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PATRICIANS AND PLEBEIANS AT ROME.

By PROFESSOR H. J. ROSE.

It has been widely held since the days of Aretino (1369-1444) and more scientifically since those of Niebuhr, that the Patricians and the Plebeians were in origin two different peoples or races. I propose to show, firstly, that the Plebeians were never a people or a race at all; secondly, that the differences to which attention has been drawn are differences within the Patrician body itself, the result of its development from at least three stocks. My grounds for the former view are largely negative—the inadequacy of the arguments adduced by Niebuhr and his supporters, down to and including Binder and Piganiol; for the latter, I think strong positive arguments may be found, some of which, well observed but ill interpreted, form the most respectable props of the view which I discard.

The older theories, including those of Niebuhr himself, of Ihne, and of Schwegler, largely cancel each other out, as Binder shows¹; and, as he sensibly remarks, they all have a tendency to get rid of the ancient tradition by destructive criticism and then adopt fragments of it for their own foundation.² They all contain the supposition that there was in early Rome a blend of at least two peoples, the Sabines and the followers of Romulus of the tradition, or the *montani* and *collini*, or the original Romans, whoever they were, and conquered populations who had become their serfs or tenants. As to the rights, if any, possessed by the conquered, their racial name, and their relation to the conquerors (whether as serfs, *clientes*, or other), these theories all differ so widely that an impartial observer is tempted to consider their very divergency as constituting a strong argument against their validity.

But setting all this aside, and especially the question of the names of the races involved, which seems quite hopeless of solution, we may divide the arguments for the general proposition that the Patricians were one race and the Plebeians another, under three heads, topographical, juristic (or sociological), and religious. Archaeology, while it is invoked by most if not all theorists here and elsewhere, can clearly give only subsidiary support; it can, that is, give us some grounds for saying that there were or were not various races, or at least various types of culture, at Rome, but can hardly be expected to let us know by what technical names these types

¹ *Die Plebs*. Leipzig 1909, p. 181 sqq.

² *Ibid.* p. 209.

were distinguished. Philology again speaks with a very hesitating voice, and can hardly say more than that the Latin language is not absolutely homogeneous, which no one supposed it was.

Of the above classes of evidence, Binder relies mostly on the first and second; Piganiol, while he uses them all, lays perhaps most stress on the second and third. His theory is, that the Plebeians were Sabines, who were a Mediterranean people; that the Patricians were northern invaders, whose immediate provenance was the Mons Albanus.¹ I now proceed to review the arguments of these two writers in detail, not only because they are the latest² with whom I am acquainted, but also because their very learned and laborious works summarize the earlier theories as well as giving their own.

1. *Topographical arguments.* Most theories of this type adopt in one form or another some such view as that of Niebuhr, namely that in very early times there existed (*a*) a community on the Palatine, (*b*) a second community on the Quirinal or the Quirinal and Capitol. These ultimately coalesced, thus including the Forum in the new combined city. It has been suggested that the Volcanal at the foot of the Arx marks the site of some very ancient shrine erected to commemorate this union. That the traditions, as given by Livy for instance, declare Rome to have spread out from the Palatine by successive additions of neighbouring hills and valleys, is of course no argument against this, for there is no reason to imagine that their framers had any more knowledge of the facts than we have, or indeed as much. We have therefore only the actual sites and what fragments of ritual or other evidence may be left, to guide us.

That the Palatine settlement is the oldest, or at least one of the oldest, is hardly to be disputed.³ Its boundaries were still remembered in the time of Tacitus⁴; it contains the sites of the very early worship of Cacus and Caca; it is the centre of the ceremonial of the Luperci; and it dominates the Forum Boarium with the great altar of Hercules, of whose importance I shall have more to say later. The only really sound argument that can be urged against its priority is that many of the earliest and most famous cults are not on it, but on the Capitol or in the Forum. For the Forum, I hope to show that the most important of its cults, that of Vesta, is comparatively late in the earliest form which we know anything about, and therefore may well have arisen, and so displaced the worship of Caca, after Rome as we know it came into existence, *i.e.*, after the Seven Hills, or most of them, were united in one settlement

¹ *Essai sur les origines de Rome*, Paris 1917; summary on p. 313 sqq.

² Except Oberziner, *Patriziato e plebe*, in *Studi di filologia, filosofia e storia*, 1913, which is in part a

reply to Binder's criticism of his earlier work on the subject.

³ The evidence is carefully reviewed by Binder, p. 1 sqq.

⁴ Tac., *Ann.* xii, 2, 3.

with the Forum valley, more or less drained and reclaimed, for their central market-place.

Assuming then that the Palatine was settled very early, what evidence have we that any other hill was also settled at as early a date? And here I would mention that by *settled* I mean *containing something of the nature of a town*. A mere hill-top fort, such as those which are scattered over a great part of Wales for example, may notoriously exist within a very short distance of another—half a mile or less; but a hill-top fort is not a settlement, but a watch-tower or at best a temporary protection against sudden raids. A permanent settlement implies a water-supply, access to the surrounding country, and in particular access to the scene of those activities (trade, farming, pasturage) from which the inhabitants get their livelihood. It also implies defensibility.

If we start from the furthest hill down-stream, the Aventine, we must, I think, admit that the occupation of the Palatine put it nearly out of the question for any settlement of an independent and therefore potentially hostile nature. The Palatini indeed could hardly cut the Auentini off from water; but as the latter hill stands almost on a peninsula, a blockade which would prevent its inhabitants getting at the hinterland would have been very easy; while a counter-blockade, supposing the Auentini numerically stronger, would have called for the services of a relatively large number of men, if the Palatini were to be prevented both from crossing the Forum valley (with look-outs on the Velia to give warning of the approach of raiders) and from driving their cattle out, or going to till their fields, across the Velabrum and around the Capitol. Moreover, although the Palatine originally was doubtless less steeply scarped than now, it must always have been a decidedly steep hill on every side but that approached by the Velia, else why go to the trouble of cutting the *Scalae Caci*? It therefore would need relatively few men to defend it, leaving more of the population free for raids on the cattle, lands or trade of the enemy; while the Aventine would almost certainly need a larger garrison. In any hostilities, therefore, the Auentini would be doomed from the beginning to fail in the long run, given about equal numbers and courage.

But in addition there is what appears to me to be a scrap of tradition of a time when the Aventine was uninhabited. That is Ennius' statement that Romulus¹ took his auspices from it. Now, although there is an admirable view to-day from the terrace of the *Ristorante Palazzo dei Cesari*, towards the Palatine, this would be quite unsuitable for an augur, for it looks neither east nor south. The post of an augur was necessarily one which commanded an uninterrupted view; hence the precautions taken to prevent any building

¹ *Annales* 84, Vahlen = Cic. *de divin.* i, 107.

interfering with the line of sight from the *auguraculum* on the Arx.¹ What point on the Aventine would furnish such a prospect? The top, no doubt; but as the top is rather flat, this presupposes that there were no buildings at all to get in the way.

The Caelian, despite its considerable circumference, is so low that it can hardly put in a serious claim to have been at any time an independent fortified settlement. The name of the Viminal shows that it was an uninhabited spot where people went to gather *uimina* to make baskets. The Esquiline is a mere ridge, with no great natural strength and no trace of the elaborate early fortification which it would need if it was to be tenable. There remain the Capitol and the Quirinal.

The former at first sight looks promising; it is certainly a strong position; it is isolated, or nearly so²; and any one holding it could interfere with the activities of the Palatini in an unwelcome manner, if they tried to cross either the Velabrum or the Forum. But it is very small, too small for a town of any size; its top is extremely irregular; and most important of all, its only water supply appears to have been at or near the Tullianum, dangerously accessible to an enemy from below.

Moreover, we have again a scrap of positive evidence that it was originally *extra pomerium*. The Tarpeian rock was traditionally the site of an ordeal by precipitation; at the other end of the hill lay in historical times the Gemoniae, used for the exposure of the bodies of criminals. Now, although the case-hardened Romans of the Empire and late Republic tolerated such things in the city itself, we have every reason to suppose that their ancestors were more *religiosi* in such matters. Just as the existence of a precinct of the god of destroying fire, the Volcanal, in the Forum goes to prove that that was originally *extra pomerium*, so these ill-boding localities on the Mons Capitolinus incline me to the opinion that it also had nothing to do with the inhabited town to start with. Moreover, when first we know anything of it, its whole top is consecrated, Iuno and the *auguraculum* occupying the Arx, and the Triad, or rather their predecessors, Terminus, Iuventas, and others, the Capitol proper, while between is the inviolable space where tradition puts the asylum of Romulus.

The Quirinal then remains as the one rival of the Palatine in the

¹ Cic. *de off.* iii, 66.

² Binder's attempt to make out that it was once joined to the Quirinal by a ridge is more than doubtful. He deduces from the inscription on Trajan's column, 'ad declarandum quantac altitudinis mons et locus tan . . . pibus sit egestus,' that there was an actual *mons* there as high as the Column. But it is surely more natural to follow Ch. Bruston (*Rev. des études anciennes*, xxiv, 1922, p. 305) who

supplies tan[tis ru]pibus, translating 'pour déclarer que d'aussi grande hauteur est un mont, le lieu aussi a été tiré d'aussi grandes roches,' i.e., Trajan's workmen had to clear away a perfect 'mountain' of rocks, but not a solid hill of any kind, for an ancient road ran through them. This seems much more likely than to suppose that the road in question was the Via Fornicata and was actually tunnelled through a rocky hill or ridge, as Binder does, p. 42 sqq.

matter of ancientry. Here there is no direct evidence to refute the suggestion that there may have been a town on it; for archaeology, which if it could speak at all on this matter would have the casting vote, on the one hand shows us no very ancient monuments there, but on the other has had no opportunity to explore the whole hill, occupied as it is by important modern buildings. If we may believe Varro,¹ the Capitoline Triad was originally worshipped there, at the *Capitolium uetus*; but if this is so, it takes us no farther back than the Etruscan period, when the hill may very well have been part of royal Rome. The fact that Flora had a temple there, or at least a shrine of some kind² indicates, if anything, that it lay rather in the country than in the city. The name Quirinus does not sound Sabine; but the *Q* may not be original. Kretschmer (*Glotta* x, p. 147 sqq.) suggests plausibly that *quirites* <co + uiri-, cf. *uiritim*, *Virites*; hence **couiriom*> *Quirium*, and from that *Quirinus*, as *Latinus* from *Latium*.

As to the occurrence of the Septimontium, in which the *collini* had no part, I do not see what this can fairly be taken to show except that Rome in historical times comprised two main divisions, whereof one, that of the seven original *montes*, formed in some way a separate whole; which is consistent with the hypothesis of two original towns, or with the supposition that everything beyond the Septimontium is a later addition to the city and was still uninhabited when that festival originated, or with almost any other conceivable reconstruction of the growth of Rome. The *Sacra Via* formed a unit for the purpose of the ritual struggle with the people of the Subura after the sacrifice of the October Horse³; but I think no one has yet proposed to see in it the street of an ancient independent village.

The theory then of two cities on the site of historical Rome, each occupied by a different people, gets at best a verdict of *non liquet*, with the probabilities decidedly against its correctness. There remain those suggestions, such as the theories of Schwegler and Voigt, which simply suppose that there were two bodies of people, one consisting of the *patricii*, or original inhabitants, with perhaps a following of *clientes*, while the other was made up of the conquered Latin country-folk, or of tenant-farmers (K. J. Neumann) who were more or less serfs; also such theories as that of Mommsen, that the *clientes* and the *plebs* were one and the same originally—for, while Mommsen accepts Niebuhr's two cities, they can hardly be said to form an essential part of his view which would stand if we supposed any other conflation of two communities; or finally the view of Binder, that the plebeians were no other than the original

¹ *De lingua Latina* v, 158.

³ Wiss., *op. cit.* p. 145.

² See Wissowa, *Religion und Kultus der Römer*, p. 198.

(Latin) inhabitants of Rome itself, conquered but not reduced to slavery or serfdom by their invading masters. 'Dieses patrizische Urrom ist das $\pi\rho\omega\tau\omicron\nu$ $\psi\epsilon\upsilon\delta\omicron\varsigma$ der römischen Tradition.'¹ Another form of this—for in such a question the names are hardly more than traditional labels—is the theory of Boni, of long-headed races, whose bones are to be found in the Forum necropolis, conquered by a broad-headed, cremating, Indo-European people, whose aristocratic skulls are traceable in the statues of gods; or the fundamentally similar ideas of Oberziner and of Piganiol, of plebeians who were hunters (Oberziner) or farmers (Piganiol), conquered by farming or cattle-breeding patricians.

2. *Juristic and sociological arguments for diversity of race.* Many of these have already been disposed of by supporters of a different form of the theory in question. For instance, Binder points out² that the alleged difference in speech between patrician and plebeian—which, it is amusing to remember, is the earliest argument of all, for Aretino supposed that the former spoke classical Latin, the latter vulgar Italian, like the peasantry of his own day—is no more than the difference between *sermo urbanus* and rustic or uneducated speech, *sermo plebeius*; there is no sign that it was even a different dialect. Indeed, considerable confusion has arisen from taking the word *plebeius* always to mean plebeian in the strict sense, whereas from at least the time of Cicero it very often means no more than common, vulgar, homely; *purpura plebeia ac paene fusca*³ is the native Italian dye, much inferior to the genuine Tyrian in sheen. Binder himself falls into this trap when he takes at its face value the statement of Festus (or rather Paulus Diaconus)⁴ that the *flamines minores* were plebeian, *i.e.*, they were of little account, mere everyday clerics, in contrast to the really important *flamines maiores*. Another argument is that from the traditional division of the people into Ramnes, Luceres and Tities, which Binder well notes to be no more than the familiar division into three, reflected in the Athenian $\tau\rho\iota\tau\acute{\omega}\epsilon\varsigma$, the Oscan *trifu*, and (he might have added), the word *tribus* itself and probably the division of the Dorians into Argadeis, Dymaneis, and Pamphyhloi.⁵ It is common, that is, among various people of Wiro speech (I use Dr. Giles' convenient substitute for the unsatisfactory 'Indo-Germanic' or 'Indo-European'); as to its meaning, I see no basis for even a reasonable guess; but there seem to be no grounds for supposing that it represents either an exogamous classification or the fusion of three peoples or bands into one. So far as it goes, then, it may well be a patrician division, for all the dominant races of Italy, save the Etruscans, were and are of Wiro speech, and the Etruscans clearly did not found the

¹ Binder, p. 226.

² p. 322.

³ Cic., *pro Sest.* 19.

⁴ p. 151, Müller.

⁵ p. 144.

patrician institutions, the vocabulary of which is Wiro; therefore the patricians presumably spoke Wiro of some kind, Latin, Sabine, or whatever it may have been.

Of even less evidential force, as it seems to me, are the various statements and inferences that this or that quarter of Rome (Aventine, Esquiline, etc.) was plebeian in population. The Rome we know in anything like detail had already passed through the long struggle of the orders; and we need only look at London to see how the tone of a quarter may change in comparatively few years. As Bloomsbury, for example, now anything but an aristocratic district, bears in its street-names and other such indications the clearest traces of the days when it was occupied largely by noblemen's houses, so the fact that the Aventine, for example, was a plebeian quarter in Livy's time, and probably for a good while before that, leaves us quite free to conjecture if we choose that originally only the pick of the aristocracy lived there. When, as occasionally happens, as in the case of the Aventine again, we have some real grounds for supposing that a quarter was plebeian from the start, good reasons for it can, I think, be shown without supposing this difference of race.

In general, no proof of difference of race, culture, or original citizenship which falls under this category can be considered cogent if it merely proves that the patricians had some right or some custom, religious or social, which the plebeians had not. That would be perfectly consistent with the supposition (which I believe to be the true one) that the latter were the less important members of a political body which nevertheless felt itself more or less homogeneous and had no reason for supposing itself to consist of an upper and a lower racial stratum. To be of evidential value, the phenomena in question should include some custom, however insignificant, or some right, however trivial, which the plebeians had and the patricians had not. Thus—to take an example from a people well known to consist of two races, one of which has conquered the other—among the Banyoro, of the Uganda Protectorate, where a pastoral tribe, the Bahuma, rule over a peasant people, the Bairu, the king used to choose annually a sort of puppet-monarch with the title of 'king's father,' who exercised authority for a few days and then was put to death¹. The doubtful privilege of furnishing this shadow of royalty belonged to the peasants, and was the last survival of their old sovereignty over the country. If it could be shown, for example, that the *flamen Dialis* was of a different social class from the actual magistrates, an indication of a like difference of race would be found for Rome. But I find no such proof.

That the plebeians had some rights which the patricians had

¹ See *Man* 1920, no. 90 (p. 181).

not, in historical times, is of course a commonplace. No patrician, for example, might become tribune of the plebs; and that mysterious body, the *concilium plebis*, points to the existence of an assembly in which the patricians had no share. But the very authorities which tell us of these institutions tell us also that they are incidents of the long fight of the plebeians for political recognition. To reject this part of the tradition, and assume that they were original, is the merest special pleading, even if there were not, as I hope to show that there were, features of the tribuneship which support the tradition. It would be hardly less absurd to use the paucity of members of the House of Lords who are also shop-stewards to prove that the English working classes are of a different race from the peerage. Indeed, many arguments of the kind referred to vanish when one parallels them from modern political events.

The commonest argument is also, to my mind, one of the weakest. It is drawn from the Livian account of the Lex Canuleia,¹ and consists of the assumption—for it really is nothing more—that the reason why *conubium* did not exist between plebeians and patricians was, that the former were matrilineal, the latter patrilineal. In the first place, this is not a *vera causa*. We have, in the Nairs and their neighbours, the Travancore Brahmins, an example of a fully patrilineal race side by side with one fully matrilineal, which commonly intermarries with it. The Brahmins keep up the custom of allowing only the eldest son to marry; the younger sons therefore form what they regard as irregular unions with Nair women. But to these women the unions are perfectly regular; the children born of them belong to the mother's clan, exactly as they would had their father been a Nair; and, exactly as if the woman had married one of her own people, the union is not necessarily permanent, nor has the father anything to do with the children. If then the plebeians had mother-right, we should expect to hear stories to the effect that such-and-such a patrician had a plebeian concubine, and that owing to the immorality of plebeian women she was none the worse thought of; this charge of immorality being one commonly brought by patrilineal against matrilineal races, *e.g.*, by both Romans and Greeks against the Etruscans.² What we do hear, from the time when the story of Verginia was put together downwards, is that the plebeian women were chaste, jealous of their honour, and good wives and mothers; in other words, that they differed in no way from the traditional patrician women.

The other arguments for a matrilineal organization among the plebeians I have disposed of elsewhere.³ These derived from such features of cult as the tabu on the mention of a father's name in

¹ iv, 1 sqq.

² Plautus, *Cist.* 562; Theopompus *ap.* Athen. xii, 517 d.e.

³ *Mother-Right in Anc. Italy*, in *Folk-Lore* xxxi (1920), p. 93 sqq.

the rites of Ceres,¹ or from the supposed prominence of goddesses rather than gods (*e.g.*, Ceres) in plebeian cult, appear to me laughably weak. Even if most of these cults were not demonstrably influenced by those of Magna Graecia, the argument would be valueless; in particular, the tabu in the rites of Ceres extended to the name of a daughter (*ne quis patrem aut filiam nominet*), and if the worship of deities embodying 'das Mutteridee,' as Binder calls it, proves mother-right, then mediaeval Europe, and much of modern Europe also, must surely be matrilineal, since the Virgin Mary is the most noteworthy and most beautiful embodiment of that idea yet evolved. Equally feeble are arguments drawn from such facts as the non-inheritance of the throne by the sons of kings (that the throne descends in the female line, as Piganiol would have it, is an absurd exaggeration), or from the occasional prominence of a relative on the distaff side, such as the maternal uncles of Lucretia, Verginia and Romulus²; for even if we were to take these tales at their face value, they would merely show us what we know already from Cicero and other authors, that at Rome we have *not* that very rare phenomenon, a people which for everyday purposes reckons descent on one side only; while as to the kings, Binder himself furnishes the undoubtedly right explanation,³ namely that they are throughout represented as elected, not as succeeding by hereditary right of any sort, and therefore, to point the moral, we have cases of the king's own son being set aside in favour of a worthier or more popular claimant.

Of more account is the juristic argument, on which Binder naturally lays the most stress, and which he handles with knowledge and skill. It amounts to this; that the plebeians were Latins, because plebeian rights and Latin rights are the same. Originally, he supposes, very plausibly,⁴ the Latini, being one tribe, had one body of traditional law. To have a different law would be tantamount to belonging to a different tribe or perhaps race. Now the *ius Latii* of historical times is a certain body of rights which Romans and Latins had in common—those rights which were possessed by *ciues sine suffragio*, or *municipes*. So complete was the solidarity of this body of rights, the fruit of the solidarity of the people to whom it belonged, that an innovation, such as the introduction of the *testamentum* at Rome, would automatically spread through the entire body. Now one of the characteristic features about the relationship between Rome and the other cities of the Latin League was that their citizenship was to a great extent interchangeable. A Roman might, if he chose, go to a Latin city and become a Latin; a Latin might reciprocally migrate to Rome and to a certain extent at least acquire citizenship there. But—and this is the main point of the

¹ Servius (Dan.) on Aen. iv, 58; see Binder p. 356.

² Piganiol, p. 156 sqq.

³ P. 539.

⁴ P. 351 sqq.; 329 sqq.

argument—he acquired the status of a plebeian, not of a patrician, if he did so. Binder deduces from the names of one or two well-known families that they were of Latin origin; thus he supposes that C. Marcius Coriolanus, of the plebeian *gens Marcia*, was a Latin from Corioli.

Furthermore, he deduces from the claim of the Latins (Liv. viii, 14, 11; 5, 6) to *consulem alterum senatusque partem*, the existence of an old organisation of a tribal state (*Stammstadt*) historically earlier than the city state (*Stadtstaat*) represented by Rome. This, to him, is sufficient proof that the so-called League was no confederacy of cities, but the organization of a race, whose members had constructed and lived in more than one town. Had it been a real league, he submits, the Latins could not have based on that fact any tolerable claim to a share in the governing body of Rome, one of the members of that league. In his opinion the traditions of the *foedus Cassianum*—he holds Sp. Cassius to have been tribune of the plebs only, and not consul—of the first secession of the plebs, of the attack upon Rome by Coriolanus, and of the *Leges Liciniae Sextiae*, are all different accounts of the one event, namely the agreement arrived at by the Latin plebs, in Rome and out of it, with the non-Latin (Sabine) patrician body. That a merely economic difference between the orders should have led to the struggle for political supremacy he thinks out of the question.

This is a most ingenious reconstruction of history; but beyond assent to the original proposition, that the Latini probably had in the earliest times a common body of traditions, one can hardly agree with it. In the first place, the suggestion that these traditions altered automatically throughout the whole area receives no support from anything we know either of ancient leagues or of barbarian peoples (as those of Africa) which have in common a heritage of traditional law and custom. Any such sweeping changes as Binder supposes, for example the introduction of *patria potestas* where none had existed before, or of the right of making wills, if they affect more than one member of the League at about the same time, are clear proof of the existence of a central legislative body. In the old days before Roman hegemony the council of the League, meeting *ad caput Ferentinae* or elsewhere, would we may suppose be competent to make such changes; but in historical times what body could introduce such modifications, affecting Rome, save the *Senatus populusque Romanus*? And that this was patrician-controlled no one denies.

Moreover, while it is true that a Roman could very easily acquire Latin status if he wanted it by change of domicile, it is not equally true—witness the occasional expulsions of non-Romans from Rome¹—

¹ See Livy ii, 37, 8; Cic. *pro Sest.* 30 and Schol. Bob. *ad loc.*; notice that Cicero specifically mentions the Latini.

that a Latin could move to Rome and there become without further ado a Roman *civis sine suffragio*. And while it is true enough that all new citizens, with or without full civic rights, in the fully historical time¹ were plebeians, it by no means follows that all plebeians were at any time *civis sine suffragio*, or in possession of Latin rights only. The explanation is much simpler; from a quite early date the patrician body ceased to recruit itself from without, and so until the emperors assumed the power of giving patents of nobility, every newly admitted Roman citizen, from Latin magistrates to emancipated slaves, became a plebeian because there was nothing else for him to become.

Moreover, neither the claims of the Latins (supposing them to be historical and not a mere reflex of the similar Italian claims at the beginning of the Social War)² nor the political claims of the plebs, supposing them to have been simply the economically inferior body of the citizens, are in the least improbable. The governing body of Rome had become in fact the governing body of the League, whose old council had dwindled to a mere shadow. Latin officers and men served in war under a Roman staff. Is it in any way incredible that the attitude of the Latins towards Rome should have been much the same as that of the American colonists towards the British Government in 1775, or, in later times and with far less ill-feeling, of the modern Dominions, the fruit of which is to be seen in the various conferences and in the schemes for an Imperial Parliament? As to the likelihood of a movement arising out of economic difficulties resulting in a campaign for increased political rights, we have to look no further than the history of the Labour party for a close parallel.

3. *Arguments from religious differences.* To put the case in a nut-shell, the admitted facts are as follows: a large number of cults were in patrician hands as far back as we know anything about them; thus the flamines of Iuppiter, Mars and Quirinus, were of necessity patricians; the augurs and pontifices were so till relatively late times; and in general the patricians alone were credited with the knowledge of how ritual, and in particular official divination, should be performed. On the other hand, we know of many other cults, such as that of Ceres, that they were plebeian, and there are some few of the certainly ancient worships, such as that of the Dea Dia, concerning which we are not told in so many words that the priesthood was of necessity patrician to start with. But the impression left on most writers on Roman religion is, that all cults, if old, are patrician, and if plebeian, are recent. This is confirmed by the fact

¹ That it was not originally so I hope to prove later.

² The Italians did not exactly ask for one of the consuls to be of their number, but their demands, if granted, would have produced that result at

least, considering the relative numbers of Roman citizens and *socii* at the time; Φούλουιος Φλάκκος ὑπατεύων . . . ἡρέθιζε τοὺς Ἰταλοὺς ἐπιθυμεῖν τῆς Ῥωμαίων πολιτείας ὡς κοινωνοὺς τῆς ἡγεμονίας ἀντὶ ὑπηκόων ἐσόμενους, Appian, *Bell. Ciu.* i, 34.

that admittedly plebeian cults, like those of Ceres and Diana, have no footing *intra pomerium*, but are on the Aventine or other such places; and this without any indication that the deities worshipped were of a dangerous type, as were for instance Volkanus and Mars, whose original cult would appear to have been outside the walls.

Piganiol, and to a less extent Binder, try to find in the long list of deities and ceremonies examples either of admittedly ancient cults which are plebeian, or of admittedly plebeian cults which are ancient. The former author cuts the knot in vigorous style. Adopting the theory—abandoned by the sanest authorities on ancient religion—that the Mediterranean peoples always worshipped chthonian powers, the invaders from the north sky-gods (and he would add, fire-gods) he readily arranges the Roman deities under these two categories, and proceeds to identify this division with that into patrician and plebeian cults. Into the details of his development of this theme it is hardly worth while to go; they will be found in the work already often quoted, Part II, chap. ii. A few samples however will serve to show the wildness of his ideas on the subject.

He considers the stone (Iuppiter Lapis, Terminus, the Bona Dea Subsaxana, etc.) a characteristic symbol of the Mediterranean or chthonian cult. With this he would associate sacrifices made without fire. To the sky-cult on the other hand belong rites involving the use of fire.¹ Consistently with this, he supposes that there were two types of altars, representing the two cults: '(1) le tumulus de gazon qui porte un feu allumé; dans ce foyer on jette, a destination *des dieux d'en haut*, toutes sortes d'échantillons. (2) la pierre qu'on frotte de sang.' He then proceeds to quote the remark of Servius on Aen. III, 134, *nec licere uel priuata uel publica sacra sine foco fieri* and the (quite erroneous) statement of Dion. Hal., ii, 74, 4 that Terminus was worshipped without blood-offerings, as proving deliberate official interference with this ancient state of things, in the interests of the triumphant cult of fire. That we have no sort of proof that the Lares, whom every evidence shows to have been chthonian deities of some kind, were sacrificed to otherwise than by burnt offerings, does not seem to trouble him at all, any more than the fact that burnt sacrifice was so common an accompaniment of the fixing in place of a *terminus* that surveyors were bidden to look for the layer of ashes under a stone if they were in doubt whether it was a boundary mark or not.² A little later, he is obliged to suppose that Vesta is a deity later than Volkanus, who supplanted him; the truth being of course that the two have nothing whatever to do with one another, being respectively the deities of devouring fire and of the hearth; and that the cult of the former

¹ P. 95.

² *Gromatici*, p. 140 Lachmann. The author,

Siculus Flaccus, adds that the custom was *apud antiquos observata*.

was vigorous from the earliest times. Binder, while he does not fly in the face of facts in this wholesale manner, uses some very weak proofs for his contention that certain of the older cults were plebeian. Thus, on the relative paucity of evidence for the connection of the Palatine settlement with old patrician cults he grounds his suggestion that it was an old plebeian settlement; while for the rest of the Septimontium he gets rid of the evidence from such facts as the existence of an ancient shrine of Carna on the Caelius by the mere assumption that they are plebeian forms of worship, there being no direct evidence that they were patrician. He himself admits (p. 138) that his proofs are far from cogent. Perhaps the best example of the truth of this statement is the argument (p. 122-3) that the Arvals must have been a plebeian college because they are not included in Cicero's famous list of patrician sacral offices, *de domo* 38. The fact that in Cicero's time the college hardly existed is surely reason enough.

I have already mentioned that to a great extent the supporters of the theory under discussion cancel each other out. In the case of one famous argument, made much of both by Piganiol and by Ridgeway (in *Who were the Romans?*), namely that difference of race between patrician and plebeian is proved by the fact that one inhumed while the other cremated, Binder furnishes a complete and satisfactory answer, by calling attention¹ to what most anthropologists now recognize, that this difference, like most others connected with burial customs, need not indicate difference either of race or of belief. For historical Rome we may add that the reason for the differing custom was chiefly economical, a funeral pyre being more than the poorer people could as a rule afford.

But perhaps the most complete example of the mutual destructiveness of these theories is the circumstance that whereas most writers show us Sabine patricians reigning more or less wisely over Latin plebeians, Piganiol makes the plebs Sabines.

It appears then that the arguments for all the various forms of the theory under discussion are at best inconclusive. It is time now to ask what the ancient theory was, and whether rightly understood it can hold the field still.

That any sure tradition of the early days of Rome existed by the time her historiography began is an idea hardly likely to be revived. In the matter of the origin of the plebs we have to handle Livy or Dionysios as we do Niebuhr or Binder; as theorists, that is, who must bring forward facts to prove their theories. Now these authors state in the first place that the plebeians were simply those whom Romulus did *not* choose out to form his senate in the early days. That they were of the original settlers from Alba, or of the miscellaneous folk who flocked together to the Asylum, or

¹ P. 317, sqq.

that they were Ti. Tatius' followers, we are never told.¹ Our authors go on to tell us that over and above the little original band of *patres* and their descendants, there were foreigners who came and settled in Rome and were admitted to the senatorial or patrician body; the Sabines whose daughters the Romans had kidnapped, the Corinthian-Etruscan Tarquinius, the Sabine Attus Clausus. We also hear again and again of conquered populations being fetched to Rome and assigned a dwelling-place there, presumably as plebeians. In other words, it appeared to the Romans that the patricians were a mixed body, mostly the descendants of original settlers of one race or another who had been in some way superior to their fellows, and that there was and always had been another body, whose original core comprised the hangers-on and dependents—vassals, clients, or whatever one chooses to call them—of these original nobles; that both bodies afterwards were recruited from without, but that most of the recruits became plebeians. My view is that this theory is quite correct, despite its unhistorical form and mention of such mythical figures as Romulus and such eponyms as Attus Clausus; and that all the evidence, rightly interpreted, points that way.

I will not contend that the names of the two orders, respectively 'those who possess natural authority' and 'the many' do not denote difference of race; for it could be replied that Spartiate and helot, baron and villein, do not denote racial difference either, yet such a difference existed between Spartan and Norman lords and their subjects. But, on the analogy of Norman England and of Sparta after the Messenian wars, we may safely suppose that the villeins, whatever their race was, were to some extent at least obliged to follow their lords to battle, probably serving in the ranks only. This is precisely what the traditions tell us, over and over again. What they do not tell us is that these villeins had any remnants of old titles of their own, such as *lord* and *lady* in England. And here I wish to discuss two important pieces of evidence which I have hitherto held back.

One of the bones of contention in this whole matter is of course the tribunate of the plebs, and plausible attempts have been made to show that the tribune was an original plebeian magistrate—that is, Latin, according to the usual conception of the plebs as Latins—and that he remained as a sort of parallel to the new magistrates set up by the conquerors, just as some Saxon thegns remained prominent alongside of the more potent Norman nobility. In this connection too little attention has been paid to the very pertinent remarks of Plutarch, drawing, as he does in the *Quaestiones Romanae*, on good sources. 'Why' he asks, 'does the tribune of the plebs not wear the *praetexta* which other magistrates wear? Is it because he is not a magistrate at all? The tribunes have no lictors, they do not

¹ See Livy i, 8, 1; Dion. Hal. ii, 7, 8; Plutarch *Rom.* 13.

sit on the curule chair to transact their business; they do not enter upon office at the beginning of the year as all other magistrates do; and they do not abdicate if a dictator is appointed . . . in short, they behave, not like magistrates, but like functionaries of some other kind.¹ There are inaccuracies and irrelevances in his discussion, but the primary fact remains; the tribunes did not use any of the well-known insignia of magistracy. Now if we heard that they wore any other insignia, this would go to prove that they were the magistrates of a people other than the patricians; but as we do not, the impression left behind is that they were originally what the tradition states, namely soldiers (N.C.O.'s or privates) set up as their leaders by a mutinous army. But the most important fact is that they wear neither the purple stripe nor any other insignia of a priest; and a magistrate who is not a priest as well is a phenomenon foreign to all we know of ancient cities.

The other important point is the statement of Livy that the *gens* was a patrician institution only.² Two attitudes have been adopted towards this; one that of Binder³ who casts doubts on its historicity, the other that of most modern supporters of the view that the plebeians were racially distinct, namely that the plebs had some other organization corresponding to the *gens* but based on mother-right. How little evidence there is for mother-right at Rome I have already pointed out. If the statement be wholly unhistorical, we are left with the plebeians organized exactly like the patricians in *gentes* of their own, which proves nothing, for whether they were the same people as the patricians or not they might have the same social organization. But if it is historical, we must consider briefly what the *gens* was.

The famous definition of Scaevola⁴ really tells us little. According to it, *gentiles* are people who have a common name and can trace a descent through free parents, they being themselves in possession of full citizen rights (*capite non diminuti*). This if pressed would exclude the plebs originally, for traditionally they did not possess full rights, but were in a permanent state of *capitis diminutio*. So far as it goes then it serves to strengthen Livy's statement; but as it is part of the same tradition, that of the lawyers of the late republic, this does not go for much.

Something more appears if we look at the terms of relationship.⁵ Here we find that *father* and *paternal uncle* are regarded as much the same (*pater, patruus*); that *brother* or *sister* and *cousin* are

¹ *Quaest. Rom.* 81; διὰ τί περιπόρφυρον ὁ δῆμαρχος οὐ φορεῖ, τῶν ἄλλων ἀρχόντων φορούντων; ἢ τὸ παράπαν οὐδ' ἐστὶν ἀρχῶν; οὐδὲ γὰρ ῥαβδούχους ἔχουσιν οὐδ' ἐπὶ δίφρου καθήμενοι χρηματίζουσιν, οὐδ' ἔτους ἀρχὴν καθάπερ οἱ λοιποὶ πάντες ἀρχόντες εἰσίσαισι, οὐδὲ πάνονται δικτάτορος αἰρεθέντος . . . ὥσπερ οὐκ ὄντες ἀρχόντες ἀλλ' ἑτέραν τινὰ τάξιν ἔχοντες.

² x, 8, 2.

³ P. 159.

⁴ In Cicero, *Topica*, 29; gentiles sunt qui eodem nomine sunt . . . qui ab ingenuis oriundi sunt . . . quorum maiorum nemo seruitutem seruiuit . . . qui capite non sunt diminuti.

⁵ See Gaius in *Digest* xxxviii, 10, 1.

differentiated, if at all, only by an added adjective (*patrueilis*) if on the father's side, *i.e.*, if of the same *gens* as the speaker; that, of the mother's relations, her sister is called by nearly the same name as herself (*matertera*), and her brother by a variety of the word for grandfather (*auunculus*)¹; conversely, that *nephew*, *niece* and *grandson*, *granddaughter*, were not differentiated. We also learn that there was a special name (*ianitricēs*) for women who had married brothers. Finally we gather, from the story of the rewards granted by the senate to Fecenia Hispala for her services in laying bare the conspiracy of the Bacchanalia,² that a widow could not marry out of her husband's clan without special permission.

We learn further that besides *frater* (*soror*) *patrueilis*, which signifies an ortho-cousin³ on the spear side, there are two more terms for cousin, *sobrinus* (—*a*) and *consobrinus* (—*a*), *qui quæue ex duabus sororibus nascuntur*, *i.e.*, ortho-cousins on the distaff side; and *amitini amitinae*, *qui quæue ex fratre et sorore propagantur*. With this goes the name for the wife of one's father's brother, *amita*, *i.e.*, 'mammy' or 'nannie,' see Walde *Etym. Wort. s.u.*

Another interesting point is the relationship of a man to his wife's immediate kin. While *adfinis* generally means what we colloquially call an 'in-law,' it is noteworthy that Cicero uses it, *ad Att.* i, 5, 1, of a quite distant connection by marriage, a cousin of a sister's husband. It is further noteworthy that there are no degrees of affinity, and that *adfinēs* do not marry.⁴

Let us now compare the relationship-terms of two peoples known to have, in one case actual group-relationship, in the other clear survivals of its former existence. In Central New Ireland the terms are as follows:—

Mama (or *tanagu*) signifies indifferently father or father's brother; *natigu* is son or brother's son, a man speaking in both cases.

Makai is *mater* or *matertera*; conversely, *r'anugu bulu*, *r'anugu binasik*, (*mi puer*, *mea puella*) are used indifferently by a woman in addressing her own children or her nephews and neices.

Hatatašin (*frater*, *soror*) is used not only to a brother or sister, but to any ortho-cousin however remote; *dir lapun* is similarly used to any cross-cousin.

Turning now to the Mara tribe of Australia, among whom group relationship is in full vigour, we find that:—

Nalaru means *pater* or *patruus*, *filius* and *filius fratris* being alike represented by *nitjari*.

Katjirri is *mater* or *matertera*.

¹ We cannot be sure that the differentiating ending was originally a diminutive in either case.

² Livy xxix, 19, 5.

³ Ortho-cousins are the children of two brothers

or two sisters; cross-cousins, of a brother and a sister. The former word is the invention of Sir James Frazer.

⁴ See Modestinus in *Digest*, *ibid.* 4, 5 and 10.

Guauaii and *niritja* (the former is used to a senior, the latter to a junior) mean indifferently *frater* and *frater patruelis*; the feminine equivalents are *gnarali* and *gnanirritja*.

Irrimakula is either wife or wife's sister. All the above terms are used by men; a woman calls both her husband and her husband's brother *irrimakula*.¹

In other words, in the above societies *father* signifies 'man of my clan, of the age-class above me'; 'mother' is 'woman of the clan with which I intermarry, of the age-class above me'; 'brother' and 'sister' mean 'man (woman) of my own clan and age-class' and so on. The purpose of these terms is not to name what we should consider blood-relations or connections by marriage, but to classify those whom a person, or rather a group of persons, may or may not marry.

Consider now how these facts fit in with the Roman system. Assume for the purpose of argument that the *gens Fabia* and *gens Iulia* are two intermarrying clans, living near each other (*adfines*). Then, if I am a Fabius, every Fabius of the age-class above me² is my *pater* or *patruus*; every Fabius and Fabia of my own age-class is my *frater* or *soror*; those below me in age I perhaps address as *pueri*. For while *filius* and *filia*, when not used simply as words of kindly address to younger people, appear always to mean 'son' and 'daughter' in our sense (I conjecture that they were originally a woman's words, terms of address to her own sucklings), it is noteworthy that *puella* (and so presumably *puer* also) while very often used of a person's own child, as Horace *Od.* iii, 11, 23, is used by a woman to her sister's child, Cicero *de divin.* i, 104. Now the women of this younger class are of my clan, and I may not marry them; they are all in the position of daughters to me. But if my sister (own or clan-sister) has a daughter, that daughter is not a Fabia but a Iulia, since my sister's husband is necessarily a Iulius; her therefore I may marry. Likewise, if my daughter has a daughter, she is a Iulia, and other things being equal I may marry her. This I suggest explains why I call them both *nepos* (*neptis* is of course a later word). My mother's *sorores* or clan-sisters are all women whom my father might have married, and whom his clan-brothers also might marry and at least in many cases have married. I naturally call them all, if not 'mother' at least 'motherkin.'

Of my cousins (own or clan), there is a class whom I may not marry, namely my *sobrinae*, children of my mother's *sorores* and therefore of my father's *fratres*. These are my own *sorores*, being all Fabiae. But the daughters of my father's *sorores* are Iuliae

¹ See Frazer, *Totemism and Exogamy*, vol. ii, pp. 129, 302.

² That age-classes once existed among the Romans is reasonably likely from the fact that the vocabulary

of such a classification (*puer*, *adulescens*, *iuuenis*, *senex*; *puella*, *uirgo*, *mulier*, *anus*) survives and retains on the whole fairly definite meanings; also from the ceremonial of the *toga uirilis*, and the centuries of *iuniores* and *seniores*.

and I may marry one of them, probably am in theory the husband of them all. They have therefore a distinctive name, *amitinae*, for they are especially eligible as brides for me.¹

If now I am a Fabia, my father is a Fabius and I may not marry him; his *patres* and *fratres* likewise are Fabii, and ineligible; but the brothers of my mother, own or clan, are all Iulii; so are her *patres*. As any one of them is a possible husband, I call them all by the same term, *auos* or *auunculus*.

Later on the idea grows up that some Fabii are more akin to each other than other Fabii are to them; there is a special bond between for instance the members of the household of Kaeso Fabius. Therefore the idea grows up, as it did in India, that if this generation of a sub-section of the Iulii married into the family of Kaeso Fabius, the household of Lucius Fabius would be more appropriate for the next generation; hence the maxim of later times that *adfines* did not marry. The word had ceased to mean 'member of the intermarrying clan' and come to mean 'connection by marriage' in our sense. The more complex relationships thus produced gave rise to such words as *ianitrices*.

It will be seen that this reconstruction accounts for every term of relationship, for the *amita*, being a clan-sister of the mother, is the same as the *matertera* originally; the baby name was later found useful when exogamy broke down. It supposes nothing to have happened in early Italy, or in the country from which the ancestors of the Romans came, which is not known to have happened, not once but very many times, elsewhere. It makes two conjectures and two only, viz., that *auos*, *auunculus*, and *nepos* (*neptis*), were originally used only between a woman and the father or brother (clan or own) of her mother, the classical use being a later extension.

We may therefore I think justly conclude that the *gens* was in its origin an exogamous clan, one of a group of two exogamous clans which regularly married into each other; though the arrangement may of course have been more complicated than this, each clan having its choice between several with which it could intermarry. The two important points are, that it was exogamous and that it had group relationship.

This latter point, besides being in itself probable, as already shown, likewise helps to explain the curious fact that Latin has no word for *family* (since *familia* means a household, or more properly the household slaves, and *stirps*, besides being a metaphor, is rather the direct lineal ascendants and descendants of an individual than that individual together with his immediate kin of the first degree). The former statement however needs a little further justification, as

¹ For the origin of marriage of cross-cousins, probably from the common exchange of an own or clan-sister for a wife, see Frazer, *Folk-Lore in the*

O.T., vol. ii, p. 193 sqq. Note that *sorores* are *sobrinae* differently viewed.

several writers, from Mommsen to Piganiol, have fancied that they detected traces of endogamy at Rome.

The arguments on which this idea seems to be based are (1) the phrase *enubere ex patribus*. As this is spoken of as a thing to be disapproved¹ it has been suggested that to marry outside one's *gens* was originally disallowed. But an examination of the context makes it clear that it means to marry a plebeian. This argument is therefore negligible. (2) The matter of *gentis enuptio*, already mentioned. Here again we have to look at the context. The Senate's bounty takes the form of giving the patriotic harlot the status of a respectable widow, whose husband had left her the largest measure of freedom a woman could legally have; *uti . . . gentis enuptio tutoris optio item esset, quasi si ei uir testamento dedisset*. The Romans practised marriage by purchase (*coemptio*) which originally no doubt was a reality, not a form. The woman thus bought was the property, not of the husband, but of the clan, which by all analogy alone could have *dominium* over any property, though an individual might have *usus*—even in the developed law, the property of an intestate without *sui heredes* escheated to his *gens*, which also claimed the property of a deceased client, as in the famous case of the Claudii and the Claudii Marcelli.² The widow then was the property of the clan, probably the wife in theory of all her *adfinēs*.³ To marry into another *gens* was to make off with their property, and this could be allowed only by permission of the *gentiles*, or, once the right of making wills came into existence, *i.e.*, when it was felt that the individual could have not only *usus* or *possessio* but *dominium*, by the will of the deceased. *Gentis enuptio* was apparently the only kind of marriage, originally, which a virgin could contract, for the *deductio* implies going to live in another house, the various threshold-rites of the marriage ceremony show clearly that the bride passes from one set of *sacra* to another, and finally the formula *ubi tu Gaius ego Gaia* makes sense only if we take it to mean that the bride accepts the husband's gentile name for her own. (3) The *ius osculi*. Here it should be noted that to kiss meant apparently consanguinity and nothing else. To kiss one's wife was felt to be rather indecent⁴; it was the proper greeting for a sister or cousin, whom one might not marry.

Endogamy then did not exist except in the sense in which it always exists where exogamy is practised, *viz.*, that the wife must be taken, not from anywhere outside the clan, but from a particular clan or group of clans other than one's own.

¹ See Liv. x, 23, 4.

² See note at end of article.

³ Hence also the inability of a woman to hold or transmit property. She was property herself, and a chattel cannot be an owner.

⁴ See the story told of Cato the Elder, Plut.

Cat. Mai. 17, 7; ἄλλον δὲ βουλῆς ἐξέβαλεν Μανίλλιον, ὅτι τὴν αὐτοῦ γυναῖκα μεθ' ἡμέραν ὁρώσης τῆς θυγατρὸς κατεφίλησεν (καταφιλεῖν, in Plutarch and Hellenistic writers generally, means simply *osculari*, *osculo excipere*, not 'embrace' as Perrin renders it).

To return now from this long digression, it is clear that the *gens* is a survival of a very early state of society, earlier than the 'undivided family' to which Maine long ago drew attention, and probably the organization out of which the undivided family grew. If then the plebeians did not have it, one of two things follows; either they were in a much more advanced state of civilization than the patricians, of which there is no trace whatever, or they were without social organization, *i.e.*, they were not a people or community at all. That the latter alternative is infinitely the more probable seems to me obvious; so here again the classical theory holds its own.

Some attempt has been made to show¹ that assemblies of a kind not patrician at all or at least not wholly patrician, existed from the earliest times. The proof amounts to this; that there is a very uncertain tradition to the effect that in quite early times plebeians began to be admitted to the Senate, or, at least, that some persons not of the original patrician body found entrance there, on an inferior footing; and also that sundry notices of the origin of the various *comitia*, notably the ancient *comitia centuriata*, give us to understand that in some of them at least there was no distinction of rank. In both cases we have to recollect the notorious tendency of Roman, and all other, historical tradition to reflect more recent times back into less recent. Not one of the ancient historians was so well equipped on the scientific side as Grote; yet hardly a page of his History, when he discusses constitutional antiquities, fails to give the impression that a Greek democrat was much the same as an English Liberal. How prone classical and post-classical Greece and Rome were to forge evidence from antiquity is so well known that it needs no illustration in general; I need only refer in particular to the oligarchic paper-constitution which in the 'Αθηναίων πολιτεία masks under the name of Drakon, and to the notorious plebiscite of B.C. 342 *ut liceret ambos consules plebeios creari* (Livy vii, 42, 2), to remind any one of its frequency on the part of constitutional theorists in particular. Romulean *comitia* in which all men's votes had the same value, and plebeians in the senate under the kings, are in all probability forgeries of just this kind.

But assuming that they are not mere forgeries, what is there to surprise us in the statement that there was in very early times an assembly which every free man might attend; for that is what the statements about the *comitia* amount to? Greek and Teutonic antiquity show us exactly the same institution in the Homeric ἐκκλησίαι (in peace-time, as reflected in the Odyssey; the council of war in the Iliad is a different matter), and the folk-moot or *thing*. If there was such an institution in Rome, and if the plebeians attended it, then the plebeians were not serfs, which rather indicates that

¹ See Binder pp. 144 sqq., 162, Piganiol pp. 263 p. 262 (senate). The relevant passages are cited sqq. (assemblies); Binder p. 375 sqq., Piganiol by these authors.

they were not foreigners or had forgotten that they were such ; but that they were *clientes*, vassals, of the nobles is likely enough. Binder's statement (p. 225) 'ein Höriger ist kein Bürger' is true enough for modern, or classical Greek, ideas of citizenship ; it does not apply to the pre-classical polity, so far as we can reconstitute it from such documents as the *Odyssey* and such survivals as the Spartan assembly. The Roman client as a free vassal may well have had a voice, if not an actual vote in our sense, in the *comitia* of his day. As to the Senate, the most that can be made out of the most generous interpretation of our documents is that the patricians were not always exclusive, and perhaps that Rome in early days welcomed foreigners and readily gave them citizenship.

Reinterpretation of the facts. I now offer what I hold to be the right reading of the complicated problem before us, and so endeavour to account for the racial differences which I readily admit did exist in Rome, though not between patricians and plebeians as such.

Archaeological and magico-religious evidence ; Pre-History of the Romans. In the following sections I propose to use the word *race* somewhat loosely, to mean chiefly the participants in a common civilization in a given area (in this case generally Latium), without insisting on identity of physical characteristics. Such of the evidence as is known to me appears to make it rather more likely than not that at least the first and last of the groups I have to speak of were fairly homogeneous in this respect also ; but if each of them were shown to have consisted of a dozen disparate physical types it would not affect my argument.

It is generally known that at an early date Italy was occupied by a neolithic race, usually called for convenience, and probably also with substantial historical accuracy, Ligurians. I need not describe their culture, as this has already been done by Peet, in his well-known treatise *The Stone and Bronze Ages in Italy*. They resembled, but were probably not identical with, the Siculi, as they are commonly called, whose culture has left remains in Sicily from about the same period. Neither race was savage ; they were rather barbarians, living in round huts like the *capanne* still occasionally used by Italian shepherds in one or two districts, making good stone tools, and not unskilled in pottery, which they made without a wheel. They had possibly some knowledge of agriculture.¹ Their art, like that of most barbarians, was rudimentary, from which it follows that their religion was in all probability aniconic, or mostly so.

Now the interesting fact for our purposes is that in the very heart of Roman religion, and patrician religion, we find clear traces of the influence of the Stone Age. Iuppiter Lapis is too well known

¹ See Peet, *op. cit.* p. 109.

for any description of his cult to be necessary; I have elsewhere reviewed the evidence which convinces me, and many other investigators, that he was a flint knife or knives.¹ And, whatever he was, the *lapis silex* of the Fetiales and the proverb *inter sacrum et saxum* prove as much. As venerable as Iuppiter himself is Vesta; and she is worshipped in a durable stone replica of the round hut and with pottery of ancient and simple styles. Finally, we have the testimony of Varro that the oldest Roman cult was aniconic² which at least means that the cults that seemed to him oldest (perhaps those of Mars Hasta, of the Arma Quirini, Iuppiter Lapis, etc.) had no ancient cult-statues at all.

Putting these facts together I do not see how we can avoid the inference that the patricians contained a Ligurian element, strong enough to outlast the coming of races which knew metals and could carve images.

But the Ligurians were in time subordinated to a bronze civilization of which the best known representative is found in the culture of the *terramare*. The race who brought this culture with them—we know unfortunately little or nothing of their persons, owing to their regular habit of cremating their dead—lived in *templa* raised on piles, cultivated various kinds of grain and fruit, including wheat and grapes, and were able to fortify their dwellings stoutly and to manufacture excellent weapons and tools. Therefore, despite their disgusting practice of letting all manner of rubbish accumulate under their pile-houses, they were sure to be too much for the neoliths in war; and being tillers of the soil they were bound to make war, in a country already inhabited, in order to get land. Either these people or the bearers of a similar bronze civilization reached Latium,³ where perhaps they founded the Palatine settlement as a sort of *terramara*, (see E. A. Hooten in *Rév. d'Eth. et de Soc.*, 1913, p. 238), certainly they influenced the early users of the Forum cemetery, where some bronze has been found, manufactured into articles of by no means the earliest known types.⁴

For traces of a bronze civilization in Rome we have not far to seek. I will not insist on the bronze share of the plough used to trace the *sulcus primigenius*; Varro⁵ calls this an Etruscan rite, and it may be that it reached Rome in an Etruscanized form, possibly under the later kings, though I do not think so; but to find a patrician bronze cult we have but to consider the tabus of the Flamen Dialis. One of the most interesting is that which forbids him to have his hair cut with any but a bronze implement.⁶ But the

¹ *J.R.S.* iii, (1913), p. 237.

² *Apud Aug. C.D.* iv, 31.

³ See *Year's Work*, 1922-1923, for a bronze age settlement on Monte Mario.

⁴ See for instance Boni in *Not. degli Scav.*, 1906, p. 30, the fibula from one of the cremation-graves.

Its shape, while not very elaborate, is not primitive, and shows no little skill.

⁵ *De ling. Lat.* v, 143.

⁶ Serv. on *Aen.* i, 448. For the *flamen Dialis* in general see Wissowa, *op. cit.* p. 504 sqq., and the references there given.

flamen has other things of interest in the long list of his tabus and privileges. In outward appearance he is no mere priest but a high magistrate, if not a king. He takes precedence on ceremonial occasions over all but the *rex sacrorum*, of whom I shall have something to say later; he has a lictor; he wears the *toga praetexta*; he uses the curule chair and has a right to be present at the senate; he even has what looks like a remnant of the sovran prerogative of mercy. For while the fact that a bound man who could get into his house must be unbound and his fetters cast out *per impluvium* is to be explained on purely magico-religious grounds, the same is not true of the reprieve that was granted for that day to any criminal on his way to execution who met the flamen and fell at his feet; for religious objections would surely have been met if the execution had taken place as soon as the criminal had been removed beyond the flamen's holy gaze. Now the flamen is a patrician if anyone is, and it is worth noticing that whereas he appears to be a priest-king or at least a king with many sacerdotal functions, we have in the Latin cult of Diana at Aricia another priest-king, the famous *rex nemorensis*. We may note also that the Salii wore bronze armour, Dion. Hal. ii, 70, 2, Liv. i, 20, 4, Plut. *Num.* 13.

These bronze-users then may be reasonably held to have invaded Latium and conquered the stone-using inhabitants, whether those are to be called Ligurians, Siculi or Aborigines, whatever the last word may mean.¹ But the conquest was neither sudden, easy, nor complete. The race in possession was tough and enduring; it probably soon learned to use bronze weapons, for from its position it had not to face the first shock of an invasion which apparently came from the north (Terramara) or east (Illyrian), and so had time partly to adapt itself. Some members of it no doubt made their way to the hill country, where later generations (see Livy xxxix, 1, 1) piously supposed the Ligurians to have been placed by Providence to keep the legions fit between more important campaigns. Others, yielding finally to the invaders, yet made terms with them, keeping no inconsiderable part of their religious rites and no doubt of other customs as well. It is not absurd to suppose however, that they lost their language and adopted the Wiro speech of the conquerors. Intermarriage very likely took place, for it is not probable than an invading race would have many women with it. Here we may perhaps begin to talk of a Latin people, and to see in them the founders of the Palatine settlement. Being users of bronze, they were likely to be not only fighters and farmers (or cattle-breeders) but also traders; for with bronze comes the possibility of having much wealth in a little space; this produces the comparatively large

¹ After trying every conceivable etymology, modern opinion seems to be returning to the classical Latin view that the word means those who were

there *ab origine*; so Binder, p. 294 sqq. The Siculi may have been the invaders, as Siculan is a Wiro speech.

capitalist, and trade, already in existence before the metals were heard of, is given a great impetus.

This 'Latin' civilization seems to have reached a fairly high level in many respects. To it we may attribute the new form of sacred place, the *templum*, which was different both in its shape¹ and in the method of its consecration from the old-fashioned round shrine of Vesta. It differed also in not necessarily containing any building, whereas the essential thing in the old shrine appears to have been a hut for the deity to live in. The chief of the community—whether he was called *rex* or not is of little importance—would appear, from the phenomena observable at both Rome and Aricia, to have been the chief priest also.

Upon this community seems to have come a Sabine invasion, concerning which our few facts appear to a great extent to contradict one another. In the first place, we know that an iron civilization, that of the Villanovans, made its way into Italy and apparently destroyed the terramara civilization in the Po valley. We should therefore expect that Villanovans would arrive in Latium as conquerors. In the second place, philology shows that the Latin word for iron is not of the native speech, as otherwise it would be **herrum*, not *ferrum*. On the other hand, we find in historical times the Latins in possession of the plain, the Sabines in the less desirable hill country, and the words of Sabine, that is Osco-Sabellian, origin in Latin are few, though rather important, for they include the name of the sacred beast of Mars, *lupus*. It may be that the Villanovan invasion of Latium was on the whole a failure—conceivably Etruscan power had something to do with this—and that it attained a measure of success only or chiefly in Rome. For, that it was to a considerable extent successful there, is I think highly likely. In the first place, the iron culture has in turn left its mark upon religious observances. Whereas the flamen Dialis may not use iron, the Vestals for some purposes must; the *muries* is prepared by cutting lumps of salt up with a saw, and Varro specifies that the implement was of iron.² So once more, in a patrician cult, we find traces of the coming of another race. But more important than this is the existence of the *rex sacrorum*, the one priest who took precedence of the flamen Dialis. As the latter is apparently a king, why are there two such figures? I suggest that the Sabines (or whatever they were called; the name of these iron-users is of minor importance) having conquered the bronze people, still were careful to respect their rites, and in special let them still have their king, restricting his functions to sacral matters, much as in the case of the Banyoro already mentioned, but with more humanity.

¹ It was normally rectangular, although Prof. A. L. Frothingham (*A.J.A.* xviii, 302 ff.) makes out a strong case for its not always having that shape.

² Varr. *ap.* Non. 223 M.

When, much later, they themselves became republicans, they did the same with their own king, who had in the meantime acquired, or more likely had always had, priestly functions of his own, as the king of the Bahuma had. This points to a blend of conquerors and conquered, not to displacement of one by the other; and to a fairly rapid blending, with no long contest like the historical struggle of the orders behind it, since the old and new offices alike were filled by members of the same body.

Sacred numbers. At the risk of seeming rather fanciful, I include what appears to me a strong indication of the meeting of several streams in patrician cult. It has been well pointed out by Lévy-Bruhl¹ that sacred, or limit-numbers vary widely among different peoples, there being apparently no system by which they are chosen; since names for numbers cease long before the point at which the people in question cease to be able to count, and by no means always at such obvious points as five, ten, or twenty. The last number with a name, however arrived at, continues to be held sacred, long after the practice of naming other and much higher ones has come in; so much so that sometimes the sacred number is dropped in counting. I find traces in Rome of at least two different sacred numbers, five and three, and I am inclined to add another, four.

Three is of course a well-known and widely-spread sacred number all over Europe. Diels² gives the Roman examples: the 3×3 days of the Roman week (*nundina*) and of the *nouendiale sacrum*; the 3×3 torches used in the marriage ceremony in Statius, *Silvae* i, 2, 4; the threefold singing of the hymn of the Arvals; the 3×3 *dies parentales* in February; the $3 \times 3 \times 3$ Argei, and the survival in modern Rome of the same number for the 27 candles of the *tenebrae*. He might have added the *sex crines* of the bride, which ensure her presenting the sacred number from either side, and the *tripudium* in all its forms.

In the case of a number used by so many races it is hard to say what is old and what is new. Thus the fact that the dead are thrice called upon is as much Greek as Roman; the Etruscan triads of gods are well-known. But we have I think a little negative evidence. A race is not likely to have, of its own initiative, two sacred numbers; and I think it is rather strongly indicated that the sacredness of five is Sabine; *i.e.*, belongs to those peoples, or that people, which labialised their pronunciation of Italic. In the first place, the number of names compounded of *pumpe* of which Pompeii and Pompeius are the most familiar, suggests that five had some sacral meaning; next, the numbers ten and fifteen recur in the various *collegia* (15 pontifices and 15 augurs, until Caesar increased the number to 16; 15 flamens altogether, though this may be a mere accident;

¹ *Les fonctions mentales*, p. 204 sqq.

² *Sibyll. Blätter* p. 40 sqq. I doubt if the nine torches be really Roman.

xuiri, then xvuiri *sacris faciundis*). But it is to be noted also that the original number of these colleges, and the numbers of the Vestals, Arvals, Luperci, and Salii at all dates, were multiples of three. It is then not unreasonable to suppose that the earlier peoples, or one of them, had three for its sacred number, the iron-users five.

As I postulate a patrician body racially mixed, it is not surprising that the two sacred numbers appear side by side in the marriage rites, along with the two metals. The bride, as already stated, showed the sacred three in the arrangement of her hair, and the three coins she carried were of bronze; but five torches were carried in the *deductio* (Plut., *quaest. Rom.* 2) and the *hasta caelibaris* was presumably of iron. Now the wedding ceremony was clearly patrician, involving as it did the transition from one set of gentile *sacra* to another; thus here again we have evidence of the composite character of the patrician body.

As to four, there are but faint traces of its having been sacred; but it is a curious fact that the first four months and the first four sons were named, the numbers beginning with Quintus and Quintilis respectively.¹

Conclusion. We therefore see that the patricians, being a blend of three quite distinct types, readily account for such differences of a positive nature (*i.e.*, differences which do not simply amount to one party having some characteristic and the other having nothing to correspond) as we have examined; and of the many other differences alleged I think an examination will show that room may be found within the patrician body for all which on critical inspection appear really to have existed from early times. There is no need to invoke a racially different original plebs to account for any of them. How then did the very real opposition between plebeian and patrician arise in early historical times? Was it simply a quarrel between master and servant, oppressor and oppressed? Such a thing is quite possible, but I think another solution is somewhat more likely.

If we examine the boundaries of the Palatine, as recorded by Tacitus,—the credibility of whose account, in a matter where religion furnished a strong motive for maintaining a correct tradition, I see no reason to doubt,—and follow them on the map or on the ground, we see that on all sides but one they come about as near the actual sides of the hill as a plough could be reasonably expected to go. The exception is the Forum Boarium, where the *pomerium* swings out from the foot of the hill to embrace the great altar of Hercules, god of traders. That this foreign deity should, then and ever after, be included within the sacred enclosure along with the native deities, has rightly seemed extraordinary to all modern students of

¹ Add the fourfold repetition of a prayer, Ovid. *Fast.* iv, 778.

Roman religion, and one can understand, though there is no reason to agree with, those who like Preller have sought to show that it was not really Hercules-Herakles at all. The only explanation, it seems to me, is that the Palatine city was above all a trading-place, more anxious to meet its customers than to exclude even the dangerous magic of the foreigner. A city so liberal in that respect would hardly be very exclusive otherwise; I picture the earliest community welcoming to full privileges foreigners who chose to settle there; and this I take to be embodied in the stories of distinguished patrician families who were not originally Roman. When the Sabines came, if they came after and not before the foundation of the city, they, as conquerors, would of course have no difficulty in making their way into the patrician class, while, as we have already found reason to suppose that they did not make too unfavourable terms for the conquered, the original patricians would no doubt remain patrician.

But the existence of nobles implies commoners. The relatively important traders, whether of the original settlers or of the new comers, must have had men of lesser importance dependent upon them, who were under their orders (*clientes*) but not slaves. And besides the new citizens who being men of substance were welcome as fellow-traders, no doubt there came others of more humble origin, broken men for example, outlaws of not too disreputable character, who were glad to make themselves useful in handicrafts or the like. Moreover, there was the little strip of hinterland, some five Roman miles across; small as it was, some one must have farmed it, and so there was material for a peasantry, a class probably no more lacking in Italy then than now, or in the time of the Punic Wars. We thus get the nucleus of a *plebs rustica* and a *plebs urbana*, more mixed perhaps than the mixed patrician body, but not opposed to it as race to race, still less as community to community.

But sooner or later there grew up that strange superstition, so prevalent in the ancient and the modern world alike, that the only really respectable form of wealth is landed property. The city now—possibly only after the expulsion of the kings—was too large and powerful to be in much need of immigrants, and thus less lavish of its welcome to them. The land was largely taken up, and the owners were naturally the class which was originally wealthiest, the patricians. Now came exclusiveness, and the closing of the ranks of the nobility. The result of this was that the *plebs urbana* comprised, not simply the poor of the town, who might be turbulent but hardly a serious danger, but the plebeian merchants of wealth and standing, who were dissatisfied to see their cults grudgingly allowed a place on the Aventine, or elsewhere *extra pomerium*, and themselves a precarious footing on the verge of the citizen body. The country also, no doubt, was in a state of economic discontent.

The frequent wars meant no more than loss to the rich man, with only part of his capital locked up in fields which could be plundered or stock which could be driven away. They were ruin for the small farmer, with no extra capital ; and things were made worse for him because he was forced to borrow from the richer landholder, to whom, rather than to the more distant town-dweller, he would be likely to turn. The only small men in the country who would not suffer much would be the immediate retainers, the *clientes* in the narrower sense, of the patricians—who traditionally vote patrician.

So we have the materials for the traditional quarrels. On the one hand, the *plebs urbana* could furnish leaders, rich, able, and with a decided grievance. On the other hand, the *plebs rustica* could produce a sturdy rank and file, probably much more numerous than the townsmen, with still more urgent grievances to redress. The redistribution of political power became the only alternative to anarchy.

NOTE.—*The Claudii and the Claudii Marcelli. Quid, qua de re inter Marcellos et Claudios patricios centumviri indicarunt, cum Marcelli ab liberti filio stirpe, Claudii patricii eiusdem hominis hereditatem gente ad se dicerent redissee*, etc. (Cic. *de orat.* i, 176). The man in question had clearly died intestate, or there could have been no dispute. But by the XII Tables, if he had no *sui heredes*, this gave his estate to his *patronus* (Gaius iii, 40). It must be therefore that the *patronus* also had died, at the same time, intestate and with no *sui heres* ; else what dispute could there be ? The estate of the *libertinus* would now fall to the patron's *gens*, and therefore the Claudii claimed it. The plea of the Marcelli was that, as the dead *patronus* was one of them, they should have his goods by agnatic succession (cf. Momm., *Staatsrecht* iii, p. 74). That is, they claimed that a group of *adgnati*—what we should call a family—having a separate existence in fact, should in law also be treated as a corporation, as if it were a *gens*, and be allowed to hold property in common.