Roman alliance, or at the instigation of Claudius' military tribune. When Punic troops, allied with Hiero, besieged Messina, he declared war on Carthage. While he was not able to take Messina by the end of the year, his lack of triumph may have been

.....

126. Broughton, MRR 202-3; above, 305-7.

127. He may have been grandson of the consul of 299 who fought in the north (see above, 311-2); for his action in 270, see 331, n.110. For his victory in 264 and transfer of statues and the local cult of Vortumnus back to Rome, see Degrassi, *op.cit.*, 74-5, 115, 547; Reynolds, JRS 1971 138; Scullard, FCRR 174-5. For the strategic value of the colonies, see Salmon, RC 63-4, 78-9, 180 and Harris, REU 148-9.

due largely to senators' resentment of the assembly's voting of the alliance and his independent declaration of war on this basis (128).

While military experience and talent were naturally important factors in the elections during the first Punic war, the correlation of certain names in the magisterial lists to the policies and strategies they implemented suggests that candidates' views did play an important part in the elections. Most of the time the political faction which dominated the senate, and thereby dictated policy, controlled the election, except when a minor leader won the election because of dispute between balanced factions, or when a faction had better support from clients in the assembly elections than in the senate. Only in 249 is there any hint of a magistrate attempting to pursue a course of action opposed by the senatorial majority (129).

Having come to war so hesitantly, the senate was at first naturally inclined to a modest strategy of steady military campaigns simply to consolidate Rome's position in Sicily. By the end of 263, Messina had been taken, and Hiero had been persuaded to return to allegiance with

.....

128. On Claudius' support of the war, cf. Thiel, HRSP 137; Cassola, GPR 183-5; Lippold, C 114. For military events, cf. Polyb. 1.11.4-12.4, 15 (the Mamertini voluntarily expelled the Punic garrison); Dio fr. 43.5-15.2, Zon. 8.8-9, and Diod. 22-23 (C. Claudius, the military tribune, expelled it). For this view of Claudius' lack of triumph (Degrassi, op.cit. 547), see Ch.1B 71, n.120, 73, n.127, and above 306-7. cf. De Sanctis, StR 3 109-110, Thiel, HRSP 160-2 and Walbank, CP 1 66-7 who argue that his military activity was not worth a triumph.

129. cf. above, 298, n.6, 299, n.12; Thiel, HRSP 78-83; Lippold, C 121.

Rome; by the end of 262, Agrigentum was in Roman hands (130). Despite these successes, only one more military post was held by any of the consuls of 263-1 in the rest of the war, in 246, when defensive tactics were being used; this suggests that they gained support as advocates of this relatively moderate approach (131). Mamilius and the Otacilii, all of Oscan origin, were from gentes holding no office before 265; M. Valerius Messalla was great-grandson of Corvus, an earlier promoter of southern expansion; Postumius Megellos and L. Valerius Flaccus were relatives of those active in Rome's expansion south in 282. All may therefore have also been promoted for their personal influence among Rome's southern allies, whose loyalty had not been tested in a major war (132). The

.....

130. For details of military progress:263-1, see De Sanctis, StR 3.1.111-123; Degrassi, op.cit. 74-5, 115; Thiel, HRSP 163-170. Valerius' mural of his victory at Messana in the senate copied a Sicilian practice.

131. For the magistrates' names, see Broughton, MRR 203-5. We do have hints of their interests in other areas; Postumius' and Valerius' direct forefathers secured central and northern Italy:305-290 (Ch.4 293; above, 308-9, 313-5); the Mamiliii had links in Tusculum (above, 336) the Otacilii, while of Samnite origin, might have been in Rome since they intermarried with the Fabii in the fifth century (Auct. de praen. 6; Fest. 174L; Salmon, SS 28f; cf. Münzer, RAA 71f, who dates the marriage to the early third century). cf. Thiel, HRSP 136, 168-170, who argues that the Valerii and Otacilii favoured an aggressive naval strategy from 263.

132. For the patricians' southern interests, see Ch.4 254f; above, 324.
For the plebeians' Oscan origin, see n.123, 131 above.
For the group's support of the war, see Thiel, HRSP 136; Lippold, C 114; cf. De Sanctis, StR 3.1.110.

only other magistrates known in these years were the dictator named 'clavi figendi causa', Cn. Fulvius, the consul of 298, and his magister equitum, C. Marcius Philippus, the consul of 281. Their authority of age and family religious traditions probably dictated their choice (133).

Because stalemate seemed to have been reached in 261, support developed in the senate for the bolder policy of taking the whole of Sicily with the aid of a Roman navy (134). Most of the magistrates from 260 to 254, when this policy and strategy prevailed, are likely to have supported them (135).

In 260 and 259 the Scipio brothers were consuls, and led the new fleet to Sicily, Sardinia and Corsica; the consul of 259 was also censor in 258, and the consul of 260, who had been captured at sea by the Carthaginians, was re-elected in 254, to lead the new fleet, built after a shipwreck, to Sicily. Since these offices span the phase of the aggressive naval policy exactly, and are the only ones held by Scipios since 298, when the consuls'

.....

133. cf. above 310f, 324-5, 336; Münzer, RAA 64; Scullard, RP 33.

134. Polyb. 1.20.1-21.3's account of the decision and the speedy building of the ships (Thiel, HRSP 171-8 and Scullard, HRW4, 169-170, 489-490) suggests that the policy and strategy only gained approval from the majority of the senate in 261; so Frank, CAH 7 667, 674-8; Thiel, HRSP 64-5, 70-3, 168-170; Lippold, C 250-1. Walbank, CP 1 72-3, dates it earlier.

135. Those with interests in Campania and the south are most likely to have favoured both the policy, because they stood to gain most commercially from it, and the naval strategy, because their coastal allies benefited from it (see above, 306). For details of all magistrates from 260 to 254, see Broughton, MRR 205-211.

father fought in Lucania, they are likely to have been leading promoters of the current policy (136). Of their colleagues, we know too little of Aequillius, the consul in 259 and proconsul in 258, who fought at Sicily, to draw conclusions about his policies; he was the only member of his gens known in curule office between 388 and 176 (137). Another, Duillius, who won Rome's first naval battle as consul in 260, and was censor in 258, might have inherited links with his colleague, and interests in the south from his forefather, who was active in Campania in the 330's with the Scipios (138). Other likely promoters of the current strategy and policy were the Atilii Caiatinus and Reguli; they also had close Campanian connections first evident in the 330's; one had taken action to prepare for the war in 267; they held six curule offices from 260 to 254 (139). Atilius Caiatinus made some

.....

136. Scipio's cognomina Asina supports the view of Polyb. 1.21 that he was captured in 260 through his own incompetence; hence his re-election is likely to have been through the authority of his family or political views rather than his talent; see further Thiel HRSP 178-181; Walbank, CP 1 76-77. The Scipios' forefathers were prominent when expeditions to Sardinia and Corsica were sent in the early 4th century (Ch.3 185 n.10, 215f). For those of 259-8., see Thiel, HRSP 190-6, 326 (he views them as training exercises for Africa, but they may have been simply to distract Carthage and gain booty to ease discontent in Italy; see Zon 8.11.8-9; Oros. 4.7.12). For Scipio's successes and consequent dedication of a temple to the Tempestates, goddesses of weather, in 259, see Polyb. 1.24.5-8; Degrassi, op.cit. 548.

137. For his forefathers, see Ch.3 223, and n.22 above. For his successes at Sicily, see Polyb. 1.24.8; Zon. 8.11; Degrassi, op.cit. 76-7, 548; perhaps he was promoted for his military talent.

138. For his successes in 260, see Thiel, HRSP 181-190. For his Campanian links, see Ch.4 267; Livy 8.16.3-4.

139. cf. 334-5, n.121 above; Heurgon, CP 285f; Thiel, HRSP 136-7; Lippold, C 114f. For their other spheres of interest, see n.164 below.

advances in Sicily on land as consul in 258, triumphed as praetor in 257, and, as consul in 254, captured Panormus with the fleet (140). Atilius' colleague in 258, Sulpicius, who won a naval victory off Sardinia, is the first of his immediate family known since 314 and does not appear in office again. His family shared interests in Sora with the Atilii Caiatini, which might have been the basis of personal ties (141). C. Atilius Regulus, consul in 257, won a naval victory near Sicily, where he led the fleet again in 250. His colleague with the land forces in 257, Cornelius Blasio, the consul of 270, being a likely advocate of war before 264 with personal influence in the southern towns, is likely to have shared his support of the current policy (142). Blasio may have named Ogulnius, an earlier ally with particular religious authority, as dictator in 257 to hold the Latin festival, which served to distract the people from the long war (143). We cannot be certain of the views of the consuls of 256, Caedicius, possibly the heroic lieutenant in Atilius Caiatinus' army in 258, and Manlius Vulso, who led the fleet again in 250 with C. Atilius Regulus and was the first member of his branch of the gens

.....

140. De Sanctis, *StR* 3.1. 134-6, 160-3, 255-6, 261; Degrassi, *op.cit.* 76-7, 548; Thiel, *HRSP* 196, 241-7.

141. For his victory, see Degrassi, *op.cit.* 548; Thiel, *HRSP* 196-8; Walbank, *CP* 1 81. For the Sora connection, see *Ch.4* 258, n.67, 291, n.171.

142. See 336 above; De Sanctis, *StR* 3.1.136-7; Degrassi, *op.cit.* 76-7, 548; Thiel, *HRSP* 198-205, 209-212, 239-240.

143. See 310 n.55, 313 n.64, 315-6, 328-9 above on Ogulnius' background. Zon. 8.12 notes bad prodigies in 258. See *Fast. Cap.* in Degrassi, *op.cit.* 116, 434-5 on the dictatorship.

in office since the fourth century; perhaps they were chosen for their military promise (144). This would have been particularly expedient in 256, when an expedition to Africa to strike the enemy at its core was planned. M. Atilius Regulus became consul suffect after Caedicius' death in 256, taking the expedition to Africa with Manlius. After they had won some victories there, Manlius brought home in the fleet troops which were too unruly and expensive to retain there over the winter, while Regulus retained command as proconsul in Africa. He was then taken prisoner when his army was defeated. The peace terms he proposed to the Carthaginians before the battle may have reflected the aggressive mood of the whole senate, expecting him to have gained enough support from local cavalrymen to force their acceptance, unaware of the revival of the Punic army under a Spartan general (145). Finally, Ser. Fulvius Paetinus

.....

144. For Caedicius' action in 258, see Cato fr. 83 Peter, Front. Str. 1.5.15; Gell. NA 3.7; cf. Livy Per. 17, 22.60.11, Pliny, NH 22.11, Claud. Quad. fr. 42-3 Peter, who attribute it to others. His father, a novus homo, may have had interests in the north east (see above 314-5, 322 n.85).

145. cf. Zon. 8.12; Dio fr. 43.19; Polyb. 1.26.1-2; Thiel, HRSP 206-7, on the reasons for the African expedition. For this version of events, see Thiel, HRSP 206-229. The standard theme of an impoverished Roman general leaving his farm to take up leadership (see Ch.2 165, n.212; above n.111) in Regulus' story could be a reinterpretation of the small farmers' resentment of distant campaigns; cf. Heurgon, CP 286-7; Cassola, GPR 193. Instructions on peace terms could have been sent out by the senate with those on Manlius' return. For an alternative view, see Heurgon, CP 292-3, and Cassola, GPR 187-192, 358-9 (Manlius' recall reflected conflict in the senate; Atilius was a rash militarist).

Nobilior and M. Aemilius Paullus were the consuls in 255, who suffered a shipwreck after evacuating Romans from Africa, and defeating the Carthaginian fleet (146). Other members of Paetinus' family were primarily concerned with north and central Italy up to 255, and hold no other military post for the rest of the war; hence we have no clear reason for assuming Paetinus' support of the current policy (147). M. Aemilius Paullus, being grandson of the consul of 302, who campaigned against the Sallentini, and a descendant of Mamertinus, who led the expansion into Campania in the mid fourth century, with the Scipios, is more likely to have favoured it (148).

Summing up, the repetition of offices, and the family links and backgrounds of the magistrates from 260 to 254 suggest that most formed a closely knit group of advocates of the policy being implemented, led by the Cornelii Scipiones and Atilii. Others may appear simply because they had appropriate knowledge or talent. The creation of promagistrates, once the detrimental effect of yearly changes in command in Sicily was realised, the frequent triumphs and apparent lack of dispute between the senate and magistrates suggest that this group dominated the senate. At the same time, the continual changes in the areas and extent of naval activity suggest that views on strategy

.....

146. cf. De Sanctis, StR 3.1.257-260; Thiel, HRSP 229-241, 327-8; Walbank, CP 1.91.

147. Paetinus could have been cousin of the consul of 264; see above, 311-2, 337 for his family's interests.

148. The family also had interests in the north; see above, 308.

frequently changed within the party, especially after the mutiny of 256 and the shipwreck of 255. This may sometimes have weakened its control of the elections; minor leaders, such as Caedicius, Aequillius, Fulvius and Sulpicius, might have belonged to opposing factions, or at least have been more neutral figures winning through the balanced conflict of others (149).

By 253 Carthage only retained a few towns in Sicily, so the aim of taking the whole island became generally accepted in the senate. Those advocating the more moderate strategy of landed campaigns to capture towns in Sicily, using the navy only to support them rather than make separate expeditions, gained enough senatorial support to win the elections, if not control of policy, in 253; they continued in power in 252-1, since major naval campaigns elsewhere had been rendered impossible by the shipwreck of an opportunist raid on Africa in 253, and the army was becoming dangerously resentful of the long war without clear returns. A brief summary of the careers of the magistrates supports this view of them (150).

.....

149. There were three promagistrates and two breaches of the *lex Genucia* in this period; cf. 298 n.6, 299 n.12; Thiel, HRSP 79-81. The nine triumphs in the period may have been partly to distract people from discontent with the war.

150. For strategy and military events: 253-1, see De Sanctis, StR 3.1.163-5; Frank, CAH 7 686; Thiel HRSP 247-254, 329-332; cf. Lippold, C 119. The disobedience of military tribunes and knights in Sicily in 252 (Val. Max. 2.7.4, 2.9.7; Zon. 8.14; Front. Str. 4.1.22, 30-1) may reflect general discontent in the army. The expulsion of 16 senators by the censors of 252 (Livy Per. 18) may have increased the influence of those favouring a moderate policy in the south, who would have tended to be those with interest in other areas (cf. n.131, 135).

Postumius, censor and praetor in 253, and Valerius, censor in 252, had pursued a similar strategy in 263-2. Iunius Pera and Sempronius Sophus, their fellow censors, had held office in 266 and 268 respectively, when they were primarily concerned with building up Rome's influence in the north east, as was Aurelius, the novus homo who was consul in 252, in 241. Sophus' kinsman Sempronius Blaesus, consul in 253, and Caecilius, consul in 251, maintained an even more defensive strategy in the war in 247-4. The repeated offices and victories of Aurelius, Caecilius, and Servilius, consul of 252 and cousin of a consul in 253, who all belonged to minor gentes in the senate, suggest that military talent contributed to their election. Furius, being from an equally insignificant, though well established gens, and having had the chance to gain popularity as curule aedile, might have won his office in increasing conflict over strategy, as the landed campaigns failed to bring significant progress in the war (151).

.....

151. For all these magistrates, see Broughton, MRR 211-3. Most shared particular influence in Latium (Ch.4 244-6, 270-1, 287; above, 323).

For full details of their family backgrounds and spheres of interest, and the rest of their careers, see above, 321-2, 333, 335, 339; below, 347, 349-352.

While the last known Furius had been allied with Sempronius' father against Caecus (Ch.4 287), Pacilus, as aedile, had founded milestones on the Appian way with Caecus' son (Dessau, ILS 5801). Since Caecilius holds no military post after 249, his reputed age of 70 is credible (Develin, POH 63). Pliny NH 7.140 notes his talent.

The names of Servilii, Caecilii, Aurelii, Scipios and Aemilii appear in similar patterns in 285-3, 255-1 and 219-7 (Scullard, RP 35-6); however, the Aemilii belong to distinct families (cf. 321-323, 344 above) and political issues varied in each period; parallel changes in generation, and inheritance of common spheres of interest of recurring relevance to some of these years may explain the pattern.

By 250, the senate had decided to extend Caecilius' command as proconsul and send out a new fleet in the hope of breaking the deadlock in the war; hence consuls with naval experience, L. Manlius Vulso, consul of 256, and C. Atilius Regulus, consul of 257, were supported in the election. They besieged Lilybaeum by land and sea, while Caecilius celebrated a glorious triumph for the victory he had since gained over the Carthaginians at Panormus (152).

The sending of another fleet in 249 indicates that the heavy losses the consuls of 250 incurred at sea were not enough to dispel the aggressive mood of the senate, still boosted by Caecilius' success. However, the electoral results of 249 suggest close competition between rival factions. While one consul, Claudius Pulcher, brother of the consul of 268, and a likely advocate of aggression, may have been aided in the election by his broad family client base, and previous position as curule aedile, the other, Iunius Pullus, being from an unknown branch of his gens, and holding this as his only office,

.....

152. Walbank, CP 1 93-4, 101-113, by dating the consuls' departure after Caecilius' victory, has to reject the story of Atilius, the Carthaginian prisoner, going with a peace embassy to Rome in 250. De Sanctis, StR 3.1.154-6, 166-7, 262-3, and Thiel, HRSP 255-271, 323-4, by viewing the consuls' expedition as a joint venture with Caecilius the proconsul, make room for the peace embassy (De Sanctis still discards it; Thiel rejects Atilius' role). A third possibility, supported by hints of the unrest of the Punic mercenaries at this time (Polyb. 1.43) is that the embassy was sent before Caecilius' victory, and inspired the senate to new aggression. See further on the legend, Klebs, 'Atilius no.51', PWRE 2 (Stuttgart, 1896) 2088-2092 (rejecting it); T. Frank, 'Two Historical Themes in Roman Literature', CP 1926, 311-4 (dating it to 248).

may have only gained election through the disputes of others, like Furius in 251. Neither had experience of naval command, but that of their predecessors had been of little apparent use to them (153).

In 249-8, support for the aggressive naval strategy was dispelled first by Claudius' loss of his fleet in battle, because of tactical errors and the discontent of the troops, who had only been mustered with difficulty, and then by Iunius' loss of newly built ships in a storm (154). When Claudius, being recalled by the senate, used his executive authority to appoint Glicia, one of his subordinates, as dictator to take command after his defeat, the augurs forced him to abdicate, and the most successful naval general of the war, Atilius Caiatinus, was appointed as dictator with Caecilius, the victor in Sicily in 251, as his *magister equitum*, to lead the army in Sicily, where Iunius had made temporary advances (155). In 248, Claudius was prosecuted and fined by plebeian tribunes Fundanius and Pullius, presumably representing the senate, angry both at the defeat and Claudius' attempt to retain control through the dictator (156). In this year, Servilius and

.....

153. Broughton, MRR 211, 214; above, 334, 346 n.151.

154. cf. De Sanctis, StR 3.1. 169-175, 263-4; Thiel, HRSP 89-92, 271-289; Walbank, CP 1 113-8.

155. cf. Beloch, GG 4.2 289-290; De Sanctis, StR 3.1. 176-8, 264; Thiel, HRSP 289-291; J. Ooteghem, Les Caecilii Metelli de la République (Brussels, 1967) 12-13; Lippold, C 118. Iunius had taken the temple of Aphrodite, linked with Venus (Walbank, CP 1 118-9), whom his kinsmen's allies had fostered earlier in the century (313 n.64, 315-6 above).

156. cf. Walbank, CP 1 115, 119; Thiel, HRSP 291-2.

Aurelius, the moderate consuls of 252, whose campaigning after the previous shipwreck had been so successful, were re-elected. They renewed the alliance with Hiero on easier terms, and besieged Lilybaeum and Drepanum (157).

From 247 to 244 the sieges of Lilybaeum and Drepanum were maintained without any attempt to meet the enemy in open battle or rebuild the fleet, although privateers were allowed to raid Carthaginian possessions. At the same time, there were founded citizen colonies on the Etruscan coast at Pyrgoi, Fregenae and Alsium, and a Latin colony in the south east at Brundisium, which watched the Adriatic, and became Rome's major port for Greece. Most senators would have recognised that this policy was essential to defend the state against Hamilcar's raids on Italy, which began in 247, regain the confidence of the allies and citizens, and recoup financial losses after the disasters of 249. With this negative mood in the senate, a small clique of magistrates with more individual authority was able to gain power. Most inherited personal interest in the areas where the colonies were founded, and some had probably opposed the war; only four had been elected to any office since it began. They may now have only accepted its continuation with this policy (158). They were led by the Fabii, who, having been absent since 265, now held three consulships in a row. N. and M. Fabius Buteo, consuls in

.....

157. De Sanctis, StR 3.1. 179-181; Thiel, HRSP 293-8; Broughton, MRR 215.

158. For details of events, see De Sanctis, StR 3.1. 181-4; Thiel, HRSP 298-301, 328-9; Salmon, RC 64, 79, 180 n.20; Scullard, HRW⁴ 176-7. For the names of all the magistrates, see Broughton, MRR 216-9.

247 and 245, were from an unknown branch of the gens, but their reappearance with Fabius Licinius, the consul of 246, whose father had taken the land at Caere in 273 on which Pyrgoi was based, their activity in the north in 247-5 and 241, and M. Buteo's inheritance of the position of princeps senatus from Gurges' family, suggests that they shared their kinsmen's priorities (159). Two senior senators, Coruncanus, consul of 280, and Fulvius, consul of 264, were named as dictator and magister equitum to hold the election of 245, only the second to do so this century. Since both shared interests in the north and Tusculan origin, and the Fabii gained their third successive consulship under their presidency, they may have gained their position through the authority of the Fabii's clique (160). The fourth patrician consul was A. Manlius Atticus who, despite being from a family only represented in one consulship in the past century, had enough influence to take the censorship first in 247 and a second consulship in 241. Like Caecilius, consul in 247, he may have inherited interests in north Italy from his father who fought there (161); like Sempronius Gracchus, cousin of Blaesus, his

.....

159. The Buteos' patronymies suggest that their father was a cousin of Gurges; their cognomen suggests they shared his interests in augury (n.55 above; Münzer, 'Fabii Buteones', PWRE 6.2 (Stuttgart, 1909) 1759). For the Fabii's interests in Greece, Brundisium and the north, and their individualism, see above 308-311, 313-6, 328-9, 335-6; below 353-5. cf. Münzer, RAA 59-61, Scullard, RP 31-3, Lippold, C 118-120, on their faction and policy in this period.

160. See above, 298, 311, 325, 332 n.111, 337. Fulvius had founded a colony at Castrum Novum, near Pyrgoi, in 264 and Coruncanus had taken lands for the colony of Cosa, just north of them, in 280.

161. See above 300 n.13, 311, 322; below 352 n.164; Ch.6 383.

colleague in 244, and Sophus, their kinsman, he had a cognomen implying interests in Greece which may have been furthered with the foundation of Brundisium in 244 (162). The experience of Caecilius and Blaesus, who were both elected in violation of the lex Genucia, and Otacilius, consul of 263 and 246, and the religious authority of Caecilius, who was a pontifex, may have contributed to their election. The latter may have been considered expedient to appease the gods and placate the people after Claudius' profanities in 249; his sister was fined in this connection in 246 by Sempronius Gracchus and Fundanius, Claudius' prosecutor in 248 (163). Finally, Atilius Caiatinus, censor in 247, who had supported the aggressive naval strategy in 260-54, may have been generally supported in recognition of his distinguished service in four military posts during the war; at the same time, he may have reverted to supporting the policy of his kinsmen the Fabii, whose

.....

162. Sophus also had interests in the north east (above 333). While there are no apparent family ties between Sophus and Blaesus, and those between Blaesus and Gracchus are merely assumed from their patronymies, their relatively frequent appearances in office (together with another member of the gens, Tuditanus (Ch.4 294 n.180) whose family ties with them are unknown) from 268 to 230 in years when defensive policies in the south were being pursued, and the two Greek cognomina, suggest their allegiance (see n.16). Caecilius may also have acquired interests in Greece from his wife Fabricia (Ooteghem, op.cit. 22), whose father had diplomatic contact with Pyrrhus and the southern Greek ports (above 322-8).

163. Caecilius and Blaesus had already both won triumphs; Otacilius had ancient links with the Fabii; see above 339 n.131, 345-6, 348. For full refs. to Claudius' disregard of the auspices in 249, the trial of 246, and stories of Caecilius' acts as pontifex maximus, a post he held after Coruncanus' death in 243, see Broughton, MRR 214, 216-220; above 348; below 353 n.167, 355. Caecilius' individualism and prestige are evident in his laudatio; see Lippold, C 75f.

interests in Greece, Brundisium and Latium are reflected in the careers of other Atilii. Atilius Bulbus, consul in 245, may have been Caiatinus' son (164).

By the time of the election of 243, concern to end the war with a change of strategy would have already been developing in the senate, since the Carthaginians had captured Mt. Eryx in 244, and thus strengthened their chances of guerrilla activity in Sicily. While the policy pursued since 248 was continued in 243, the two obscure consuls elected, C. Fundanius, a novus homo noted above, and C. Sulpicius Galus, from an otherwise unknown family and holding this as his only office, might have only won the election because there were balanced disputes over strategy among the other candidates (165).

Certainly once Fundanius' serious losses were known, the majority of senators favoured building another fleet by private loans, in order to end the war with a naval blockade of Sicily, or an all out victory at sea (166). One consul of 242, A. Postumius Albinus, from a branch of

.....

164. See above 313-8, 334, 341-2, 348. Atilius Regulus was supposedly farming land in the Pupinia tribe when called to service in 256 (Heurgon, CP 287); either Caiatinus, in 247, or Caecilius, consul of 283, built a road through Sabine land to Castrum Novum (Wiseman, PBSR 1970 134-6). Since Caiatinus in 306 may have become linked with the Fabii through the Reguli's ties in Cales (Ch.4 267, 291 n.171) and members of both Atilii families had pursued the same policy in 258-4, they may have retained political loyalty in the same way as the Sempronii.

165. Degrassi, op.cit. 117, 436-7; Thiel, HRSP 301-2.

166. See Thiel, HRSP 302-4, who argues that the loans were compulsory, and possibly interest-bearing.

the gens unknown since the fourth century, may have been generally supported because he was a Flamen Martialis, and thus might ensure that the gods favoured Rome in the final conflict. Since his priesthood prevented him leaving the city, an extra praetor was then created to provide enough magistrates with imperium to fight (167). With the other consul, C. Lutatius, a novus homo, this second praetor, Q. Valerius Falto, won the final victory over the Carthaginian fleet at the Aegate islands. As proconsul in 241, Lutatius concluded the treaty with Carthage, celebrated a triumph, and, aided by his brother, consul in 241, went out to Sicily to settle the new province and implement the peace terms. Neither family of these magistrates is previously known; given the circumstances and their success, it is likely that they were specially supported for their skills or local knowledge (168).

Since the great victory in the south was known by the time of the election of 241, the faction in power from 247 to 244 gained enough senatorial support to win the election of Lutatius' consular colleague and other magistrates. A. Manlius, consul of 244, became consul

.....

167. The Postumii traditionally had much religious authority (Ch.2 169, 227; Ch.3 233; above 314-6) and the consul's grandfather may have been rex sacrorum (Münzer, 'Postumius no. 39' PWRE 22.1 (Stuttgart, 1953) 911-2). De Sanctis, StR 3.1 185, Ooteghem, op.cit. 14-15, and Lippold, C 302-4, argue for this reason for Postumius staying in Rome. For alternatives, see Münzer, RAA 261 (the pontifex maximus prevented him because of his plebeian bias) and Thiel, HRSP 82-3, 305-6 (the senate feared his incompetence or disagreement with his colleague).

168. Broughton, MRR 218-220; Degrassi, op.cit. 76-7, 549; De Sanctis, StR 3.1.185-8, 264-7; Thiel, HRSP 80, 306-320; Walbank, CP 1 124-7.

again in 241; censors were C. Aurelius, the consul of 248, and M. Fabius Buteo, consul of 245 (169). The faction's prominence in the senate is also attested by the moderate nature of the peace terms with Carthage (170), and by the policy pursued in Italy in 241. Manlius, aided by Lutatius, made war on Falerii, which had revolted, and took a harsh land indemnity. The censors raised the Picentes to full citizenship and created the two new tribes Quirina and Velina in north east Italy, where many of their allies had personal connections. A colony was founded at Spoletium, on the road to Ariminium. The censors may also have built the Via Amerina through Falerii to southern Umbria, and the Via Aurelia through Cosa and Pyrgoi. Thus they laid the ground for further development in their personal spheres of interest in the north, improved their ability to marshal voters, and replaced some of

.....

169. Broughton, MRR 219; Lippold, C 120.

170. See above 306-7, n.47.

the citizen peasants lost in the long war (171). Also in 241, the Publicii, plebeian aediles from a previously unknown family, built a temple and established a festival for Flora, a primitive agricultural goddess, after consulting the Sibylline books; this may have been partly to commemorate these events, and partly to soothe the people and gods after a fire in the temple of another ancient goddess, Vesta, from which Caecilius supposedly rescued the Palladium (172).

.....

171. For events in the north, cf. see Frank, *Klio*, 1911 374-9, CAH 7 800-1; Niccolini, FTP 395; Salmon, RC 65 (differing over the basis of the war with Falerii); Toynbee, HL 2 660-1; Harris, REU 163-5, 168; Wiseman, PBSR 1970, 133-4 (giving various dates for the roads); Meyer, KS² 378-9 (arguing for settlement of peasants on the land as the prime aim of this policy).

For the location and extent of the new tribes, see Badian, JRS 1962 203, accepting Mommsen's idea (RSt³ 172 n.9) that the Quirina was so named simply because it was in a Sabine area (for other suggestions, see Beloch, RG 264; Taylor, VDRR 60f; Palmer, ACR 165).

Since the mid fourth century, Fabii, Manlii, Atilii, Fulvii, Caecilii and Sempronii, all united in power since 247, and their ally Curii, whose descendants had not retained power, had been developing personal interests in central and north Italy; during the third Samnite war, they were partly motivated by concern about citizen peasants; see above 302-4, 310-3, 316-7, 322, 330-3, 336, 349-352. A. Manlius is later known in the Velina (Taylor, VDRR 231).

172. See further Broughton, MRR 219-220; Meyer, *ibid*; Ooteghem, *op.cit.* 15-20; Scullard, FCRR 110-111. See Ch.3 233, Ch.4 251, and above, 313-6, 335 on

the association of Fabii and Manlii with the Sibylline books and Apollo, who may have appeared on coins struck this year (Crawford, RRC 44-5).

Conclusion

Summing up, Roman politics from 303 to 241 were dominated, broadly, by Rome's military, commercial and cultural expansion, as senators tried to gain what they felt was the appropriate balance of citizens and allies in the federation, agriculture and commerce in the economy, and executive power and oligarchic authority in government. At the same time, of course, all were trying to further their own families' political prestige, economic interests, and electoral control. The relative lack of repeated offices by individuals, the range of families in power, and the broad nature of many of the political issues, may be attributed to the increasing authority of the senate as a whole over elections and policy; in other words, individual magistrates may have represented senatorial rather than factional policy more frequently than ever before. It may be noted that it was often members of the Fabii and Claudii, which were not represented in magistracies by as many patrician families as other gentes maiores, and therefore identified themselves less with the ruling class as a whole, who promoted factional policies in specific periods, and challenged senatorial authority (173).

.....

173. See especially 312-9, 333-8, 348-352. See n.14, 56, 116, 171 for hints that their client bases were particularly strong.

CHAPTER 6 - ELECTIONS: 240-219 B.C.

The Political Issues

In the period between the two Punic wars, the governing class was more exclusive than ever before; most successful candidates in the curule elections belonged to families well established in the senate, and their loyalty to the governing class was almost equivalent to their broadest kinship loyalties (1). As a result of united opposition in the governing class to individualism, as well as a lack of major warfare, the *cursus honorum* became increasingly regular, and the *lex Genucia* was enforced in all but three years; hence a fair number of leaders - forty-nine - gained the seventy-five known curule posts, and only six men held more than one consulship (2). The *lex Claudia* of 218, limiting the number of ships of senators, and possibly banning them from making contracts, may have been partly motivated by concern to maintain the senatorial class as an exclusive body free from the growing middle class of business men, although it was not generally popular because it struck at the private interests of so many existing senators (3).

.....

1. Ch.1C 82-3, 86; Develin, POH 35f, 50, 54-7. Only three *novi homines* were consuls; nineteen consulships were held by *gentes maiores*; six pairs of brothers with one cousin were consuls; nineteen consuls were sons of consuls.

2. Ch.1B, 66-7, 77-8; Develin, POH 35-6.

3. For this interpretation, and a full summary of alternative views of the law, see Cassola, GPR 215-8.

The exclusiveness of the governing class was partly due to the increasing stability of the system of marshalling clients to the elective and legislative assemblies in this period; no more major enfranchisements or new tribes were made; the upper class tribes were directly correlated with the centuries in the reform of the *comitia centuriata* in 230, and freedmen active in the city were registered in urban rather than rural tribes in 220 (4). The overall authority of the senate over policy was also now firmly established (5). In such circumstances the significance of the candidates' views on policy in the elections depended largely on their standing in the senate, and they would have frequently stood for and implemented its opinion. However, when the governing class was weakened by divisions over political issues, or individuals developed unusual degrees of personal power, normal electoral practices and the senate's authority over policy broke down. This is evident in two specific periods - 232-0 and 223-0. In these periods, augurs enforced abdications four times; three dictators and one interrex had to hold elections; the senate refused triumphs to two magistrates pursuing strategies with which it disagreed; a law and possibly a levy were carried in the assembly against the senate's will (6). The following review of other current political issues will show that these periods were times of particular crisis and

.....

4. See further Ch.1C, 85, 93-7, 104-116; Ch.5 300.

5. Ch.1B, 75-9; Ch.1C, 118-122.

6. cf. Ch.1B 47-50, 54, 73-4; Ch.1C, 120. Full details are in the yearly account. The *lex Claudia*, which may have lacked a *senatus consulta*, was passed just after the second phase, in 218.

change.

By 240, Rome controlled a relatively peaceful and prosperous federation in Italy and Sicily. There was enough land for peasants returning from the wars, and the colonies and state fleet guarded against external attack and internal conflict. The coastal colonies and fleet, access to harbours in Sicily, and the proceeds of the recent war facilitated commercial and industrial development. From 240, the citizen population gradually increased, despite few enfranchisements, because of the greater prosperity and the lack of further colonies or major wars (7). In these settled circumstances, new problems of defining Rome's future role in the Mediterranean arose. The extent, location and purpose of military and diplomatic action were the prime issues of debate between senators between the two Punic wars.

While senators' views on such issues naturally changed with circumstances, they were still essentially dictated by their spheres of political and economic interest in Italy or beyond, and their immediate families' traditions. Thus repeated associations in offices of direct relations or members of the same pair of families may often be attributed to their sharing common views, if

.....

7. For the loyalty of allies in the federation, see Badian, *FC* 52-4; Salmon, *SS* 293f. For the plentifulness of land, see Fraccaro, *Opusc.* 2 192f; Tibiletti, *Ath.* 1949 30. For the value of the fleet, see Thiel, *HRSP* 57-9, 341-358. For hints of general wealth, commerce, industry and public works, see Frank, *ES* 1 67-75; Cassola, *GPR* 47f; Scullard, *HRW*⁴ 352, 358; *Ch.1C* 109; below 369, 374, 377 n.56, 389. For the population of citizens and allies in the federation cf. Frank, *ES* 1 56-9; Walbank, *CP* 1 196-203; Brunt, *IM* 44-62.

similar issues were current each time (8). However, as was already becoming apparent in the first half of the third century, inferences about individual political views from immediate family spheres of interest are less certain when broad issues such as national defence and commercial development prevailed (9). Furthermore, those inheriting the same broad spheres of influence might have different priorities according to the nature of their local connections and specific circumstances. For example, some descendants of those involved in northern expansion earlier in the century might have retained the defence of north Italy against the Gauls as their prime concern, while others might have developed through their Etruscan contacts ambitions for a western trading empire, and hence have been more concerned with promoting war against Carthage. Similarly, some descendants of those who had earlier favoured expansion south, having inherited influence in the Greek towns in south Italy and Sicily, might now have viewed the policy of developing peaceful relations with the east as a priority, while others might have retained their forefathers' interests in aggression against Carthage (10).

.....

8. cf. Ch.1C, 88-91, 118-9. Such repeated offices facilitate the detection of views on policy, which are obscured by the lack of repetition of office and the senate's authority over policy; cf. Ch.5, 298, 300, n.15.

9. cf. Ch.5, 300-2.

10. cf. Ch.1C, 96-7; Ch.5, 328-9, 332-3, 335, 340, 349.

Finally, it should be noted that conclusions about individuals' views on foreign policy in this period will never hinge on details from the period after 219, since the second Punic war created unique circumstances (11).

Gallic raids were carried out on north east Italy from 238 to 236, but no vigorous counter-offensives were made by Rome because the senate was preoccupied with the west (12). However in 232 Flaminius created *virgatae* allotments on the *Ager Gallicus* taken in 283, primarily to bolster the area against Gallic infiltration south and create a basis for further expansion into the fertile lands of the Po valley. By providing large allotments for citizens, he encouraged emigration to the hostile area by peasants whom he and his political allies may have hoped to patronise to their political advantage (13). Fears that

.....

11. Ch.1C, 89, 121-2; Taylor, *AJP* 1952, 303-6. Subsidiary evidence from the later period is occasionally cited.

12. Rome's action elsewhere in 238-6 (below, 365f) supports the view of Polyb. 2.21.1-6 that the Gauls were the aggressors; see further Frank, *CAH* 7 808-9, 816; Cassola, *GPR* 221. cf. Lippold, *C* 123, who accepts the view of Zon. 8.18 that the Romans were the aggressors.

13. Frank, *Klio*, 1911 373, Fraccaro, *Opusc.* 2 191f, Beloch, *RG* 475-6, and Cassola, *GPR* 209, 211 argue for the settlements being north of the Aesis. Frank, *CAH* 7 806-7, Kramer, 'Massilian Diplomacy before the second Punic War', *AJP* 1948 10-11, and Lippold, *C* 134 contend that they were to keep back the Gauls. Polybius notes the fertility of the Po valley (2.14f) and suggests Rome aimed at expansion there (2.21.9). The creation of large citizen allotments would have been necessary to entice settlers away from new commercial and industrial opportunities; now that the federation was settled, there would have been less fear of imbalance between allies and citizens, although allies still greatly outnumbered Romans in the army (see refs. on population in n.7); see further Ch.1C 104; Ch.5 303-4; above, 359; Fraccaro, *Opusc.* 2 193f, 203f; Yavetz, *Ath.* 1962 332-5; Cassola, *GPR* 211f.

the settlements might provoke untimely Gallic attacks which together with political considerations caused general opposition to them in the senate (14) were justified by the gathering of a vast Gallic invasion force in 226. After it was quelled at Telemon (15), aggressive campaigns were carried out against the Gauls from 224 to 222, apparently with the aim of forming a broad new northern frontier from Liguria in the west, to the Po valley and the Adriatic in the east. The conquests were consolidated by an expedition to the Alps and the building of the Via Flaminia to Ariminum, which also increased the political value of the settlements of 232, in 220, and the creation of large colonies at Placentia and Cremona in 219. Differences in the priorities of those promoting these measures - the protection of Rome's northern allies, the exploitation of the new lands won, or the eradication of Gallic threats to allow Rome to concentrate on western affairs - caused conflicts over the extent of the campaigns,

.....

14. The senators' objections (see for details, Kramer, art.cit. 8-9; Walbank, CP 1 193; Cassola, GPR 211-3; Fraccaro, Opusc. 2 202f; Ch.1C 102f) may in themselves explain the passage of the law without a *senatus consulta*; see Polyb. 2.21.8; Livy 22.3.4; Cic. Brut. 56, de Inv. 2.52; Val. Max. 5.4.5; since their disapproval may be largely due to hindsight (Ch.1A 22, Ch.1B 74, Walbank, CP 1 193), their inference that it was passed by direct appeal (which may be partly due to confusion with events in 223; see below 383-4) need not be heeded (Ch.1C 99, 112-3; n.13 above; n.65 below). The view that the senators objected because they were already farming the area (Cassola, GPR 209f) is unlikely, given its distance and extent, the idea that settlements were made to prevent Gallic incursions (n.13), and the general abundance of land (n.7).

15. See Polyb. 2.22-31, with comments by Walbank, CP 1 194-207.

the authority of the magistrates leading them, and the influence of those with commercial interests on the implementation of policy from 224 to 218 (16).

The consolidation of Rome's alliances with Greek ports in southern Italy, the colonisation of Brundisium, and the conquest of Sicily in the first Punic war, opened up many opportunities for commercial, cultural and diplomatic contacts with the east (17), and a policy of avoiding expansionist wars in the west in order to develop these chances peacefully may be detected in this period. In 240-239, a dispute between Carthage and Rome over Italian traders supplying arms to mercenaries rebelling against Carthage was settled amicably, and an appeal for aid from Rome from the Carthaginian garrison at Sardinia, which had rebelled, was rejected (18). Rome's south Italian allies went to Asclepius' festival in Cos in 241; Greek plays and schools and Tarentine gods had appeared at Rome by 234; diplomatic links were made with Seleucus and Roman envoys

.....

16. For details of these developments and motives behind them, cf. Salmon, RC 65-6; Cassola, GPR 215, 220-8; Wiseman, PBSR 1970 138; Scullard, HRW⁴ 190-1; below 382-9.

17. For increasing Roman interest in the east from the fifth to the mid third century cf. Ch.2 169; Ch.3 184; Ch.5 302, 315-6, 328, 334-5, 349; Holleaux, RGM 1-96, CAH 7 822-4; Badian, FC 33f; Walbank, CP 1 166, JRS 1963, 2-3. It is generally agreed that by 230 (the first military intervention), Rome had developed no military or imperialist aims in the east, and embassies there had made no political commitments to Greek states; hence Polyb. 2.12.7.

18. Polyb. 1.83.7-11; App. Spain 4, Sicil. 2.3, Pun. 5; Zon. 8.17; Val. Max. 5.1.1. Roman mistrust of the mercenaries, a philoroman policy at Carthage and Roman disinclination to breach the 241 treaty may explain this; see Polyb. 2.7.10; Frank, CAH 7 802-3; Walbank, CP 1 144-6; Scullard, HRW⁴ 185.

mediated in a dispute between Acarnanians and Aetolians in 239 or 238 (19). In 230, an appeal from Issa for aid against Illyrian pirates who were hampering the trade of Rome's Italian allies with the eastern states resulted in the dispatch of an investigatory mission to Queen Teuta of Illyria; it bore no ultimatum of war, and clearly hoped to settle the dispute peacefully. When the murder of an envoy forced Rome to declare war, a military expedition was only reluctantly sent out, and the peace settlement quickly made was modest; a client king, Demetrius, was established to watch over Illyria, and several Greek towns simply entered into Rome's protection with no apparent legal obligations on either side. At the same time, the opportunity was taken to send embassies to establish friendships with other major Greek cities (20). The expedition to Istria in 220, and the second Illyrian war in 219 were provoked by further piracy and the aggressions of Demetrius, taking advantage of Rome's preoccupations elsewhere to override his sphere of influence, and were probably viewed at Rome largely as a necessity to secure

.....

19. De Sanctis, *StR* 3.1.277-8; Gagé, *AR* 252-3; Cassola, *GPR* 47-8; Szemler, *PRR* 69 n.3, 87. Holleaux, *RGM* 5-22, 46-58 rejects the last two.

20. See further, Holleaux, *RGM* 97-129, *CAH* 7 824-842; E. Badian, 'Notes on Roman Policy in Illyria', *PBSR* 1952, 72-81; Walbank, *CP* 1 158-167; Lippold, *C* 130-3; Cassola, *GPR* 229-232. For an alternative view of the war as an imperialist adventure aimed at Macedon, see Thiel, *HRSP* 344f; N. Hammond, 'Illyris, Rome and Macedon in 229-205 B.C.', *JRS* 1968, 1-9.

Rome's borders before the second Punic war (21).

Perhaps the most important single issue of debate in the period 240-219 was the aggressive policy of extending Rome's western empire, which culminated in the second Punic war. It is first apparent when the Romans invaded Sardinia in violation of the treaty of 241 and in response to a second plea by the rebel Carthaginian garrison, after it had been expelled from the island by the local people in 238. When Carthage protested, the rich urban voters in the *comitia centuriata*, who hoped to benefit from the trading opportunities presented, voted for war, and thus forced Carthage to cede her rights to Sardinia, and pay extra indemnity (22). Also in 238, the Romans attacked the Ligurians, whose pirates prowled the Tyrrhenian sea. Two years later they invaded Corsica, whose inhabitants were close allies of the Ligurians (23). The islands and

.....

21. For similar views of the Istrian war, see Cassola, GPR 232-3 and H. Dell, 'Demetrius of Pharos and the Istrian War', *Hist.* 1970, 30-8, arguing against the view of De Sanctis, StR 3.1.319-320 and Walbank, CP 1 324 that it was part of the conquest of Gaul, and Demetrius' intrigues were merely a pretext. For similar views of the second Illyrian war, see Badian, art.cit. 81-88 and Walbank, CP 1 324-7. cf. Holleaux, RGM 130-9, CAH 7 844-851, Thiel, HRSP 346, 349-350, 355-7, and Hammond, art.cit. 10-12, who suggest that Rome was inspired by fear of a Carthage/Macedonia/Illyria alliance.

22. For hints of Rome's earlier contacts with Sardinia, see Ch.3 185, n.10; Ch.5 341 n.136. See further on the assembly vote Ch.1C 114; Ch.5 306-7 ; n.36 below. The view of Polyb. 1.88.8-12, 3.10.1-3, 13.1-2, 27.7, 28.1-4, that the invasion and threat of war were unjustified aggression is generally accepted; see e.g. De Sanctis, StR 3.1.280-1, 398-401; Meyer, KS² 383-5; Walbank, CP 1 150; Lippold, C 122f; Cassola, GPR 51-2.

23. Romans may have gained interests in Corsica when it was under Etruscan control (up to the late fourth century) and in 259-8; see Ch.3 185 n.10, Ch.4 266 n.94, 292 n.172; Ch.5 340-2; Thiel, HRSP 199 n.438. For these attacks, cf. Zon. 8.18; De Sanctis, StR 3.1.281; Lippold, C 123-4.

Liguria were largely quelled by about 230; a governing praetor was finally established in Sardinia in 227 (24). Short term reasons for the action against the Ligurians were the protection of the Roman federation's shipping, and the consolidation of the defences of Etruria and Umbria from the Gauls. The long term aim of all the campaigns was clearly the creation of a western trading empire, even at the risk of further war with Carthage; possession of the islands and the quelling of the Ligurians allowed greater access from all parts of Italy and Sicily to Massilia, the Greek trading colony in the north west Mediterranean, and its colonies on the east coast of Spain. Massilia and Syracuse, having suffered from Carthage's expansion in the west Mediterranean in the fourth century, would have encouraged Rome in this challenge to Carthage's trade routes (25).

The resistance of Corsica and Sardinia to conquest by Rome may have been encouraged by the Carthaginians, who, after the mercenary war, invaded Spain, to regain their strength and watch Rome's expansion west-

.....

24. cf. Zon. 8.18-19; De Sanctis, StR 3.1.280-5, 289-290; Lippold, C 123-130, 133. The creation of praetors for both Sardinia and Sicily in 227 suggests that by then the Romans viewed the former as a peaceful possession like the latter.

25. cf. Ch.3 184 n.5; De Sanctis, StR 3.1.288-9; De Witt, TAPA 1940 608-612; Thiel, HRSP 342-4, 350-1; Kramer, AJP 1948 5-6; Cassola, GPR 50-6, 221; Lippold, C 256-7.

wards (26). This in turn caused increasing concern in Rome about Carthaginian ambitions, which was fanned by Massilia, fearing for its Spanish colonies. Accordingly, two Roman missions were sent to Spain to investigate and curtail the Punic advance. The first, in 231, did no more than gather information and warn of Rome's suspicions (27). The second, in 226, resulted in the Ebro treaty, which forbade Carthaginian troops north of the Ebro, and probably similarly restricted Rome south of the river; since it left much room for Carthaginian conquest in Spain, and acknowledged Rome's right to arbitrate there, a diplomatic victory could be claimed by both Carthaginian and Roman expansionists. The second embassy was probably prompted by fear that Hasdrubal, who had made great progress in Spain from 229, might take advantage of Rome's pre-occupation with the impending Gallic invasion; hence reserve legions were retained at Tarentum and Sicily during the Gallic invasion, and a consul stayed in Sardinia, where there were revolts against the new praetors, until

.....

26. Kramer, art.cit. 7-8 and Lippold, C 125-6 accept Zon. 8.18, Oros. 4.12, Eutrop. 3.2 and Livy Per. 20 on Carthage's role in the islands' resistance, esp. in 235; De Sanctis, StR 3.1.281 n.39, 291 n.63, and Meyer, KS² 385 n.1, 387 n.2, 389, doubt it. On the Carthaginian motives for expansion into Spain, cf. De Sanctis, StR 3.1.40lf; Schulten, CAH 7 769-787; De Witt, art.cit. 612; Scullard, HRW⁴ 195-7, 200-1.

27. De Sanctis, StR 3.1.411; Badian, FC 48. cf. Frank, CAH 7 809 and Kramer, art.cit. 9-11 (the Saguntum treaty was made at the same time); Holleaux, RGM 123 n.4 and Meyer, KS² 393 (denying the embassy).

the Ebro treaty had been signed (28).

A few years later, again, no doubt, at the encouragement of Massilia, Rome made a treaty with Saguntum, a Spanish port south of the Ebro; this may not in itself have legally violated the Ebro treaty, but it was clearly an aggressive move, in that it provided Rome with a pretext for war should Carthage attack the town. Thus it may have been made when Rome arbitrated in an internal dispute in Saguntum, after the great northern campaigns, which ended in 222, and after young Hannibal had replaced Hasdrubal; those fearing war with Carthage doubtless hoped that it would deter him from further expansion (29). However, Hannibal's aggressive military campaigns in Spain quickly dashed such hopes, and there was a rapid escalation towards war on both sides. At Rome, the recent conquest of the north and fear of Hannibal's inexperience resulted

.....

28. For similar interpretations of Polyb. 2.13.3-7, 24.1, 3.22.9-11; App. Spain 7, Hann. 2, Pun. 6; Livy 21.2.7; Zon. 8.19,21 (the later sources deviate in order to put the blame on Carthage for the second Punic war) see De Witt, art.cit. 612; Kramer, art.cit. 14, 16-18; Walbank, CP 1 168-170, 196; Cassola, GPR 219, 246-250; Lippold, C 135-7.

29. See further J. Reid, 'Problems of the second Punic War', JRS 1913 178f, Errington, 'Rome and Spain before the second Punic War', Latomus, 1970 43f (the alliance was made at the time of arbitration); Badian, FC 49f, Astin, 'Saguntum and the Origins of the second Punic War', Latomus, 1967, 589-594 (the alliance, made after 225, did not legally violate the treaty). For the alternative view that the alliance preceded the treaty, see e.g., De Sanctis, StR 3.1.417-8; Walbank, CP 1 170-1; Cassola, GPR 245-6. Difficulties in reconciling the spirit of the treaty and alliance may explain why annalists in n.28 accounted for Saguntum in the treaty or assumed it was north of the Ebro (cf. Polyb. 3.30.3; Astin, art.cit. 586-9; n.27).

in growing demands for the war, and preparations were made with the consolidation of other frontiers, the dispatch of an embassy to Hannibal to warn him off Saguntum, and an economy measure, the *lex Metilia*, which restricted the use of luxury materials by fullers (30). However, Hannibal besieged Saguntum, hoping to provoke war before Rome was ready for it. This did cause reticence at Rome; the opponents of the war and those concerned to complete the expedition to Illyria and the northern colonies gained enough influence to prevent any aid reaching Saguntum throughout the eight month siege (31).

The fall of Saguntum finally forced the question of war with Carthage on Rome, and there was a long debate in the senate. While one side would have argued that the war might give Rome complete control of the western Mediterranean, and that Rome was under a moral obligation to Saguntum and Massilia, the other could contend that such imperialist expansion was not in Rome's interests, the consuls were still in Illyria, Macedonia and Gaul were both dangerous, and Hannibal had not actually breached the Ebro treaty by attacking Saguntum. By the end of the debate, the latter arguments had been weakened by the consuls' successful completion of the Illyrian war, and

.....

30. For events in Spain, see Polyb. 2.36.1-7, 3.13-15, 17; Diod. 25.12.15. cf. App. Spain 8-12, Hann. 3, Livy, 21.3-13, Zon. 8.21, and Dio fr. 54.10-11, who put Rome in a better light by placing the siege before the first embassy. See further Walbank, CP 1 214-5, 319-320; Kramer, art.cit. 20-2; Cassola, GPR 234-5. For this interpretation of the *lex Metilia*, see Cassola, GPR 214.

31. cf. Kramer, art.cit. 22-3; Walbank, CP 1 320, 329; Cassola, GPR 235-6; Astin, art.cit. 595-6.

the colony commissioners' settlements in the north. Hannibal may even have already made contact with the Gauls and crossed the Ebro for his Alpine expedition before the final vote was taken in the senate and assembly, and an embassy was sent to Carthage with an ultimatum (32).

Summing up, the basic cause of the second Punic war was the imperialist policy in the western Mediterranean of one political faction at Rome, which then caused the build up of mutual suspicions and fears of Carthage, Massilia and other Roman leaders (33).

The Elections

Rome's pacific foreign policy until the middle of 238, keeping peace with Carthage and developing diplomatic and cultural links in Greece and the east, would have been generally favoured in the senate after the long Punic war (34). All the consuls from 240 to 238 - C. Claudius

.....

32. Saguntum fell in winter 219/8; see Walbank, CP 1 327-8; Astin, art.cit. 580-2. For arguments for the debate at Rome, contra Polyb. 3.20, and discussion of its content, cf. De Sanctis, StR 3.1.424 n.86, 3.2.197; Kramer, art.cit. 23-5; Cassola, GPR 236f; Lippold, C 139-141; Astin, art.cit. 579-580. For the idea that Hannibal had crossed the Ebro, or had set out to do so before the vote was taken, see Hoffman, 'Die römische Kriegserklärung an Karthago im Jahre 218', RhM 1952, 212-216; Walbank, CP 1 333-4; for objections, see Astin, art.cit. 577f. See also Ch.10 115 on the vote for war.

33. cf. Meyer, KS² 375-401, Thiel, HRSP 341f, and Cassola, GPR 233-4, 238f (war was the result of the imperialist policy of Roman capitalists, as opposed to the agrarian policy pursued in north Italy); Frank, CAH 7 815-7, Astin, art.cit. 593f and Scullard, HRW⁴ 200-2 (war was due to opportunism on both sides; the inevitable clash of their spheres of interest). Walbank, CP 1 151, 169-170, 214-5, 310-1, 329, 335 summarises the major distortions of the causes of war by the ancients.

34. See Ch.5, 352f; above, 363-4.

Centho, son of the consul of 264, C. Mamilius, son of the consul of 262, Ti. Sempronius Gracchus, cousin of the consul of 244, his kinsman Sempronius Tuditanus, Q. Valerius Falto, the praetor of 242, and Publius his brother - may have favoured such a policy because it allowed them to develop Sicilian and Greek contacts which they or their relations had made in the course of the first Punic war. This attitude, and their families' prominence in the senate may explain their election; Q. Falto's consulship would also have been in honour of his recent victory (35).

After this unusual three year lull in military activity there was a clear change of direction; in the course of 238, the policy of extending Rome's western trade and defending her western and northern borders by making war on Sardinia, Corsica and the Ligurians was initiated. Sempronius Gracchus was sent to Sardinia and Liguria, while Falto, his colleague, met a Gallic invasion; it may not have been until after the election of 237 that Carthage was forced to cede her rights to Sardinia by the threat of war from Rome (36). The policy prevailed from 237 to 233.

.....

35. For their names, see Broughton, MRR 221. Mamilius may have been an augur for 15-20 years; see Dessau ILS 9338; cf. Münzer, RAA 68. For their spheres of interest, see Ch.5 337-9, 350-1, 353; Lippold, C 122; Rawson, Hist. 1973 220f. Direct descendants of all except Gracchus served in Sicily or Greece in the second Punic war; see Broughton, MRR 254, 260-1, 264, 295, 303-4, 313, 321. Schur, Hermes, 1924, 470-2 and Scullard, RP 37 trace second century ties between Claudii and Sempronii back to this period, and earlier.

36. See Fest. 430 L; Livy Per. 20; Oros. 4.12; Zon. 8.18; above 365-6. Meyer, KS² 385-6 favours 237 for the date of the first expedition to Sardinia (Eutrop. 3.2); Walbank, CP 1 149-150 and Lippold, C 122 argue for 238 (Zon. 8.18), accepting, however, that the ultimatum may have been voted after the election.

There are several hints that the magistrates of this period formed a clique which promoted this policy and monopolised office through its members' mutual support, predominance in the senate, religious authority in both senate and assembly, and military talent (37). Thirteen individuals, including two brothers, L. and P. Cornelii Lentuli, and a father and son, L. and A. Postumii Albini, held at least fifteen curule posts (38). L. Lentulus, T. Manlius Torquatus, A. Albinus, Sp. Carvilius, Q. Fabius Verrucosus and M'. Pomponius were all priests (39). Q. Fulvius Flaccus, Q. Lutatius Cerco, the Lentuli, Postumii, Manlius, C. Atilius Bulbus, Carvilius and Verrucosus were themselves, or were direct descendants of, magistrates in office in 276-2, 247-5 and 242-1; C. Licinius Varus may have been related to the Fabii Licinii, who held offices in these periods. Many would have inherited interests in west coast colonies founded within these dates (40). Atilius' father, a relative of Fulvius' wife Sulpicia, and Scipio, who was kinsman of the Cornelii in office in this period

.....

37. While they comprised a quarter of those gaining curule posts from 240 to 219, they held one third of these posts; cf. 357 above.

38. See Broughton, MRR 221-5, also noting that three junior posts held by one of them, Q. Fabius, could have fallen in this period. Lippold, C 123f identifies a similar clique.

39. Szemler, PRR 69-74; 86f.

40. See Ch.5 328, 349-354; Lippold, C 123. Fulvius' father also founded such a colony in 264 (Ch.5 337). Both Etruscan plebeian gentes, the Licinii and Pomponii, had last held office in 366-1, but clearly had powerful connections; their sons both held major priesthoods by 210 (Münzer, RAA 161f, 183f).

(the Lentuli and one noted without a cognomen), had made campaigns to Sardinia and Corsica in 259-8. Scipio's son married Pomponius' daughter at about this time (41). All the magistrates, save Lutatius, inherited interests in Etruria from the fourth century or earlier, when Corsica was still Etruscan, or were descended from those who had fought in the northern reaches of Etruria and Umbria, towards Gaul and Liguria, in the third century (42).

In 237-6, L. and P. Lentulus, Q. Fulvius and C. Licinius all fought the Gauls; the Lentuli and Fulvius also fought the Ligurians, while C. Licinius, aided by his legate Claudius Clineas, who may have had local knowledge of the island, invaded Corsica (43). By 235, there may have been increasing wariness within the faction about the effects of a long term policy of western expansion, as Carthage advanced in Spain, and the islands maintained their resistance. It is striking that all the consuls of 235-3, save Pomponius, were from families whose interests in the east were evident in the third century; indeed three, Verrucosus, Carvilius and Postumius, were re-elected as

.....

41. Ch.5 340-2; Münzer, 'Fulvius no. 59', PWRE 7.1 (Stuttgart, 1910) 246; RAA 161-2.

42. Ch.2 149-150; Ch.3 212-3; Ch.4 268 n.101; Ch.5, 307-315; above n.23. By 212, traders from the Postumii and Pomponii were established in Etruria (Livy 25.3.8-9).

43. Flor. 1.19.5; Eutrop. 3.2; Zon. 8.18; Degrassi, op.cit. 76-7, 549; Ch.4 266 n.94; above 365 n.23. The story of the Romans trying to hand Claudius over to the Corsicans for making a treaty on his own (Zon. 8.18; Val. Max. 6.3.3) may have been developed from similar tales (cf. Ch.1B 71 n.120; Zon. 8.7) to conceal Roman aggression; cf. De Sanctis, StR 3.1.281, 287-8; Lippold, C 123-4.

consuls to fight the Illyrian war of 229-8. Concern to develop this alternative sphere of interest, and to defend the north against the Gauls more directly, together with increasing fear of Carthaginian retaliation, may have stimulated their efforts to complete the western conquests (44). After Manlius campaigned in Sardinia and celebrated a triumph in 235, he and Atilius then closed the door of Janus, an act symbolising universal peace; presumably they hoped that it would mark the final conquest of the islands (45). However in 234 there was a rebellion by the islanders which Carvilius, the consul, faced with Cornelius the praetor, while Postumius campaigned against the Ligurians (46). In 233, a concerted effort was made to end the wars; Pomponius triumphed in Sardinia, while Fabius drove the Ligurians back over the Alps, vowing a temple to Honos after his triumph (47).

.....

44. See above (361, 366-7) on the situation. For hints of the consuls' eastern interests, see Ch.5 315-6, 334, 350-2 (all five); Szemler, PRR 86-7 (Carvilius); Cassola, GPR 360 and Lippold, C 270-6 (Fabius). Pomponius may have shared them; his supposed ancestor Numa was associated with Pythagoras (Gundel, 'Pomponius', PWRE 21.2 (Stuttgart, 1952) 2323; Ch.4, 241 n.11, 262 n.82) and both his forefathers and descendants may have been decemviri sacris facundis (Ch.1B 63; Ch.3 233; Ch.4 245-6; below 376; Münzer, RAA 161). cf. Münzer, RAA 57, Kramer, art.cit. 6, 13 and Lippold, C 127f on the change in the pattern of names about this time.

45. n.26 above; Broughton, MRR 223; Staveley, JRS 1964 198; cf. De Sanctis, StR 3.1.291; Lippold, C 125-7.

46. Zon. 8.18; Degrassi, op.cit. 76-7, 549.

47. Zon. 8.18; Cic. ND 2.61; Plut. Fab. 2.1; Degrassi, op.cit. 76-7, 549.

From 232 to 230 all the consuls were from minor families; only one was from a family in power since 241, and only one held another curule post. Such results may have been partly due to increasing uncertainty within the senate about the future direction and nature of foreign policy (48).

By the time of the election of 232, the controversial law on the Ager Gallicus may have already been passed by Flaminius, a plebeian tribune from a previously unknown gens who pursued northern expansion throughout his career (49). The consuls subsequently elected may have shared his views. M. Publicius had commemorated action in the north in 241; M. Aemilius Lepidus was from a minor family of his gens, which only gained office twice this century, in periods when his kinsmen, the Papi and Barbulae,

.....

48. cf. 358 above. Münzer, RAA 160f, followed by Kramer, art.cit. 6-7, 12-13, and Scullard, RP 35-6, bases his view of the allegiance of magistrates of these years largely on their gentes' common offices in other circumstances (cf. Ch.5 346, n.151), marriages unlikely to have taken place yet (Scullard, RP 309; cf. 373 above), and prominence in priesthoods (cf. Ch.1B, 54 n.71). With regard to the latter, it should be noted that we know more names of priests in this period, and in such times of dispute, religious authority would have helped in winning an election (Ch.1B 54; Ch.1C 111-2, 119; Szemler, PRR 69-100).

49. See further 361-2, 379-381, 383-4, 388-9 on Flaminius' law and attitudes. The Prata Flaminia (Varro. L.L.5.154; Livy 3.54.15, 3.63.7) indicate that his gens was well established at Rome. When Cic. Sen. 11 notes Fabius' reaction against Flaminius' law in his second consulship (see 379-380) he assumes this was when the law was passed, which Polyb. 2.21.7 tells us was in 232; Cicero's mistake is understandable if the law was passed before Fabius left his first consulship in 233. cf. Meyer, KS² 390; Botsford, RA 334; Fraccaro, Opusc. 2 194; Cassola, GPR 260-1, 343f; Lippold 134-5.

furthered northern expansion (50). Flaminius' lack of *senatus consulta* and the consuls' continuation of the war in Sardinia suggests that this policy did not have the support of the majority of senators (51); if the consuls did support it, their success in the election may be explained by their efficient client control, which may have been recently improved by the measures of 241, Lepidus' authority as augur, Publicius' popular measures in 241, and the personal support of Fabius, if he was president of the election (52).

In 231 M. Pomponius Matho and Papirius Maso were elected as consuls, doubtless aided by their authority as priests (53). Being son of the consul of 233 and brother-in-law of Scipio, Matho, who fought in Sardinia like his father, may have represented those still primarily concerned with western expansion; as such he may have encouraged the embassy to Spain in 231 to deter Punic aggression (54). Since his family shows no signs of interest in the north east, he may also have represented the majority of senators

.....

50. cf. Broughton, MRR 255, 367-8; Scullard, RP 54; Salmon, RC 186 n.171; Ch.1C, 118-9; Ch.5, 322-4, 328-9, 355; below, 378, 381, 388-9. The second consulship of Lepidus noted by Livy 23.30.15 is not easily accommodated; see Münzer, RAA 168; Broughton, MRR 235.

51. See above 361-2; Zon. 8.18.

52. Ch.5 333, 354-5; Livy 23.30.15; Münzer, RAA 163. Fabius could have shared with Lepidus, Publicius and Flaminius not only interests in the north east (below 379-380, 385) but also interests in Greek religion (see above 373-4; Ch.5 172; Szemler, PRR 69; Ogilvie, CL 497, 574; below 389-390).

53. Broughton, MRR 225-6, 266, 276-7; Szemler, PRR 139.

54. See above 367, 372-4; Zon. 8.18.

who disapproved of Flaminius' law; it might even be hazarded that as augur he was responsible for the enforced abdication of the newly elected censors, Manlius, the consul of 235, and Fulvius, the consul of 237, whose family backgrounds suggest that they would have willingly registered citizens on Flaminius' allotments (55). The other consul, Maso, may also have supported Flaminius; his family had a Celtic name; like the Aemilii Lepidii and Carvillii it regained office in this period for the first time since the age of Curius; it was later registered in the Velina, which included Flaminius' allotments; such an attitude might partly explain the senate's denial of a full triumph to him for bringing the Corsicans to terms (56). As in 232, efficient marshalling of clients from north and central Italy, the support of the electoral president and general uncertainty among senators about policy could explain the election of Maso and the censors (57).

.....

55. See Ch.5 311-2, 331 n.110, 337, 350, 353-5 on the censors' family interests in the north east. While the augurs Verrucosus, Marcellus, Lepidus and Carvilius shared them (see 372-3, 375-6, 379-380, 385) it only took one augur to stop an election (Ch.1B, 54); see further Cassola, GPR 330-1, 336f; Szemler, PRR 89.

56. For Maso's name, see Degrassi, *op.cit.* 117. For the former appearances of the Masones, Lepidi and Carvillii in 290, 285 and 272 respectively, see Ch.5 321, 328-9; Broughton, MRR 184; cf. Münzer, RAA 160; Lippold, C 128. In 241, Maso aided Manlius' uncle draw up the surrender of Falerii; see Val. Max. 6.5.16. On Masones in the Velina, see Taylor, VDRR 241; on the Velina including Flaminius' settlements, see Mommsen, RSt 3³ 176. For Maso's military activity, the senate's hostility to him, and his subsequent lesser triumph at the Alban Mount, and dedication of a shrine of Fons, see Münzer, RAA 111.

57. cf. Ch.5 330-1, 353-5.

When the outcome of the embassy to Spain was still unknown, C. Duillius, who had supported aggression against Carthage in 260, may have been named as dictator to preside over the election in 230 through the influence of senators supporting western expansion, hoping that he might promote candidates of like mind; his magister equitum, C. Aurelius, the censor of 241, who inherited interests in both north west and north east Italy, may have supported his policy, or have been named under pressure from those more concerned with other areas (58). By the time of the election of 230, the apparent submission of Corsica, Sardinia and Liguria may have gained the latter sector more senatorial support; this, with their efficient client control and personal prestige, allowed them to win all the magistracies in 230. The consuls, M. Iunius Pera and M. Aemilius Barbula, and the censors, Fabius Verrucosus and Sempronius Tuditanus, were all from families which had particular interests in north east Italy and Greece, and were absent at times of aggression in the first Punic war (59). Boosted by the consuls' successes against the Ligurians, who had risen against Rome again in 230, and the reassurances of the Spanish embassy on its return, they were able to further their own policies in the course of the year (60).

.....

58. Degrassi, *op.cit.* 44f, 117, 440f; Ch.5 341, 346, 353-5; cf. Lippold, C 128.

59. For their names, see Broughton, MRR 226-7. Their forebears promoted policies based on these spheres of interest together in 292-1, 277-265, 253-2 and 247-1 (see Ch.5 315-6, 328-336, 345-6, 349-351, 353-5). For hints of their interests in this period, see above, 370-1, 373-4, 379-380, 385.

60. cf. De Sanctis, StR 3.1.411; Lippold, C 129.

C. and L. Coruncanus, whose forefather had also had a defensive attitude to the first Punic war, were sent as envoys to Illyria (61). The censors carried out the reform of the *comitia centuriata* to ensure that the clients they marshalled from rural tribes were effective not only in elections, but also in the votes on imperialist foreign policies, which in 286, 264, 241 and 238 had been implemented partly through their appeal to the urban rich (62).

The murder of the envoys to Illyria and peace in the west meant that by 229 the majority of senators favoured a cautious war against Illyria to redeem Rome's honour and extend her influence among the Greeks. Hence they suspended the *lex Genucia* to allow the election of experienced generals, Postumius, Fabius Verrucosus and Carvilius, whose interest in eastern affairs have already been noted above, as consuls in 229-8. The fourth consul, Cn. Fulvius, may have been a personal ally promoted for his talent; after successes in 229, he became promagistrate in 228 and celebrated a naval triumph (63).

Having presumably registered citizens settling in north east Italy when censor in 230, Verrucosus may have suspected by the time of his consulship in 228 that the

.....

61. Ch.5 350; above 364; Lippold, C. 130.

62. See further Ch.1C, 106-7, 114-5; Ch.5 306-7, 353-5; above, 358, 365.

63. See above 357, 364, 373-4; Broughton, MRR 228-9. While Fulvii had generally pursued the same policies as Fabii and Postumii since they raised them to power in the late fourth century (see Ch.4, 276-7, 293; Ch.5 311-2, 337, 350; above 371-5), we have no positive hints of their interests in the east.

settlements were antagonising the Gauls. Perhaps the sacrifice of two Gauls and two Greeks in the Forum Boarium in accordance with the oracle of the Sibylline books was intended to avert such a prospect (64). In fact, by the time of the election of 227, there was no sign of any immediate invasion from the north. Those who shared Flaminius' interests in northern expansion, including Verrucosus, who was possibly the electoral president, may therefore have supported Flaminius in the election of praetors in 227 to demonstrate their renewed trust in his policy and the settlements (65). Such support gained him the post, since there were no political issues of immediate concern to make the senators unite their efforts in factions.

.....

64. cf. above 361-2. The origin and significance of the sacrifice (Plut. Marc. 3; Dio fr. 47; Zon. 8.19; Oros. 4.13.3) are much disputed; cf. C. Cichorius, *Römische Studien* (Berlin - Leipzig, 1922) 17-20; De Sanctis, *StR* 4.2.1. 320; Gagé, *AR* 243-251; Lippold, *C* 255-6. The Fabii and Postumii had particular interests in the Sibylline books and Hercules, who was worshipped at the Forum Boarium (Ch.3, 233; Ch.4, 293; Ch.5 315-6, 353-5; below n.91).

65. i.e. I accept Cassola's view (GPR 259-275) that this episode was a temporary breach in the alliance of Verrucosus and Flaminius; for details of their common views, especially on northern expansion etc., see above 375-6; below 384-5, 387-9. Fabius' late appreciation of the possible effects of the law (Cic. *Sen.* 11; cf. n.49) and Pictor's contribution to the ancients' hostile picture of Flaminius are often used to support the view that Verrucosus and Flaminius were always political opponents (cf. Ch.1A, 23; Münzer, 'Flaminius no.2', *PWRE* 6.2 (Stuttgart, 1909) 2496f; Fraccaro, *Opusc.* 2 191-2; Frank, *CAH* 7 820; Staveley, *JRS* 1963 185-6). Pictor's hostility may only have been an immediate personal reaction to Flaminius' defeat after Trasimene, where he fought (cf. Livy 22.3; Henderson, *JRS* 1952 116). Other possible reasons for the unfavourable portrayal of Flaminius are the direct hostility of Polybius, whose patrons' forefathers opposed Verrucosus and Flaminius over the second Punic war (below 385-9; Ch.1A 23-4; Cassola, GPR 225-8, 358-360) and constitutional misunderstandings (n.14).

These circumstances meant that other curule posts in 227 and 226 were gained by L. Apustius, a novus homo who is not known again, and four senators from families with broad connections and no predominant spheres of interests, the Valerii Messalla, Flaccus and Laevinas, and M. Atilius Regulus, son of the consul of 267 and 256 (66).

By the time of the election of 225, Carthaginian advances in Spain and hints of unrest in Sardinia had prompted the dispatch of a second embassy to Spain, and there was an imminent threat of Gallic invasion. The consuls elected in these circumstances are not previously known, but their family backgrounds and successes suggest that they were generally supported as senior leaders qualified and willing to carry out the military strategy agreed upon by the senate. L. Aemilius Papus was son of a general who had defeated the Gauls, and had held all his offices during the Pyrrhic war, a time of much senatorial authority. C. Atilius Regulus, another son of the consul of 267 and 256, may have gained useful naval experience through his father (67). Atilius went to Sardinia to quell revolts and watch the Carthaginians, returning to join Papus to defeat the Gauls at Telemon, where he died. Papus then ravaged the country of the Ligurians and Boii, celebrating a triumph with much booty (68).

.....

66. For the magistrates, see Broughton, MRR 229-230. Some may have had Fabius' support; see Ch.5 319, 325, 339, 351-2; below 387-8; Cassola, GPR 384. For objections to Lippold's view (C 136) that they promoted aggressive policies, see Staveley, JRS 1964 197-8.

67. See above 367-8; Broughton, MRR 230; Ch.5 323-8, 341-3. In 225, Papus waited for the Gauls at Ariminium, where his father fought in 282.

68. See above 362, 367-8; Degrassi, op.cit. 78-9, 550; Lippold, C 137.

We cannot readily ascertain the significance of the election of C. Claudius Centho, the consul of 240 and M. Iunius Pera, the consul of 230, as censors in 225. Since Claudius inherited interests in the western Mediterranean from forebears who promoted the first Punic war, he might have registered the rich freedmen living in the city in rural tribes in 225 to increase the influence of those favouring an imperialist policy against Carthage for commercial reasons, in reaction to the reform of 230. However, preoccupied with the Gallic invasion and the recent signing of the Ebro treaty, he could have been unaware of the consequences of such registration; since, like Iunius, he won his consulship when a pacific policy in the west prevailed, and Centho's nephews prosecuted consuls who probably supported war with Carthage in 219, there is a case to be made for both censors representing those who opposed aggression in the west (69).

The military and diplomatic action in 225 prepared the way for the policy of pushing back the Gauls towards the Alps, which may now have been supported not only by those with interests in the north, but also by some of those primarily interested in developing a western trading empire, since the consolidation of the northern borders was essential if their western ambitions led to war with Carthage. Experienced leaders probably representing this broad group were elected as consuls in 224. They were the censors who were prevented from registering Flaminius' allotments in 231 - T. Manlius, who had triumphed in Sardinia in 235, and

.....

69. Degrassi, *op.cit.* 44-5, 440f; Ch.1C, 108-9, 114-5; Ch.5 333-4, 337-8; above 358, 370-1, 378; Lippold, C 141-2.

Q. Fulvius, who had fought the Gauls and Ligurians in 237 (70). They won the surrender of the Boii after an aggressive campaign in 224 (71).

In 223 and 222 those supporting the northern campaigns became divided over their extent and purpose, as the Carthaginians advanced in Spain (72).

Before their long expedition north, the consuls of 224 named as electoral dictator Caecilius Metellus, who took N. Fabius Buteo as his magister equitum. They shared common interests with the consuls of 224, whose fathers had founded colonies on the Etruscan west coast and furthered Roman influence in the north east with them in 247-1; Caecilius had also been active as a land commissioner settling Flaminius' allotments from 232 (73). It was doubtless partly through Caecilius' great authority that Flaminius won the consulship in 223. His colleague, P. Furius Philus, would have been aided in the election by his experience as a praetor, and personal standing as an augur. He may also have gained support among senators fearful of a major Gallic war or uncertain about future policy because they expected him, as a member of a minor but well established gens, to pursue the relatively moderate

.....

70. Broughton, MRR 231; above 362-3, 371-4, 377.

71. The consuls' aggression in the north is generally accepted, although there is dispute over whether they crossed the Po; cf. Walbank, CP 1 207-214; Cassola, GPR 222-3; Lippold, C 137.

72. See above 358; Cassola, GPR 223.

73. Ch.5 349-352; Degrassi, op.cit. 44-5, 440-1; J. Corbett, 'L. Metellus (Cos. 251, 247), Agrarian Commissioner?', CR 1970 7-8; Münzer, RAA 60; Lippold, C 143-4.

strategy of the senate as a whole in the north (74). Certainly, after both consuls had advanced through Liguria and defeated the Insubres on the further side of the Po, he obeyed the summons of recall from the senate, which then granted him a triumph, while Flaminius, who had been more reluctant to return, only held a triumph by popular vote. Perhaps the consuls' subsequent abdication, resulting in an interregnum, was arranged by the augurs to ensure that disputes over strategy would not prevent suitable generals leading the next campaign (75).

Accordingly, in the interregnum in 222, the patricians named two consuls who became leading generals in the second Punic war. They were probably deliberately chosen because they had different motives for the northern

.....

74. Ch.1C, 121; Ch.5 346 n.151, 351 n.163; Broughton, MRR 231-2, 266; Degrassi, op.cit. 113. The last known Furius held a consulship under similar circumstances, with Caecilius as his colleague.

75. Later authorities (Livy 21.63, 22.3,6.3, 23.14.4; Plut. Marc. 4.2-5, 6.1; Fab. 2.4; Zon. 8.20; Oros. 4.13, Flor. 1.20.4) may have placed the augurs' declaration of the invalid election earlier in the year to allow the inclusion of the standard theme of a consul ignoring the senate's orders before battle (cf. Livy 9.36.14f, 22.26.7f; n.65 above); Polyb. 2.32-33 makes no mention of it. cf. on the whole campaign, De Sanctis, StR 3.1.314-6; Degrassi, op.cit. 78-9, 550; Cassola, GPR 223-4; Lippold, C 310-1; Szemler, PRR 90-1. One might also speculate that Caecilius, the pontifex maximus, had political reasons for forcing the flamines Cornelius Cethegus and Sulpicius to abdicate (Plut. Marc. 5; Ch.5 351 n.163) since both were minor kinsmen of those promoting western expansion from 259 and 237 (above 371-3); however the link is obscure, and flamines had little political power (Ch.1B, 64).

wars (76). For two reasons, M. Claudius Marcellus is likely to have stood for those who favoured northern expansion for its own sake, and were opposed to war against Carthage. Firstly he shared interests in Greece, family ties with the Otacilii, and a forefather who opposed imperialist commercial wars, with his fellow augur, Fabius Verrucosus, for whom a policy of northern expansion was a long standing family tradition (77). Secondly, he pursued an aggressive strategy in the north in 222; after stirring up the people with hopes of booty to continue the war, possibly against the wishes of the senate, he brought it to an end with a magnificent campaign across the Po, winning the spolia opimia, celebrating a magnificent triumph, and vowing an aedes to Virtus (78). His colleague, Cn. Cornelius Scipio, is likely to have represented those promoting western expansion at the risk of war with Carthage;

.....

76. Broughton, MRR 232-3. Marcellus had fought in Sicily in the first Punic war and may already have been curule aedile and praetor; see Plut. Marc. 1-2; Val. Max. 6.1.7; Livy 22.35.6-7. Scipio held eight military posts in Spain, and Marcellus held nine in Sicily, Campania and south Italy, from 218 to 208; see Broughton, MRR 239-290 passim.

77. For hints of his and Fabius' Greek interests, see Ch.5 321; above, 374, 378, n.76; Plut. Marc. 1, 8; for his family links with Fabius and Otacilius, and the augurships of all three, see Plut. Marc. 2; Livy 24.8.11, 26.23.7-8, 30.26.7; for his forefather's support of Rullianus, see Ch.4, 271-2, 274; for the Fabian tradition of northern expansion, see Ch.2, 149-150; Ch.3, 205f, 215f; Ch.4, 244f, 274f; Ch.5 311, 314f, 335f, 349f; above 371-380.

78. See Cassola, GPR 224f, preferring Plut. Marc. 6 (Marcellus alone decided to continue war) to Polyb. 2.34 (both consuls did so), and arguing that the senate could not deny the triumph because of the size of the victory.

his father and uncle pursued an aggressive strategy in the west in the first Punic war, and he was the first of three Scipios to become consuls during the build up to the second Punic war, from 222 to 218 (79). He fought with Marcellus in 222 (80).

With the completion of the northern campaigns, there must have been much conflict and uncertainty over Rome's future policy with regard to Carthage in the consular election of 221. The imperialist party was strong enough to gain a place for one member, P. Cornelius Scipio; doubtless he was aided by the presidency of his cousin (81). His colleague, M. Minucius Rufus, being from a well established gens unknown since 305, might have gained support amid the balanced competition of more prominent candidates because he was a minor figure willing to implement the senate's policy (82). By the time these consuls had reached office, Hannibal had taken command in Spain, and his aggressive intentions in the peninsula were clear; accordingly the consuls made an expedition to Istria, and the treaty with Saguntum was drawn up (83). It may have been partly this change in climate which enabled L. Cornelius Lentulus, the consul of 237 who had promoted

.....

79. See above 372-3; below 390; Scullard, RP 39.

80. The extent of his participation is uncertain, since Polyb. 2.34-5 is so clearly biased towards him; see further Walbank, CP 1 210-1; Cassola, *ibid.*

81. Broughton, MRR, 233-5; cf. Cassola, GPR 267-8.

82. Ch.1C, 121; Broughton, *ibid.* Plut. Fab. 7 notes that he was related to Metilius, plebeian tribune of 220 (see n.30).

83. See above 364-5, 368.

the original invasion of Sardinia, and was to argue for immediate war against Carthage in 219, to win the position of pontifex maximus after Caecilius died in 221 (84).

Amid the mounting war fever Fabius Verrucosus seems to have had enough personal influence to gain nomination as dictator to hold the elections for 220 while the consuls were in Istria; the consul who actually named him was presumably the more easily influenced Minucius, whom he rewarded with the post of magister equitum in 217. Fabius doubtless hoped to influence the electoral result in favour of those opposed to war with Carthage; in 219 he was the principal speaker against Lentulus in the war debate. Since those then elected as consuls, Valerius Laevinas, the praetor of 227, and Q. Mucius, a novus homo, were forced by the augurs to abdicate, together with the dictator and the magister equitum, they may have shared Fabius' views. The war party presumably then persuaded one of the consuls of 221 to nominate one of them as suffect dictator; unfortunately his and his magister equitum's names are not known. Amid continued conflict, two minor leaders finally gained election. They were L. Veturius, whose gens had been absent from known offices longer than Minucius', and C. Lutatius, son of the novus homo who gained the final

.....

84. Lentulus spoke in the final debate on war (see n.32) against Verrucosus; cf. Scullard, RP 40-1; Cassola, GPR 275f; Lippold, C 139-141. On his becoming pontifex maximus in 221, see Broughton, MRR 234.

victory over Carthage in 242 (85). While there are no clear hints of the reasons for Veturius' election (86), Lutatius may have been supported in the hope that his name would intimidate or provoke the Carthaginians, and he may have inherited interests in western expansion from his uncle, who held office with Lentulus in 236 (87). The consuls of 220 prepared further for war against Carthage by making an expedition to the Alps; by the end of the year, the senate had sent two representatives, Valerius Flaccus, the consul of 227, and Q. Baebius Tamphilus, to warn Hannibal to desist from attacking Saguntum; this may have been supported both by those promoting war, who were not as yet prepared for it, and those still hoping to avoid it (88).

Censors elected in 220 were Aemilius Papus and Flaminius. Aemilius, having interests in Liguria and south Italy, might have supported war against Carthage; doubtless he gained office largely in honour of his victory in 225 (89). Flaminius, having been Fabius' magister

.....

85. In support of this interpretation of events, see n.55 above; Degrassi, *op.cit.* 118-9, 442; Broughton, MRR 234-6; Scullard, RP 273-4; Cassola, GPR 261-8. The most likely alternative, that Fabius replaced Minucius as dictator in 221 (Dorey, 'The dictatorship of Minucius', JRS 1955 92-6) is based partly on the assumption that Flaminius, the magister equitum of 221, and Fabius were political opponents; cf. n.65, below 389.

86. It is possible that Fabius forced him and his magister equitum Pomponius (elected to formal rather than military duties) to abdicate in 217 (Degrassi, *op.cit.* 118-9; Scullard, RP 49-50) in revenge for the action of this year and 231 (above 377); cf. Münzer, RAA 124f.

87. cf. Ch.5 352-3; above, 371f.

88. Above, 362-3, 369; Broughton, MRR 237.

89. Ch.5 327-8; above 381; Broughton, MRR 235-6.

equitum in 221, is likely to have belonged to the faction opposing war with Carthage, which may only have lost the consular election in 220 because the presiding dictator opposed them (90). Both censors had earlier supported northern expansion, which was consolidated in 220 by Flaminius' building of a road to Ariminium, and in 219 by the creation of the colonies of Placentia and Cremona. Both measures, like the passage of the *lex Matilia*, which the censors supported in 220, would have been generally accepted as useful preparations for war. The road also facilitated Flaminius' marshalling of clients from his distant settlements. Other measures taken in the censorship may also have had political advantages for Flaminius. The circus Flaminia, which he built for the *ludi plebei*, increased his popularity within the city. His relegation of the freedmen to four urban tribes reduced the influence of the commercial sector in legislative voting in time for the expected vote on war with Carthage; his support of the *lex Claudia* in 218 indicates his lack of personal commercial interests (91).

The return of the envoys of 220 with alarming tales of Hannibal's advance in Spain may have given those promoting war against Carthage enough support in the

.....

90. See n.65, 85 above. Flaminius' popular triumph and huge spoils in 223 (above 384) may have aided him in the election.

91. See Ch.1C, 114-5; above 357-8, 362-3, 369, 375-6, 380-1, 384-5; Livy 21.63.3; Münzer, art.cit. PWRE 6.2, 2496-9; Yavetz, Ath. 1962 339-340; Cassola, GPR 218; Wiseman, 'The Circus Flaminius', PBSR 1974, 3-26. It may be noted that within the next few years, the Circus Flaminius became an important centre for the cult of Hercules (Bayet, *Hercule*, 240-1), Minucius made dedication to him (CIL 1² 607; cf. Ch.4 293), and Pictor developed the story of him as the Fabii's ancestor (Ch.5 316; above 380 n.64).

senate to win the consular election in 219. M. Aemilius Paullus, who was the first of his family in power since his father supported the Scipios' aggressive policy in the first Punic war, and whose daughter probably married Scipio Africanus about this time, is a likely member of this faction (92). The views of his colleague, Livius, are less clear, since his gens was last represented in 302. He may have inherited personal links with Paullus and Lentulus, whose grandfathers then held office, and have been supported in 219 by his family allies and other senators because he inherited much religious authority and knowledge of Greece and south Italy (93). The latter was appropriate for the campaign which both consuls carried out against Demetrius of Illyria; their rapid successes there suggest that their military talent also contributed to their election (94).

.....

92. Broughton, MRR 236-7; Ch.5 344;
cf. Ch.5 346 n.151; Münzer, RAA 164f; Cassola, GPR 375f;
Lippold, C 142.

93. Livius, consul of 302, had been one of the first plebeian pontifices; his family had patronised a Greek playwright from Tarentum; the consul of 219's father had included Tarentine gods in the secular games when decemvir sacris faciundis with Lepidus in 236; see Ch.5 308, 310 n.55; above 363-4; Szemler, PRR 109-110; Gagé, AR 251-6.

94. For the war, see above 364-5, 369.
De Sanctis, StR 3.2. 169-170 and Walbank, CP 1 327 note Polybius' bias to his patron's forefather Aemilius.

Conclusion

Summing up, political debate from 240 to 219 primarily concerned foreign and military affairs, although electoral and legislative control and the authority of the senate were still occasionally of significance. In many years cases can be made for the political views of candidates on these matters being the basis of their support by other senators in the curule elections, although changing circumstances and the increasing range of known spheres of interest of each family or gens preclude certainty.

SUMMARY

The definition and execution of policy, which was always in theory the responsibility of the curule magistrate, steadily came under the practical control of the senate in the first three centuries of the Republic. However, magistrates usually had enough authority and support within the senate to influence its decisions. Thus it is realistic to consider the role that policy played at the election of these magistrates.

Extra-legal constraints on presidents of elections - except those with exceptional personal authority - and the carefully ordered group voting system in the popular assemblies meant that for most of the period senatorial families controlled elections by marshalling their clients and amici to the assemblies. Hence the main role of policy in the elections was at senatorial level.

Expediency, naturally varying in significance according to circumstances, was always an essential factor in the senators' choice of the candidates they supported. Family loyalties and traditions were also of fundamental importance both in themselves, and as the basis of the senators' views on political issues.

Frequently, a magistrate's background and career suggest that he was supported by other senators because he favoured the policies he implemented when in office. The repeated coincidences of certain names in the lists of magistrates with the execution of certain policies suggest that factions of senators inheriting interests in them formed regularly to promote them by co-operating in the

elections. When similar patterns of names appear in the lists with no apparent connection to political events, this may be due to the prevalence of family loyalties at times of no political disputes in the senate, the large gaps in our knowledge of political issues, or simply coincidences of generations as the governing class became more exclusive and developed a *cursus honorum*.

In the fifth century, views on the conflict between patricians and plebeians, the development of the constitution, national defence, and the economic distress of the Roman people are most likely to have consistently dictated the electoral president's choice of successors, or the composition of the factions marshalling voters to the assemblies. In the fourth and third centuries, senators may often have divided into factions competing in the elections over the issues of the monopoly of curule office by powerful groups or individuals, the role of the senate, methods of electoral control and the constitutional, military and economic aspect of the expansion of the state. The most readily detectable single issue throughout the whole period under review is that of Rome's military activity. Although it may often have been the result of external circumstances rather than deliberate policy, and sometimes I may have laid undue emphasis on it because of the bias of the sources recounting events, its importance should not be underrated. The most distinguished curule posts, after all, were those of the military leaders; military strategy was a short term matter in which each magistrate could hope to play a significant part; the overall significance of

Rome's military activity in these three centuries is readily apparent from the size and power of the state by 219.

In the fourth century the extent to which the senators controlled the assemblies is not always clear, and therefore conclusions about the electoral results in that period are particularly uncertain. And in all three centuries under study the breadth of the support base of the candidates and hence the extent of the competition over political issues is never certain, except in the few cases where there is good evidence of conflict over policy between different factions, or an individual and the senate. Given the growing exclusiveness and authority of the governing class as a whole in other spheres, and the apparent increase in the efficiency of client control, there may have been a tendency towards greater agreement over policy among senators before the elections by the third century.

Finally, I would emphasise that the framework for Roman Republican government created by the constitution and social system, which both developed partly according to political expediency, was both firm and flexible. On the one hand, there were opportunities for the implementation of long term and moderate consensus policies, at first through the patriciate, and later through the increasingly exclusive senate of ex-magistrates, protected by its internal bonds of family links, mutual dependence and the *cursus honorum*. On the other hand, the broadening of the governing class to include plebeian leaders and newly enfranchised provincial aristocrats saved it from stagnation, and the election of annual magistrates always allowed for the implementation of immediate short-term

policies, reactions to immediate circumstances and fresh ideas. It must surely have been this continual interplay of dynamism and traditionalism that allowed the Republican state to develop as it did for three increasingly prosperous and relatively stable centuries.

- BSA Bulletin of the British School at Athens
- BICS University of London, Institute of Classical Studies, Bulletin
- CAH Cambridge Ancient History ed. Bury, Cook, Adcock, Charlesworth, 1929-39
- CP Classical Philology, Chicago
- CQ Classical Quarterly, Oxford
- CR Classical Review, Oxford
- EBE Fondation Hardt, Entretiens sur l'antiquité classique, Geneva, 1954f
- Göttingen, Göttingen
- Harmann, Wiesbaden
- Hist Historia, Wiesbaden
- HSCP Harvard Studies in Classical Philology, Cambridge, Mass.
- JHS Journal of Hellenic Studies, London
- JPhilo Journal of Philology, London
- JRS Journal of Roman Studies, London
- Klio, Berlin
- Labec, Naples
- Latomus, Brussels
- MAAR Memoirs of the American Academy at Rome
- MEFR Ecole Française de Rome, Mélanges d'Archéologie et d'Histoire, Paris
- Museon, Leiden
- OCD Oxford Classical Dictionary, 2nd ed., ed. Hasehoff, Beulard, 1970

BIBLIOGRAPHY

1. Journals and Collections Used

- AJP American Journal of Philology, Baltimore
- Ath Athenaeum, Pavia
- BCAR Bullettino della Commissione Archeologia comunale in Roma
- BICS University of London, Institute of Classical Studies, Bulletin
- CAH Cambridge Ancient History ed. Bury, Cook, Adcock, Charlesworth, 1928-39
- CP Classical Philology, Chicago
- CQ Classical Quarterly, Oxford
- CR Classical Review, Oxford
- ERH Fondation Hardt, Entretiens sur l'antiquité classique, Geneva, 1954f
- Gnomon, Munich
- Hermes, Wiesbaden
- Hist Historia, Wiesbaden
- HSCP Harvard Studies in Classical Philology, Cambridge, Mass.
- JHS Journal of Hellenic Studies, London
- JPhil Journal of Philology, London
- JRS Journal of Roman Studies, London
- Klio, Berlin
- Labeo, Naples
- Latomus, Brussels
- MAAR Memoirs of the American Academy at Rome
- MEFR École Française de Rome, Mélanges d'Archéologie et d'Histoire, Paris
- Mnemosyne, Leiden
- OCD Oxford Classical Dictionary, 2nd ed., ed. Hammond, Scullard, 1970

- PBSR Papers of the British School at Rome, London
Parola del Passato, Naples
- Philol Philologus, Berlin
Phoenix, Toronto
- PCPS Proceedings of the Cambridge Philological Society
- PWRE Paulys Real-Encyclopadie der classischen Altertumswissenschaft, ed. G. Wissowa, Stuttgart, 1894f
- REL Revue des Études Latines, Paris
- RIL Istituto Lombardo di Scienze e Lettere: Rendiconti, Milan
- PhM Rheinisches Museum, Frankfurt
- RP Revue de Philologie, Paris
- Riv.Fil Rivista di Filologia e di Istruzione Classica, Turin
- Riv.St. Ital Rivista Storica Italiana, Naples
- RSL Rivista di Studi Liguri, Bordighera
- RIDA Revue Internationale des Droits de l'Antiquité, Brussels
- RHDRE Revue Historique de Droit Français et Étranger, Paris
- SDHI Studia et Documenta Historiae et Iuris, Rome
- St.Alb Studi in Memoria de Emilio Albertario, Milan, 1953
- St.Ghis Studia Ghisleriana, Pavia
- TAPA Transactions and Proceedings of the American Philological Association, Cleveland

2. Selected Bibliography of Secondary Sources (to which frequent or widely scattered references are made)

- Adcock, F. The Roman Art of War under the Republic (Cambridge, Mass. 1940) (=RAW)
- Alföldi, A. Early Rome and the Latins (Michigan, 1965) (=ERL)

- Alföldi, A. Der Frührömische Reiteradel und seine Ehrenabzeichen (Baden-Baden, 1952) (=FRE)
- Badian, E. Foreign Clientelae (Oxford, 1958) (=FC)
- Bayet, J. Les Origines de l'Hercule Romain (Paris, 1926) (=Hercule)
- Beloch, K. Griechische Geschichte, 2nd ed. (Berlin, 1925-7) (=GG²)
- Beloch, K. Römische Geschichte (Berlin, 1926) (=RG)
- Bernardi, A. 'Rome e Capua nella Seconda Meta del Quarto Secolo A.C.', Ath. 1942, 86f and Ath. 1943 21f
- Bernardi, A. 'Patrizi e Plebei nella Costituzione della Primitiva Repubblica', RIL 1945-6, 3f
- Bernardi, A. 'Dagli Ausiliari del Rex ai Magistrati della Respublica', Ath. 1952, 3f
- Bleicken, J. Lex Publica (Berlin, 1975) (=LP)
- Bloch, R. Origins of Rome (London, 1960) (=OR)
- Botsford, G. The Roman Assemblies from their Origin to the End of the Republic, (New York, 1909) (=RA)
- Broughton, T. The Magistrates of the Roman Republic, vol. 1 (New York, 1951) (=MRR)
- Brunt, P. Italian Manpower, 225 B.C. - A.D. 14 (Oxford, 1971) (=IM)
- Cary, M. 'A Forgotten Treaty between Rome and Carthage', JRS 1919, 67f
- Cassola, F. I Gruppi Politici Romani nel III Secolo A.C. (Trieste, 1962) (=GPR)
- Coli, U. 'Regnum', SDHI 1951, 50f
- Corpus Inscriptionem Latinorum, ed. Mommsen, vol. 1 ed. 2 (Berlin, 1894) (=CIL 1²)
- Cornelius, F. Untersuchungen zur Frühen Römische Geschichte (Munich, 1940) (=UFRG)
- Crawford, M. Roman Republican Coinage (Cambridge, 1974) (=RRC)
- Degrassi. Inscriptiones Italiae 13.1: 'Fasti Consulares et Triumphales' (Rome, 1947f) (=II 13.1)
- Degrassi. Inscriptiones Italiae 13.3: 'Elogia' (Rome, 1947f) (=II 13.3)

- De Francisci, P. *Primordia Civitatis* (Rome, 1959) (=PC)
- De Sanctis, G. *Storia dei Romani* (Turin, 1907-1964) (=StR)
- Dessau, H. *Inscriptiones Latinae Selectae* (Berlin, 1892-1914) (=ILS)
- Develin, R. *Patterns in Office Holding, 366-49 B.C.* (Brussels, 1979) (=POH)
- Forni, G. 'Manio Curio Dentato, uomo democratico', *Ath.* 1953, 170f
- Fraccaro, P. *Opuscula* (Pavia, 1956-7) (=Opusc.)
- Frank, T. 'On Rome's Conquest of Picenum, Sabinum and Etruria', *Klio*, 1911, 367f
- Frank, T. *Roman Imperialism* (New York, 1929) (=RI)
- Frank, T. 'Roman Census Statistics from 508 to 225 B.C.' *AJP* 1930, 313f
- Frank, T. *An Economic Survey of Ancient Rome* (Baltimore, 1933) (=ES)
- Frier, B. *Libri Annales Pontificum Maximorum: the Origins of the Annalistic Tradition* (Rome, 1979) (=LAPM)
- Gagé, J. *Apollon Romaine* (Paris, 1955) (=AR)
- Gelzer, M. *The Roman Nobility* (trans. Seagar, Oxford, 1975) (=RN)
- Gjerstad, E. *Early Rome* (Lund, 1953-73) (=ER)
- Gjerstad, E. *Legends and Facts of Early Roman History* (Lund, 1960) (=LF)
- Hall, U. 'Voting Procedure in the Roman Assemblies' *Hist.* 1964, 267f
- Harris, W. *Rome in Etruria and Umbria* (Oxford, 1979) (=REU)
- Harris, W. *War and Imperialism in Republican Rome, 327-70 B.C.* (Oxford, 1979) (=WIRR)
- Haywood, R. *Studies on Scipio Africanus* (Baltimore, 1933) (=SA)
- Heurgon, J. *Recherches sur l'Histoire, la Religion et la Civilisation de Capoue Préromaine* (Paris, 1942) (=CP)
- Heurgon, J. *The Rise of Rome* (trans. Willis, London, 1973) (=RR)
- Holleaux, M. *Rome, la Grèce et les Monarchies Hellenistiques* (Paris, 1921) (=RGM)

- Hill, H. *The Roman Middle Class in the Republican Period* (Oxford, 1952) (=RMC)
- Jahn, J. *Interregnum und Wahldiktatur* (Kallmünz, 1970) (=IW)
- Last, H. 'The Servian Reforms', *JRS* 1945, 30f
- Latte, K. *Römische Religionsgeschichte* (Munich, 1960) (=RR)
- Le Bonniec, H. *Le Culte Cérès à Rome des Origines à la Fin de la République* (Paris, 1958) (=CC)
- Lintott, A. *Violence in Republican Rome* (Oxford, 1968) (=VRR)
- Lippold, A. *Consules* (Bonn, 1963) (=C)
- Marsh, F. *History of the Roman World, 146-30 B.C.* (London, 1935) (=HRW)
- Meiggs, R. *Roman Ostia*, 2nd ed. (Oxford, 1973) (=RO²)
- Meyer, Ed. *Kleine Schriften*, 2nd ed. (Halle, 1924) (=KS²)
- Meyer, E. *Römischer Staat und Staatsgedanke*, 2nd ed. (Zurich, 1961) (=RSS²)
- Momigliano, A. *Terzo Contributo alla Storia degli Classici e del Mondo Antico* (Rome, 1966) (=TC)
- Momigliano, A. *Quarto Contributo alla Storia degli Classici e del Mondo Antico* (Rome, 1969) (=QuartC)
- Mommsen, T. *Römische Forschungen* (Berlin, 1864) (=RF)
- Mommsen, T. *Römische Staatsrecht*, 3rd ed. (Leipzig, 1887) (=RSt³)
- Mommsen, T. *History of Rome* (trans. Dickson, London, 1894) (=HR)
- Münzer, F. *Römische Adelparteien und Adelsfamilien* (Stuttgart, 1920) (=RAA)
- Niccolini, G. *I Fasti Tribuni della Plebe* (Milan, 1934) (=FTP)
- Ogilvie, R. *A Commentary on Livy Books 1-5* (Oxford, 1965) (=CL)
- Ogilvie, R. *Early Rome and the Etruscans* (London, 1976) (=ERE)
- Pais, E. *Ancient Legends of Roman History* (trans. Cosenza, London, 1906) (=ALRH)

- Palmer, R. *The Archaic Community of the Romans* (Cambridge, 1970) (=ACR)
- Peter, H. *Historicorum Romanorum Fragmenta* (Lipsiae, 1883) (=Peter)
- Richard, J. *Les Origines de la Plèbe Romaine* (Rome, 1978) (=OPR)
- Rilingar, R. *Der Einfluss des Wahlleiters bei den Römischen Konsulwahlen von 366 bis 50 v. Chr.* (Munich, 1976) (=EWRK)
- Rotondi, G. *Leges Publicae Populi Romani* (Milan, 1962) (=LP)
- Salmon, E. *Samnium and the Samnites* (Cambridge, 1967) (=SS)
- Salmon, E. *Roman Colonization under the Republic* (New York, 1970) (=RC)
- Schulze, W. *Zur Geschichte Lateinischer Eigennamen* (Berlin, 1904) (=GLE)
- Schwegler, A. *Römische Geschichte* (Tubingen, 1867-72) (=RG)
- Scott Ryberg, I. *An Archaeological Record of Rome from the 7th to the 2nd Century B.C.* (London, 1940) (=ARR)
- Scullard, H. *Roman Politics* (Oxford, 1951) (=RP)
- Scullard, H. 'Roman Politics', *BICS* 1955, 15f
- Scullard, H. *A History of the Roman World, 753-146 B.C.* 4th ed. (London, 1980) (=HRW⁴)
- Scullard, H. *Festivals and Ceremonies in the Roman Republic* (London, 1981) (=FCRR)
- Sherwin-White, A. *The Roman Citizenship*, 2nd ed. (Oxford, 1973) (=RC)
- Sordi, M. *I Rapporti Romano-Ceriti e l'Origine della Civitas sine Suffragio* (Rome, 1960) (=RRC)
- Staveley, E. 'Provocatio during the Fifth and Fourth Centuries', *Hist.* 1954, 412f
- Staveley, E. 'Tribal Legislation before the Lex Hortensia', *Ath.* 1955, 3f
- Staveley, E. 'The Constitution of the Roman Republic', *Hist.* 1956, 74f
- Staveley, E. 'The Political Aims of Appius Claudius Caecus', *Hist.* 1959, 410f
- Staveley, E. *Greek and Roman Voting and Elections* (New York, 1972) (=GRVE)

- Strachan Davidson, J. Problems of the Roman Criminal Law (Oxford, 1912) (=PRCL)
- Suolahti, J. The Roman Censors (Helsinki, 1963) (=RC)
- Syme, R. The Roman Revolution (Oxford, 1939) (=RR)
- Szemler, G. The Priests of the Roman Republic (Brussels, 1972) (=PRR)
- Taylor, L. Party Politics in the Age of Caesar (Berkeley and Los Angeles, 1949) (=PPAC)
- Taylor, L. The Voting Districts of the Roman Republic (Rome, 1960) (=VDRR)
- Taylor, L. Roman Voting Assemblies (Michigan, 1966) (=RVA)
- Thiel, J. A History of Roman Seapower before the Second Punic War (Amsterdam, 1954) (=HRSP)
- Thomsen, R. King Servius Tullius (Copenhagen, 1980) (=KST)
- Tibiletti, F. 'Il Possesso dell'Ager Publicus e le Norme de Modo Agrorum sine ai Gracchi', Ath. 1948 173f; 1949, 3f
- Tibiletti, F. 'Il Funzionamento dei Comizi Centuriati alla Luce della Tavola Hebana', Ath. 1949 210f
- Tibiletti, F. 'Evoluzione di Magistrato e Populo nello Stato Romano', St.Ghis., 1950, 3f.
- Torelli. Elogia Tarquiniensia (Florence, 1975) (=ET)
- Torelli. Rerum Romanorum Fontes, 292-264 B.C. (Pisa, 1978) (=RRF)
- Toynbee, A. Hannibal's Legacy (Oxford, 1965) (=HL)
- Walbank, F. A Historical Commentary to Polybius vol. i (Oxford, 1957) (=CP)
- Walbank, F. Polybius (Berkeley and Los Angeles, 1972) (=P)
- Watson, A. Rome of the Twelve Tables (Princeton, 1975) (=RTT)
- Willems, P. Le Sénat de la République Romaine (Paris, 1878) (=SRR)
- Wiseman, T. Clio's Cosmetics (Leicester, 1979) (=CC)
- Wissowa, G. Religion und Kultus der Romer, 2nd ed. (Munich, 1912) (=RKR²)