THE

HISTORY OF ROME

BY

THEODOR MOMMSEN.

TRANSLATED,

WITH THE AUTHOR'S SANCTION AND ADDITIONS,

BY

THE REV. WILLIAM P. DICKSON

CLASSICAL EXAMINER IN THE UNIVERSITY OF ST. ANDREWS.

WITH A PREFACE BY DR. LEONHARD SCHMITZ.

VOL. I.

LONDON:

RICHARD BENTLEY, NEW BURLINGTON STREET,

Publisher in Ordinary to Her Majesty.

1862.

LONDON: PRINTED BY W. CLOWES AND SONS, STAMFORD STREET AND CHARING CROSS.

PREFACE.

Dr. Theodor Mommsen's researches into the languages, laws, and institutions of ancient Rome and Italy are now so well known and appreciated by the best scholars of this country, that it may seem presumptuous on my part to step forward for the purpose of introducing his work on Roman history to the English public. I should indeed have been glad to leave this duty to others, or have allowed the book to take its own chance, feeling quite sure that no words of mine are likely to attract readers, and that the work itself, in its English garb, will become as popular in this country as it is in the land of its birth. But several years ago, I was applied to by more than one enthusiastic admirer of Dr. Mommsen in Germany to do something towards making his History of Rome known in this country, and a repeated perusal of the German original led me to the conviction that its author richly deserved the admiration of his countrymen. I accordingly felt it both a duty and a pleasure, some years back, to prevail upon my friend, Mr. George Robertson, to give to the public at least a specimen of the book, in an English translation of the first, or introductory chapters, on the early inhabitants of Italy—a subject on which no man is better entitled to be listened to with respect and attention than Dr. Mommsen. The specimen which was then published would, I hoped, create a desire for the whole work, and in this hope I have not been disappointed. The result is the present translation; of its merits it does not become me to speak in this place. But

I may be permitted to remark that, unlike the common run of translations from the German, it was undertaken by Mr. Dickson entirely as a labour of love, and that his sole object has been to lay before his countrymen a masterwork of a foreign literature, and to spare no trouble to do justice to its author.

Here my functions might cease, and I might safely leave the book to tell its own tale; but for the younger generation of students I would fain venture to add one or two observations on the relation in which Mommsen's work stands to its predecessors, and especially to Niebuhr, for he himself scarcely ever enters into any controversial discussions with those who have laboured before him in the same field, and whose names he in fact hardly ever mentions. In regard to this point it ought to be borne in mind that Dr. Mommsen's work, though the production of a man of most profound and extensive learning and knowledge of the world, is not so much designed for the professional scholar as for intelligent readers of all classes, who take an interest in the history of bygone ages, and are inclined there to seek information that may guide them safely through the perplexing mazes of modern history. Much that could not but be obscure and unintelligible in the days of Niebuhr has since been made clear by the more extended researches of numerous scholars in this and other countries; many mistakes unavoidable to the first inquirers have been rectified; and many an hypothesis has been proved to be without solid foundation; but with all this the main results arrived at by the inquiries of Niebuhr, such as his views of the ancient population of Rome, the origin of the Plebs, the relation between the patricians and plebeians, the real nature of the ager publicus, and many other points of interest, have been acknowledged by all his successors, and however much some of them may be inclined to cavil at particular opinions, it must be owned that the main pillars of his grand structure are still unshaken, and are as such tacitly acknowledged by Dr. Mommsen, who in the present work has incorporated all that later researches have brought

to light in the history not only of Rome, but of all other nations which in the course of time became subject to the City of the Seven Hills. Many points no doubt are still matters of mere conjecture, and Dr. Mommsen has nothing to offer in such cases but theories; but whatever ultimately their value may be found to be, they are at all events evidences of progress, and will act as a stimulus to the students of our days as did the views of Niebuhr to his contemporaries half a century ago.

L. SCHMITZ.

Edinburgh, December, 1861.

PREFATORY NOTE BY THE TRANSLATOR.

In requesting English scholars to receive with indulgence this first portion of a translation of Dr. Mommsen's "Römische Geschichte," I am somewhat in the position of Albinus; who, when appealing to his readers to pardon the imperfections of the Roman History which he had written in indifferent Greek, was met by Cato with the rejoinder that he was not compelled to write at all—that, if the Amphictyonic Council had laid their commands on him, the case would have been different—but that it was quite out of place to ask the indulgence of his readers when his task had been self-imposed. I may state, however, that I did not undertake this task, until I had sought to ascertain whether it was likely to be taken up by any one more qualified to do justice to it. When Dr. Mommsen's work accidentally came into my hands some years after its first appearance, and revived my interest in studies which I had long laid aside for others more strictly professional, I had little doubt that its merits would have already attracted sufficient attention amidst the learned leisure of Oxford to induce some of her great scholars to clothe it in an English dress. But it appeared on inquiry that, while there was a great desire to see it translated, and the purpose of translating it had been entertained in more quarters than one, the projects had from various causes miscarried. Mr. George Robertson published an excellent translation (to which, so far as it goes, I desire to acknowledge my obligations) of the introductory chapters on the early inhabitants of Italy; but other studies

and engagements did not permit him to proceed with it. I accordingly requested and obtained Dr. Mommsen's permission to translate his work.

The translation has been prepared from the *third* edition of the original, published in the spring of the present year at Berlin. The sheets have been transmitted to Dr. Mommsen, who has kindly communicated to me such suggestions as occurred to him. I have thus been enabled, more especially in the first volume, to correct those passages where I had misapprehended or failed to express the author's meaning, and to incorporate in the English work various additions and corrections which do not appear in the original. The author has also furnished me with some interesting notes, such as that on the Servian census at page 95, that on the word *vates* at page 240, and that on Appius Claudius at page 292. With reference to the latter I have inserted in an appendix Dr. Mommsen's more matured views as embodied by him in a paper on the Patrician Claudii recently read before the Prussian Academy. The note at page 442, on the treaties with Carthage, has been extracted from the author's work on Roman Chronology—a book which, in addition to its intrinsic merits, derives a peculiar interest from the fact, that it is written in friendly controversy with the author's own brother.

In executing the translation I have endeavoured to follow the original as closely as is consistent with a due regard to the difference of idiom. Many of our translations from the German are so literal as to reproduce the very order of the German sentence, so that they are, if not altogether unintelligible to the English reader, at least far from readable, while others deviate so entirely from the form of the original as to be no longer translations in the proper sense of the term. I have sought to pursue a middle course between a mere literal translation, which would be repulsive, and a loose paraphrase, which would be in the case of such a work peculiarly unsatisfactory. Those who are most conversant with the difficulties of such a task will probably be the most willing to show forbearance towards the shortcomings of my performance, and

in particular towards the too numerous traces of the German idiom, which, on glancing over the sheets, I find it still to retain.

The reader may perhaps be startled by the occurrence now and then of modes of expression more familiar and colloquial than is usually the case in historical works. This, however, is a characteristic feature of the original, to which in fact it owes not a little of its charm. Dr. Mommsen often uses expressions that are not to be found in the dictionary, and he freely takes advantage of the unlimited facilities afforded by the German language for the coinage or the combination of words. I have not unfrequently, in deference to his wishes, used such combinations as "Carthagino-Sicilian, Romano-Hellenic," &c., although less congenial to our English idiom, for the sake of avoiding longer periphrases.

In Dr. Mommsen's book, as in every other German work that has occasion to touch on abstract matters, there occur sentences couched in a peculiar terminology and not very susceptible of translation. There are one or two sentences of this sort, more especially in the chapter on Religion in the 1st volume, and in the critique of Euripides in the last chapter of the 2nd volume, as to which I am not very confident that I have seized or succeeded in expressing the meaning. In these cases I have translated literally.

In the spelling of proper names I have generally adopted the Latin orthography as more familiar to scholars in this country, except in cases where the spelling adopted by Dr. Mommsen is marked by any special peculiarity. At the same time entire uniformity in this respect has not been aimed at.

I have ventured in various instances to break up the paragraphs of the original and to furnish them with additional marginal headings, and have carried out more fully the notation of the years B.C. on the margin.

Two more volumes of still deeper interest bring down the history to the fall of the Republic. Dr. Mommsen has expressed his intention of resuming the work and narrating the History of the Empire, but the execution of this plan has

been suspended owing to his other engagements. He is at present occupied, under the auspices of the Prussian Academy of Sciences, in editing a great collection of Latin Inscriptions—a field of labour which he has made peculiarly his own.

It is due to Dr. Schmitz, who has kindly encouraged me in this undertaking, that I should state that I alone am responsible for the execution of the translation. Whatever may be thought of it in other respects, I venture to hope that it may convey to the English reader a tolerably accurate impression of the contents and general spirit of the book.

WILLIAM P. DICKSON.

Manse of Cameron,
St. Andrews,
December, 1861.

EXTRACT FROM DR. MOMMSEN'S PREFACE.

THE Varronian computation by years of the City is retained in the text; the figures on the margin indicate the corresponding year before the birth of Christ.

In calculating the corresponding years, the year 1 of the City has been assumed as identical with the year 753 B.C., and with Olymp. 6, 4; although, if we take into account the circumstance that the Roman solar year began with the 1st day of March, and the Greek with the 1st day of July, the year 1 of the City would according to more exact calculation correspond to the last ten months of 753 and the first two months of 752 B.C., and to the last four months of Ol. 6, 3 and the first eight of Ol. 6, 4.

The Roman and Greek money has uniformly been commuted on the basis of assuming the libral *as* and *sestertius*, and the *denarius* and Attic *drachma*, respectively as equal, and taking for all sums above 100 *denarii* the present value in gold, and for all sums under 100 *denarii* the present value in silver, of the corresponding weight. The Roman pound (= 327·46 *grammes*) of gold, equal to 4000 sesterces, has thus according to the ratio of gold to silver 1 : 15·5 been reckoned at 286 Prussian *thalers* (about £41).

Kiepert's map will give a clearer idea of the military consolidation of Italy than can be conveyed by any description.

DR. MOMMSEN

DEDICATES THE FIRST VOLUME OF HIS WORK

"TO HIS FRIEND,

MORIZ HAUPT, OF BERLIN."

CONTENTS.

BOOK FIRST.

THE PERIOD ANTERIOR TO THE ABOLITION OF THE MONARCHY.

BOOK SECOND.

FROM THE ABOLITION OF THE MONARCHY IN ROME TO THE UNION OF ITALY.

APPENDIX.

The Patrician Claudii.

[The views embodied in the text at pages 292 *et seq.*, regarding the political position of Appius the Decemvir have been abandoned by Dr. Mommsen, since the preparation of his third edition, in favour of those which he has briefly indicated in the note at page 292, and which are fully illustrated in the subjoined disquisition read by him at the sitting of the Academy on the 4th March, 1861. I have given it almost entire.—Tr.]

The patrician clan of the Claudii played a leading part in the history of Rome for some five hundred years. Our object in this inquiry is to make some contribution towards a proper estimate of its political position.

We are accustomed to regard this Claudian *gens* as the very incarnation of the patriciate, and its leaders as the champions of the aristocratic party and the conservatives in opposition to the plebeians and the democrats; and this view, in fact, already pervades the works which form our authorities. In the little, indeed, which we possess belonging to the period of the republic, and particularly in the numerous writings of Cicero, there occurs no hint of the kind; for the circumstance, that Cicero in one special instance (*ad Fam.* iii. 7, 5), when treating of the persons of Appius and Lentulus, uses *Appietas* and *Lentulitas*—as what they were—superlative types of the Roman nobility, by no means falls under this category. It is in Livy that we first meet with the view which is now current. At the very beginning of his work the Claudii are introduced as the *familia superbissima ac crudelissima in plebem Romanam*, (ii. 56), and throughout the first decad, whenever an ultra aristocrat is needed, a Claudius appears on the stage. For instance, the very first consul of this name, Appius Claudius consul in 259, is contrasted with the gentle Servilius as *vehementis ingenii vir* (ii. 23 *seq.*), and it was no fault of his, that on the secession of the plebs to the Sacred Mount the quarrel was not decided by arms (ii. 29). The next consul of this *gens*, in 283, vehemently opposes the Publilian law as to the election of the tribunes of the plebs in the *comitia tributa*, while his colleague—on this occasion a Quinctius—vainly counsels moderation (ii. 56). The third consul C. Claudius, in 294, unreasonably obstructs the law for preparing a national code, which his colleague of the Valerian *gens* had shortly before his glorious death promised to the people (iii. 19); and although this C. Claudius, as compared with the still more hateful decemvir Appius, plays a mediating and conciliatory part, he afterwards in the dispute regarding the *conubium* contends for the most extreme aristocratic view

there is nothing to be told about him, is not allowed to pass without mention of his hereditary hatred towards the tribunes and the plebs (iv. 36). The same character is ascribed on different occasions to the grandson of the decemvir, who was military tribune in 351, and perhaps consul in 405 (iv. 48, v. 2—6, 20); and on occasion of the Licinio-Sextian laws a detailed defence of the government of the nobility is placed in his mouth (vi. 40, 41, comp. vii. 6). Lastly, on occasion of the censorship of Cæcus, the annalist once more sums up the roll of the Claudian sins (ix. 34).

The Claudii are treated in a similar style by Dionysius on this and a number of other occasions: it is needless to enumerate here the several passages, or to dwell on the speeches in the senate attributed to them, which are intolerable from their insipid wordiness.

The authors of the time of Tiberius, Valerius Maximus and Velleius, naturally indulge in no invectives against the Claudian house; but Tacitus again speaks, just like Livy and Dionysius, of the *vetus atque insita Claudiæ familiæ superbia* (*Ann.* i. 4); and Suetonius in his Lives of the Cæsars (*Tib.* ii.) says still more expressly, that all the patrician Claudii, with the exception of the tribune of the people P. Clodius, had been conservative (*optimates*) and most zealous champions of the standing and power of the patriciate as opposed to the plebs. These testimonies add no strength to the proof. The later Romans derived their views of men and things under the republic entirely from Livy—that remarkable writer, who, standing on the confines of the old and new periods, still possessed on the one hand the republican inspiration without which the history of the Roman republic could not be written, and, on the other hand, was sufficiently imbued with the refined culture of the Augustan age to work up the older annals, which were plain in conception and rude in composition, into an elegant narrative written in good Latin. The combination of these qualities produced a book which is still as readable now as it was well-nigh two thousand years ago, and that must be reckoned no mean praise; but the annals of Livy are no more a history in the true sense of the term—in the sense in which Polybius wrote history—than the annals of Fabius. A certain systematic aim is observable in it; but that aim is not historical, tracing the causes and effects of things; it is poetical, demanding a narrative unbroken by historic doubts, and requiring representative men and more particularly leading champions of the political parties. He thus needed, by way of contrast to the liberal-conservative Valerii, a prototype of the proud patrician *gentes;* and, if he and in like manner Dionysius—whether after the precedent of some earlier annalist, or of their own choice (a point to which we shall hereafter advert)—have used the Claudii for this purpose, their representations must not be held as absolutely normal for the historical inquirer. Materials for a revision of their judgment are not wholly wanting: in fact, from the honesty with which Livy reproduces the positive accounts which lay before him, most of the materials of this nature have been preserved by him, while Dionysius with his affectation of critical sagacity has in this instance effaced every trace of the genuine truth.

Among the general characteristics of the Claudian *gens* nothing strikes us so much as the fact, that no notable patrician clan has given to the community so few famous warriors as the Claudian house which yet flourished through so many centuries. Suetonius (*Tib.* i.) records among the honours of the clan six triumphs and two ovations; of the former four can be pointed out with certainty, viz. that of Appius Claudius over the Picentes in 486, that of Gaius Nero over Hasdrubal in 547, that of Gaius Pulcher over the Istrians and Ligurians in 577, and that of Appius Pulcher over the Salassi in 611; of

the latter one, viz. that of Appius over the Celtiberians in 580; the second was perhaps that of the dictator in 392. But, as is well known, there was not among the Romans one general in ten triumphators; and of the triumphs just named one alone commemorated an important military success—the gain of the battle of Sena by the two consuls M. Livius and C. Nero; the latter, moreover, belonged to a collateral branch of the patrician *gens* little spoken of in the republican period, the Claudii Nerônes. Among the Claudii proper there was not a single soldier of note, and it can be shown that the most important of them did not owe their reputation to their services in the field. How far different was the case with the noble houses of equal standing with the Claudii, such as the Fabii, Æmilii, Cornelii!

On the other hand, no *gens* of the Roman nobility displayed so much activity in science and literature from the earliest times as the Claudian house. From the decemvir Appius Claudius proceeded, as is well known, the Roman code of law, which, as the oldest Roman book, as modelled after the laws of Solon, and as including the earliest calendar that was publicly promulgated, exercised even in a literary and scientific point of view the deepest and most permanent influence. To the achievements of the censor Appius Claudius in this respect we shall return. Even in subsequent times, when culture was general, there are various evidences that the patrician Claudii continued to have at heart the interests of science. I may refer to the different ædileships of men of this *gens*, which form epochs in the history of the theatre; to the adept in the Greek mysticism contemporary with Cicero, Appius Claudius consul in 700, and his Eleusinian Propylæum, the votive inscription of which has been recently found;* and to the emperors Tiberius and Claudius, both of whom cherished a deeper interest in philology and archæology than is common with princely *dilettanti*.

It will be allowed that neither of these observations tells exactly in favour of the current view of the Claudian family. The aristocratic party at all times has set a higher value on martial prowess than on mental gifts; democracy on the contrary and above all the Roman democracy, down to a late age, sought its field in the Forum and out of the reach of the sabres, and found powerful levers in science and art. How is all this reconcileable with the *familia superbissima ac crudelissima in plebem Romanam*? And various other considerations might be adduced. The statement that the Claudii only migrated to Rome in the sixth year after the expulsion of the kings is utterly untrustworthy as to date, and is in fact certainly false; no co-optation by the noble clans, as can be shown (see p. 265), could legally take place after the introduction of the republic; moreover the Claudian *gens*, which gave its name to a Roman tribe, and which appears at an early date in the Fasti, cannot possibly have migrated to Rome at so recent a period. But, apart from the date, the fact itself of the migration of the Claudii from Sabina is attested by a highly credible family tradition; and it is a surprising circumstance that this same patrician clan, which was almost the only one to preserve and to value the recollection of its having come from abroad, should have furnished the champions of the native patricians. The Claudii, too, were the only patrician *gens* which had a counterpart of the same name and of kindred origin among the old plebeian nobility; for that more than a mere nominal kinship was assumed to exist between the patrician Claudii and the plebeian Marcelli, is attested by the competing claims of the two houses in the case of heritages passing to *gentiles* (Cic. *de Orat.* i. 39, 176).

* Bull. del Instituto, 1860, p. 225.

One would think that this relation must have constituted a connecting bond between the patrician Claudii and the plebs, rather than the reverse.

But general considerations of this sort do not determine the matter. The question depends on the political position which the prominent men of the Claudian *gens* took up, and by which they determined that of the whole *gens*, so far as in the case of the latter we can speak of such a position at all. Now of such prominent men the Claudian clan in the earlier centuries of the republic produced two,—Appius the Decemvir and Appius the Censor: of the other Claudii of this epoch we know, laying aside idle inventions, just about as much as we know of the Egyptian kings—their names and their years of office. We shall have to treat accordingly in the first instance of the two former, and then to subjoin what is to be said regarding the far less important Claudii of later regular history.

The accounts given in the Annals which have reached us regarding the Ap. Claudius who was consul in 283 and decemvir in 303 can certainly make no claim to historical credibility, and are still more corrupted and disfigured than other accounts of the same epoch. Authors, who record under the year 284 the death of the man who was decemvir twenty years afterwards, will receive no credit when they report his speeches in the forum and the senate, and the history of his impeachment. Yet the most important facts relating to the origin of the Twelve Tables are as little doubtful as the Twelve Tables themselves; and in this case it is not difficult to separate the historical kernel from the loose tissue of fable in which it has been enwrapped. First of all, it is clear and indisputable that the committal of the public law to writing was a measure directed against the patrician magistrates, and consequently against the patrician government itself. Moreover, it is no less certain that the decemvirs were not all patricians. For, if there is anything good and reliable in what has been handed down to us, the list of magistrates is so; and we know the patrician *gentes* sufficiently to be certain that, while the decemvirs first nominated were all patricians, of those elected in 304 at least the three described by Dionysius (x. 58) as plebeian, and probably two others—or, in other words, one-half—were plebeians. The circumstance that Livy in his narrative itself says nothing of the quality of the members of this college, and afterwards in a speech (iv. 3) calls all the decemvirs patricians, is of no moment. Niebuhr, who did not fail to see the conclusive force of the evidence in favour of the plebeian character of a portion of the second decemvirs, supposes (and Schwegler assents to his view) that the first and second decemvirate were different in kind,—the former being an extraordinary legislative commission, the latter a college of archons organized as a permanent institution and composed of both orders. But this hypothesis is opposed to all tradition, as well as to all probability; the two sets of magistrates occurring in so close succession, both occupied with the preparation of the legal code, and both comprehended under the same title *decemviri consulari imperio legibus scribundis* in the roll of magistrates, must have been in constitutional law homogeneous. Consequently nothing remains but the hypothesis, that the decemvirate stood open from the first to both orders; and this view is necessarily demanded by the analogy of the military tribunate *consulari potestate*. For the essential features—the substitution of a larger number of magistrates for the pair, and the assigning to these magistrates not the title and rank of consul with the relative honours (right to hold a triumph and to carry images of ancestors), but only delegated consular power—are common to the military tribunate and the decemvirate; and, as the military tribunate was notoriously organized in this way just in order to make the supreme magistracy, but not the highest

honours of that magistracy, accessible to the plebeians, the decemvirate cannot well be conceived otherwise than common from the first to both orders. The fact that the first college still consisted exclusively of patricians is not inconsistent with this hypothesis, but agreeable to all analogy; the military tribunate in like manner, although always common in law, remained practically for many years in the hands of the patricians. Lastly, Livy himself narrates the course of the matter as if the plebs had demanded at first a commission composed of plebeians, and then one in which the two orders were to be mixed (iii. 9, 5; iii. 31, 7 *plebeiæ leges*), and yet the ten commissioners were at last chosen from the patricians: *placet creari decemviros — admiscerenturne plebei controversia aliquamdiu fuit; postremo concessum patribus, modo ne lex Icilia de Aventino aliæque sacratæ leges abrogarentur* (iii. 31). It is easy to see how the older view has here been not really altered, but thrown into confusion by the omission of the circumstance that the plebeians carried their demand for the appointment of a mixed magistracy. What was true of the election, viz., that patricians only were fixed upon, was erroneously referred to the institution itself—an error which might be the more readily excused, as the point related not to a magistracy that was often to recur, but to a college which was to finish within its year of office the compilation of the code for which preparations had long been making, and consequently was to be elected only once.

If we reflect on these surely-established facts, first, that the obtaining of a written body of law was in itself a severe defeat of the nobility, and secondly, that men of both orders could be, and were, placed on the legislative commission and that the eligibility of the plebeians to the supreme magistracy was first legally and practically recognized in that commission, it is plainly preposterous to make the head of the decemvirate the leader of the patrician party. This, however, is what Livy has done; but that the older annals, characterized by less of literary taste and by a more vivid realization of the matters which they narrate, did not give any such version, may be proved from his own pages. He introduces his narrative of the second decemvirate by the remark that a new spirit had possessed Appius and the furious patrician had all at once become a mob-courtier (*plebicola*, iii. 33)—that, surrounded by the leading men of the plebs, the Duellii and Icilii, he had appeared in the forum, and had by vile demagogic arts carried his re-election for the next year and the nomination of men of little standing as his colleagues (iii. 36). By this view Livy thenceforth abides on the whole, although he now and again falls back on the earlier, representing the decemvirs for instance as afterwards appearing with a retinue of young patricians, and under its protection perpetrating their deeds of violence (iii. 37). This new spirit, which is alleged to have strangely taken possession of Appius at the close of 303, is evidently none other than that eliminated from his character by the misrepresentations of later historians but ascribed to him by the earlier annals generally, and that which alone befitted the part that he played —the spirit of a patrician demagogue who eventually becomes a *tyrannus* to patricians as well as plebeians. How much in the story of his fall is historical, and what may have been the real incidents of the process of Virginia—the murder of Siccius seems to have been a late addition—cannot of course be ascertained, and is a matter of comparative indifference; but the import of that story of Virginia, given in Diodorus and consequently proceeding from Fabius, may be easily perceived and is significant enough, even should it be an invention. The unjust judicial sentence pronounced in his own personal interest, not in that of his order, the coming forward of the complaisant accommodating retainer, the greedy lust from which the maiden only saves her

honour in death—these are well-known traits in the picture of the ancient *tyrannus*; and, in fact, the charge of usurping the *tyrannis* is brought up very distinctly in many passages by Livy against the second decemvirs generally (iii. 36; *decem regum species erat*, c. 32; *id vero regnum haud dubie videri*, c. 39; *decem Tarquinios*. The emperor Claudius also speaks of *decemvirale regnum* on the Lyons Tables, i. 33). There was certainly good reason also for placing the demagogic *gens* of the Icilii in the foreground both at the second election of Appius and at the catastrophe. The oldest annals, written in a patrician spirit, showed at this point (when they were compelled to relate the momentous victory of the plebs over the nobility) by an instructive example, what fruit the people themselves derived from such a success of the popular party; how every demagogue naturally turns into a tyrant; how the honest plebeian, who had helped to place Appius in the judgment seat, himself suffered most at the hands of the judge; and how the plebs, thoroughly cured of its blindness by such consequences of its own act, took up arms against the self-constituted tyrant, was brought back by its true aristocratic protectors, the Valerii and Horatii, to that old constitution which could alone give happiness, and at length received from them as a free gift the real prize for which the plebs had contended, but which the demagogues turned tyrants had neglected to confer—the completion of the legal code. This no doubt is not history, but it approaches nearer to the reality than the well-written but ill-concocted *epideixis* of Livy.

Respecting Appius Claudius Cæcus, censor in 442, consul in 447 and 458, the accounts are both more trustworthy and more copious. Niebuhr has already formed a judgment substantially correct regarding him, and I have in my History of Rome given a short sketch of him, in the main outlines of which I have no occasion to make any change, although, in consequence of my not then possessing an insight into the very peculiar character of the traditional accounts of the Claudii, there are various misapprehensions in the details. He was not only no representative of conservative tendencies, but a decided revolutionist, although he employed the forms and handles furnished by the constitution for the purpose of overthrowing it. Let us briefly review the accounts handed down in regard to him. First of all, the story of his blindness has perhaps arisen solely from the misunderstanding of a surname. That the current story, which represents him as struck with blindness by Hercules on account of a sacrilegious offence committed in his censorship of 442, is absurd with reference to a man who was twice afterwards consul, has long been seen; and it is also evident that the version of Diodorus (xx. 10), according to which he feigned himself blind in order that he might have a suitable pretext for keeping aloof from the senate which was hostile to him, is simply a second absurdity which has grown out of a perception of the first. The view now accepted, that Appius had grown blind in his old age, is inconsistent with the Capitoline Fasti, which already under 442 register him as *Ap. Claudius C. f. Ap. n. Cæcus*; as they distinctly specify surnames acquired after entering on office as such (stating for instance in the very case of his colleague: *C. Plautius C. f. C. n. qui in hoc honore Venox appellatus est*), their compilers appear to have regarded *Cæcus* as a simple cognomen, and the fact of his being blind at all is thus rendered doubtful. It is possible, no doubt, that they may either have fallen into an oversight or may have wished in this way to avoid those absurdities of the older annals, and that the current hypothesis may still be the truth; certainty is not on such a question to be attained.

Of the martial deeds of Appius there is little to tell. Although he was once dictator, twice consul, and twice prætor, and took the field against the Sam-

nites and Etruscans, and although his activity fell within the epoch of Rome's greatest military glory, yet he never triumphed. He built a temple to Bellona, but it is well known that man not unfrequently pays the most zealous homage to the divinity that scorns him. The really significant activity of Appius belongs to the field of civil life. In particular, that speech of the venerable old man who had long retired from all state affairs, which vanquished the first Greek diplomatist that appeared in the Roman senate, and at a decisive moment gave new courage and power to the Roman government—the speech against Pyrrhus—remained indelibly engraven on the memory of posterity. It contributed not a little to its interest, that it was the first which, so far as we know, was committed to writing in Rome—at least Cicero, who read it, had no doubt of its genuineness. Nor have we any reason to regard his poetical "sayings" (*sententiæ*), which Panætius had read, as spurious; they were maxims of a general nature, such as that "he who gets a sight of a friend forgets his grief" (Prisc. viii. 18), and the well-known saying, "every one is the architect of his own fortune" (Sallust, *de Ord. Rep.* i. 1); when Cicero called them Pythagorean, he was undoubtedly thinking of the "Golden Words" of Pythagoras, and this oldest Latin poem must in fact have been formed under the influence of such Greek collections. He is said also to have introduced the practice of writing the *r* between two vowels instead of the earlier *s* (Dig. i. 2, 2, 36), and to have banished the use of *z*,* doubtless bringing the writing into conformity with the pronunciation. The more bold and far-seeing spirit of innovation, which is discernible in his literary activity, marks also his political career; and it is remarkable how he in this respect walks in the steps of his great-great-grandfather, the decemvir. The publication of the *legis actiones*, which was carried out by his clerk Cn. Flavius beyond all doubt at his suggestion—by some indeed it was attributed to himself (Dig. *l. c.*)—was virtually the publication of a revised and enlarged code. The Twelve Tables, indeed, were in substance a regulation of civil procedure; and the object in both cases, as in all similar instances, was to emancipate the common citizen from dependence on the caprice of the noble magistrate and on the advice of the no less noble men of lore, by means of a written code accessible to all. The same remark applies to the Fasti, which at that time were still in the main what the name indicates, a list of court days: as the calendar had been an integral part of the Twelve Tables, it was now made a part of the legal directory of Flavius, and was diffused along with the latter in the form of a book.

A mere notice may suffice for the innovations of Appius in ritual matters; viz., the transference of the public worship of Hercules in the Forum Boarium from the *gens* of the Potitii to the charge of public slaves, and the ejection of the guild of *tibicines* from the temple of Jupiter, which in the following year led to the well-known quarrel so happily ended by the jocose diplomatic intervention of the Tiburtines and the yielding of the senate.

The conversion of the burgess-qualification hitherto in force from landed property into a money-rating was materially modified by the successor of Appius in the censorship, the great Quintus Fabius; but enough of his innovations remained both as regards the *comitia tributa* and the *comitia centuriata*, but more especially the latter, to associate the censorship of Appius with perhaps the most material constitutional change which ever took place in republican

* Mart. Cap. i. 3, § 261, Kopp.: *s idcirco Appius Claudius detestatur, quod dentes mortui dum exprimitur imitatur*, where we should perhaps read *dentis morsus*. Appius, it is probable, only assigned (or was alleged to have assigned) this as a reason for the banishment of the *s* from the language and writing.

Rome. The nomination of sons of freedmen as senators, the omission to purge the senatorial and equestrian rolls of disreputable and infamous individuals, and the election, at the suggestion of Appius, of his clerk Cn. Flavius the son of a freedman to a curule office; the spending of the moneys accumulated in the treasury, without the previous sanction of the senate, on magnificent structures called—a thing hitherto unheard of—after the builder's name; the Appian aqueduct and the Appian highway; lastly, his prolongation of the censorship beyond the legal term of eighteen months; are each and all measures diametrically opposed to Roman conservatism and to Roman reverence for the constitution and for use and wont, and belonging to the most advanced demagogism—measures which savour more of Cleisthenes and Pericles than of statesmen of the Roman commonwealth. "Such a character," Niebuhr aptly remarks, "would not surprise us in the history of Greece; in that of Rome it appears very strange." It is not my intention at present to do more than merely to indicate these several undertakings of Appius, which in general are sufficiently well known, and which could not be adequately estimated without lengthened and minute explanation. I shall only further mention a general opinion as to the character of his proceedings in the censorship, and an isolated notice which has not hitherto been correctly apprehended. The opinion to which I refer is that of Fabius, preserved by Diodorus (xx. 36). He says under the year 444–5, "One of the censors of this year, Appius Claudius, on whom his colleague was entirely dependent, disturbed many things in use and wont, for, ministering to the multitude, he troubled himself little about the senate." The notice to which I refer occurs in Suetonius (*Tib.* ii.) In enumerating the injuries done by the Claudii to the commonwealth, he says, *Claudius Drusus, statua sibi diademata ad Appi Forum posita, Italiam per clientelas occupare temptavit.* According to the order in which this statement occurs, it falls between the decemvirate and the first Punic war. It has at all times, and very justly, excited extreme suspicion; few perhaps will be inclined with Niebuhr to hold it, simply as it stands, as historical, and to see in this Claudius Drusus an otherwise totally unknown tyrant of Italy. The name in fact is demonstrably corrupt, not only because *Claudii Drusi* do not occur elsewhere, but more especially because Suetonius after discussing the paternal ancestors of the emperor Tiberius passes on to the maternal, and then treats minutely of the *Livii Drusi* and of the origin of that cognomen. He could not but have noticed so singular a coincidence of the two families in the possession of a cognomen anything but frequent, had that name of Claudius Drusus been the real one; whereas the subsequent occurrence of the cognomen Drusus might lead a copyist to anticipate it at the wrong place. Beyond all doubt no other can be really meant here but Appius Cæcus; for he not only falls in point of time exactly within the requisite epoch and is the only one of all the Claudii against whom such a charge as that indicated by Suetonius is rationally conceivable, but the Forum Appii, the present Foro Appio between Treponti and Terracina not far from Sezza, was, like the Appian way, his work—situated amidst that immense embankment of hewn stone carried right through the Pomptine marshes, in the construction of which, as Diodorus says, Appius exhausted the treasure of the state and left an eternal monument to his name. To him alone could the idea occur of having a statue erected to himself at this otherwise inconsiderable place; and it is rarther easy to understand how the, at that time novel, institution of a market village along the highway, and the naming of it after its originator, might give rise to the allegation that its founder designed to bring all Italy under his power by forming client-communities. Valerius Maximus also assigns to

Cæcus *plurimas clientelas* (viii. 13, 5). What alteration should be made, I know not; perhaps the passage ran, *Cæcus rursus statua sibi diademata ad Appi Forum posita Italiam per clientelas occupare temptavit.*

The portrait of Cæcus, as it has just been sketched, is delineated in our tradition in strong, clear, mutually harmonious lines. At the same time it must be added that it strictly suits only Appius as censor; in the two consulships which he held after his censorship and in his other later activity we encounter no more of that vehemently revolutionary spirit. It must be assumed that he himself, in his later years, abandoned the career on which he had entered at first, and became reconciled in some measure with the existing conservative government—but for this, we do not see how he could have ended otherwise than like the Gracchi or like Cæsar. But though this be granted, it is clear that Appius Cæcus was not, any more than the decemvir Appius, an appropriate representative of the strict aristocratic party; and Livy, when he treats Cæcus in this light, has certainly assigned to him a part most incongruous to his character. It is necessary, not in order to complete our view of Cæcus, but in order to perceive the character of Livy and of that mode of writing history which he represents, that we should dwell for a moment on the false colours with which this Claudius as well as all the rest has been overlaid. I do not include among these the statement that the builder of the Temple of Bellona placed in it the escutcheons of his ancestors with a list of the curule offices filled by each (Plin. *H. N.* xxxv. 3, 12, where this is erroneously referred to the consul of 259); pride of nobility is very compatible with the character of a Pericles, and Cæsar with all his demagogism boasted of his descent from Venus. But the view given of the censorship of Appius, as we read it in Livy (ix. 29, 30, 33, 34), is very strange, not so much on account of the occasional attacks on the "inborn arrogance" of the Claudii "that family destined by fate to quarrel with the plebs" (ix. 29, 33), as because all his palpably demagogic measures are passed over in silence—a silence which is the more evidently intentional, as the most important of these, the enrolment of those who had no landed property in the tribes, is afterwards mentioned incidentally under the censorship of Fabius (x. 7). It is no less remarkable that Livy (x. 15) represents Appius Claudius as again heading the opposition to the Ogulnian law of 454, which abolished the last substantial privilege of the patricians as respected the great priestly colleges; and here, at the close of the whole strife between the orders, once more contrasts him as the incarnation of patricianism with the figure of the pure plebeian hero, Decius Mus. Nor is this even enough. At the consular election of 458 the same Appius is said to have attempted unconstitutionally to bring in a second patrician, Q. Fabius Rullianus, as consul along with himself, and the project is said to have been thwarted solely by the loyal magnanimity of Fabius (x. 15). A different, but analogous story is given by Cicero (*Brut.* xiv. 55); according to which Cæcus in the capacity of interrex presiding at the elections (he filled this office, according to Livy, x. 11, in 455—on which occasion, however, as the first interrex he could not have conducted the election—and according to his *elogium* on two other occasions unknown to us) is said to have rejected the votes given for plebeian candidates for the consulship, and thus to have led the tribune of the people, M'. Curius, to propose a further restriction of patrician privileges. That these evidently kindred stories are highly incredible, is plain to every one conversant with the matter; how is it possible that, at a time when the patricians had been divested almost without resistance of the last privileges of their order, and when the plebeians had had their title to share in the consulship not only constitutionally secured ever since men could remember, but also long confirmed by

usage, the idea of such a restriction should have entered the mind of a mature statesman? And these accounts, in themselves more than suspicious, are coupled with the names of men than whom none could have been selected more unsuitable. The crazy patrician, who brings forward these absurd projects, is no other than the censorial demagogue Appius Cæcus who was for good reasons at bitterest feud with the ruling conservative party; and the person, whom he unconstitutionally selects as his colleague for 458, is no other than Fabius Rullianus, who had checked the unbounded demagogism of Appius on succeeding him in the censorship. We might be disposed to recognize in this one of those singular political conversions which now and then occur in the history of the world. But, as abrupt transition from one party extreme to another and renegade arrogance have at no time been regarded as specially honourable, and as so much is said about Cæcus and that ordinarily in the way of censure, such a change of sides, which must have produced the greatest sensation, would certainly have been prominently noticed in the accounts. But we nowhere meet with any hint of the kind: on the contrary, we have seen even the censorship of Appius, clearly as it bears on the face of it the stamp of demagogism, divested as far as possible of any such character in the narrative of Livy. To this falls to be added the spirit of perversion and invention hostile to the Claudii, which pervaded the older annals generally. The delineation of the character of Cæcus—towards whom the ninth and tenth books of Livy exhibit various traces of an altogether peculiar hatred—cannot be separated from the history of the trial and suicide of Appius Claudius, consul in 283, as told by Dionysius and Livy, which has been demonstrated to be a pure lie foreign to the earlier annals by the mention of the same man in the Capitoline Fasti twenty years later; from those constantly recurring consular and senatorial speeches of Claudii hostile to the people; from that irrational misrepresentation of the decemvir; or, generally, from the whole class of anti-Claudian stories. Nothing remains accordingly but the hypothesis, that the anti-popular anecdotes attached to the demagogue Cæcus—turning, it may be remarked, throughout on easily invented trifles and nowhere affecting his leading and well-known actions—have been designedly invented.

It thus appears that at a pretty early period a pencil not merely hostile generally to the Claudii, but specially assailing them as the hereditary foes of progress and of democracy, has been at work in the Roman annals, and has caricatured its portraits with more good-will than judgment. Who it was that wielded it, can only be guessed inferentially. That the earliest annalists, and Fabius in particular, knew nothing of these lies, is clear from what we have said above. On the other hand they cannot well have originated with Livy; this far from honourable species of libel concealing itself under the falsifying of documents is by no means consistent with the morally pure character of his work, and besides there was no ostensible ground for it in his case. For, when Livy wrote the first decad, there remained no man of note belonging to the main stock of the patrician Claudii, and probably none of them remained at all except the son of P. Clodius, who was utterly insignificant and was ruining himself by reckless debauchery; the collateral branch of the Nerones was then obscure, Tiberius the future emperor was still a boy. Further, it is far from credible that Dionysius, whose books are evidently pervaded by the same tendency, and who professes even in numerous cases when Livy is silent to give us antidemocratic speeches of the Claudii, should have in this matter rested solely on Livy and invented, in a similar spirit, what he did not find there. Besides, if the notice in Cicero's *Brutus* has been correctly estimated above, this series of falsifications must have already existed in Cicero's time;

but the "Claudian arrogance" was certainly not yet at that time generally recognized and familiar, otherwise no doubt Cicero would not have allowed so suitable a handle for invective against his mortal enemy Clodius wholly to escape him. Lastly, these falsifications bear on the face of them the stamp of a democratic origin. Putting together all these indications, we may at all events suggest a name to which the suspicion of having set afloat these plebeian libels on the Claudian house may not without warrant be attached. It is that of Licinius Macer. Macer was, as is well known, a contemporary of Cicero, senior to him by a few years (tribune of the people in 681, died, after having served the prætorship, in 688), a notorious democrat and the author of ill written and not much read annals, which however, it can be shown, formed a main authority both with Livy and with Dionysius. I have shown in my *Chronologie* that this man, who had been legally condemned for extortion and probably on that account committed suicide, was not only a thief, but at the same time a thoroughly shameless falsifier. It is true that nothing is known of any special quarrel between him and the patrician Claudii; but all the latter were, in the period of Sulla and the subsequent times, in the oligarchic camp and most decidedly opposed to Macer and his party, and we may perhaps even point out the individual who specially attracted the hatred of the democrats. Few of the acts of Gaius Claudius consul in 662 are recorded; but his extraordinary influence in the state is more than once (Cic. *pro Planc.* xxi. 51, *Brut.* xlv. 166) prominently referred to in so striking a manner, that we may certainly recognize him as one of the leaders of the senate at this time, and one who may be presumed accordingly to have been specially obnoxious to the party of progress.

Until further investigation shall confirm or remove this suspicion resting on the credibility of Macer and the annalists who derived their accounts from him, we may be allowed to regard it as a reason for cautiously receiving whatever is connected with his authority, especially as it affects a man whose reputation is not thereby rendered worse than it is already.

It remains that we cast a glance at the Claudii of later and purely historical times, and their political position. This, however, need not detain us long. For that there was no clan-policy at all in the sense which not a few modern historians associated with the term, the inquiry which we have just concluded shows by an instructive example; the much-talked-of Claudian policy would seem, from that review, to have been nothing else than a caricature invented by a partisan falsifier of history. In the sixth and seventh centuries the Claudii had no remarkable prominence; the good and bad qualities which pretty uniformly marked the Roman oligarchy characterized them also, and there are few of the numerous men of this family known to us in the later times of the republic, as to whom we can tell more than their names and titles. Of course the Claudii of this period were, like the rest of the houses of the high nobility, generally found in the conservative camp; yet no notable champion of the oligarchy appeared among them, while there were various men who professed oppositional sentiments or milder views leaning to the popular side. This is especially the case with all those, of whose characters any sketches or even any isolated vivid traits have been preserved. The well-known stories regarding P. Pulcher consul in the first Punic war, who killed the sacred fowls out of spite at Drepana and, in defiance of the senate, nominated Glicia his former clerk as dictator, indicate great insolence doubtless, but not aristocratic arrogance; they rather bespeak that pride which disregards traditional views and class-prejudices, and is really democratic. In the nominating of Glicia, which excited the utmost horror in all genuine patricians for centuries, he was, beyond doubt, influenced by the recollection that his ancestor Cæcus had in-

troduced his clerk Flavius into the senate. C. Pulcher, when censor in 585, prevented his colleague Ti. Gracchus from depriving the freedmen by censorial-authority of their right of suffrage, because, as he affirmed, none could be deprived of that right without a decree of the people (Liv. xlv. 15)—a course which was very proper and commendable, but not specially oligarchical. Appius Claudius, consul in 611, is known as one of the most conspicuous promoters of the agitation of the Gracchi; he himself along with the two Gracchi, the elder of whom was his son-in-law, presided over the execution of the scheme of reform as a commissioner for the distribution of lands. As to the tribune of the people P. Clodius, the adopted son of the plebeian Fonteius, it is hardly necessary to prove that he at least was no pearl of conservatism. If, therefore, the very moderate measure of historical truth and importance, which lies at the root of the hypothesis of a hereditary policy in the *gentes*, is to be in future dwelt upon in the case of the Claudii, we shall at least do well utterly to abandon the current tradition, and to regard this patrician house not as the defenders of an obdurate aristocracy, but as the predecessors of the Gracchi and of Cæsar. In this respect the Claudii were justly called to ascend, in combination with the Julian house, the imperial throne, and even on that throne they did not wholly forget the traditional policy of their *gens*; for it is only in the light of that traditional policy that we can rightly understand why Tiberius and Claudius declined the title of *Imperator*, and various similar traits.

ADDITIONS AND CORRECTIONS.

Page 11, line 5, *for* elective *read* innate.
„ 12, „ 5, *for* northern *read* southern.
„ 73, „ 15, *for* acres *read* jugera.
„ 79, „ 40, *cancel the sentence*, Out of the three *tribuni celerum*, &c., *in accordance with the view expressed in the note*, vol. ii. p. 320.
„ 83, „ 8, *for* depute *read* deputy.
„ 88, „ 20, *read* the *before* three.
„ 89, „ 2, *for* deputes *read* deputies.
„ 96, „ 39, *for* Patsch *read* Putsch.
„ 114, „ 27, *for* tufa *read* tufo.
„ 126, „ 43, for *amevaχrlautn* read *amevaχr lautn*.
„ 128, „ 39, 40, *for* Rhætian *and* Rhæti *read* Rætian *and* Ræti.
„ 142, „ 9, *for* Crotona *read* Croton.
„ 156, „ 20, *for* offscourings *read* shreds *or* parings.—The expression is taken from a passage in Goethe's *Faust*.
„ 162, „ 45, *for* atticles *read* articles.
„ 170, „ 18, roofs of lead—*referring to the* piombi *of Venice*.
„ 197, „ 2, *cancel the words*, and one of the earliest events, *&c., to the end of the sentence*.—Dr. Mommsen has recently had his attention called to the fact that in the passage of Pliny (*H. N.* xv. 18, 77), on which this statement is based, the specified date CCLX is not found in the MSS., and has therefore been interpolated.
„ 217, „ 24, *for* applications *read* application.
„ 219, „ 27, *for* days *read* day.
„ 226, „ 42, *for* Italian *read* Italian.
„ 230, „ 17, delete the word (*vates*) in accordance with note at p. 240.
„ 230, „ 20, *cancel the words*, and the names, *&c., to end of sentence*.—The Marcii were plebeians, and Dr. Mommsen now doubts whether the *vates Marcius* can really claim a higher antiquity than that of the first promulgation of his *carmina*—the period of the second Punic war.
„ 235, „ 3, *for* σφιδη *read* σφίδη.
„ 235, „ 19, insert comma after *maximi*.
„ 240, „ 34, *for* ἱεροποιοί *read* ἱεροποιδι.

Page 242, line 39, effeminate, *literally* word-crisping,—in allusion to the *calamistri Mæcenatis.*

„ 243, „ 42, *for* Cyclopian *read* Cyclopean.

„ 287, „ 15, *for* civic *read* public.

„ 291, „ 41, *cancel the words*, but it would seem, *&c., and also the following sentence, in accordance with the views expressed in the Appendix.*

„ 308, „ 12. The view here expressed as to the Claudian arrogance is to be altered in conformity with that of the Appendix.

„ 311, „ 14, *for* demand *read* demands.

„ 319, „ 32, *for* primary *read* collective.

„ 338, „ 37, *for* it *read* Rome.

„ 340, „ 18, *for* confederacy *read* confederates.

„ 341, „ 42, *for* U.C. *read* Ol.

„ 350, „ 6, *for* probablity *read* probability.

„ 359, „ 24, for *connubium* read *conubium.*

„ 366, „ 26, *for* honest *read* candid.

„ 470, „ 24. *The sentence beginning*, Appius Claudius, *&c., must be modified in conformity with the view stated in the Appendix.*

„ 473, „ 42, *insert the word* hear.

„ 477, „ 17, *cancel the words*, and as to the removal, *&c., in accordance with the correction given above under page* 197.

END OF VOL. I.

LONDON:
PRINTED BY W. CLOWES AND SONS,
STAMFORD STREET.