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INTRODUCTION

Antiquarian Reconstructions and Living Realities

Roman antiquarians of the imperial age looked back across the centuries to imagine their city's beginnings. Historical sources were few, as well as late, and myths abounded concerning the topography of Romulus's foundation, the political and religious character of his undertaking, and the initial preparations for the Romans' establishment of their new settlement and the construction of its defensive walls. The accounts that had reputedly survived from the earliest Republican era were often contradictory, and hypotheses were enlisted to rationalize the fragmentary tales, to reconstruct a coherent if largely mythical story of the state's origin and its institutions, and to explain the evolution of the city's originating acts as the basis of what could be understood of its social and political development. So, for example, in the early second century AD, Plutarch attempted to provide a narrative:

> Romulus . . . then set himself to building his city, after summoning from Tuscany men who prescribed all the details in accordance with certain sacred ordinances and writings, and taught them to him as in a religious rite. A circular trench was dug around what is now the Comitium, and in this were deposited first-fruits of all things the use of which was sanctioned by custom as good and by nature as necessary; and finally, every man brought a small portion of the soil of his native land, and these were cast in among the first-fruits and mingled with them. They call this trench, as they do the heavens, by the name of "mundus." Then, taking this as a center, they marked out the city in

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> a circle round it. And the founder, having shod a plough with a brazen ploughshare, and having yoked to it a bull and a cow, himself drove a deep furrow round the boundary lines, while those who followed after him had to turn the clods, which the plough threw up, inwards towards the city, and suffer no clod to lie turned outwards. With this line they mark out the course of the wall, and it is called, by contraction, "*pomerium*," that is "post murum," behind or next the wall. And where they purposed to put in a gate, there they took the share out of the ground, lifted the plough over, and left a vacant space. And this is the reason why they regard all the wall as sacred except the gates; but if they held the gates sacred, it would not be possible, without religious scruples, to bring into and send out of the city things which are necessary, and yet unclean.[1]

Among the many things that might be said about this reconstruction, in the present context three stand out.[2]

First, by Plutarch's day, the details of Rome's early political topography and the loci of the significant acts of foundation had long been lost to the passage of time. For instance, his account of the *mundus*, and its location at the Comitium in the Forum Romanum, is contradicted by other sources that place it on the Palatine.[3] In this confusion one might rightly see a dim reflection of the conflicting priority in early Roman narratives of the city's two rival centers—the hilltop's early mythology and the valley's status—in what has been established as historical chronology. Similarly, the definition of the *pomerium* as well as its relationship to the initial plowing of the primordial furrow (*sulcus primigenius*) and the subsequently built walls were contested by other antiquarian reconstructions. And the homology between the circular form of the Comitium and that of the *pomerium*'s trench surrounding the city

[1] Plut. *Rom*. 11.1–3.

[2] The sources for the highly selective sketch that follows are provided in the succinct accounts in *LTUR*, s.v. *mundus* (Coarelli), *pomerium* (Andreussi), and *Roma Quadrata* (Coarelli), to which add the discussions of Simonelli 2001, De Sanctis 2007, Carlà 2015, Maccari 2015, Sisani 2016—all of which update the bibliography.

[3] Notably Festus 310L.

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("in a circle")[4] is challenged by those accounts that set the *mundus* on the Palatine and connect it to the demarcation of the city known as *Roma Quadrata*.[5] This alternative vision of Rome's initial topography marked by the city's early institutions was still known to Tacitus, Plutarch's contemporary, according to whom the *pomerium* ran, in roughly squarish form,

> from the Forum Boarium, then, where the bronze bull which meets the view is explained by the animal's use in the plough, the furrow to mark out the town was cut so as to take in the great altar of Hercules. From that point, boundary-stones were interspersed at fixed intervals along the base of the Palatine Hill up to the altar of Consus, then to the old curiae, then again to the shrine of the Lares, and after that to the Forum Romanum.[6]

A second conspicuous aspect of Plutarch's account is his emphasis on the religious character of Rome's foundation. In addition to the explicitly Etruscan origin of the foundation ceremony, a civic act that took place on a day vouchsafed by positive auspices, there is Livy's specific claim for the *pomerium*'s status as a *locus auguratus*; thus, Jupiter had sanctioned the delimiting of the city, and the significance of the site where this was enacted had been duly transformed, the god's approval having been granted.[7] In this fashion, on religious grounds, the ancient Romans divorced their new city from the rural lands that surrounded it, and it is as a corollary of this division that the *pomerium* was held to mark the limit of the urban auspices.[8]

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[4] Commentary in De Sanctis 2007, 510, n. 35; cf. Varro's use of *orbis* at *Ling.* 5.143, and De Sanctis's discussion at 507.

[5] *Quadrata Roma in Palatio ante templum Apollinis dicitur, ubi reposita sunt, quae solent boni ominis gratia in urbe condenda adhiberi, quia saxo †minitus† est initio in speciem quadratam. Eius loci Ennius* (*Ann*. 157L) *meminit cum ait et †quis est erat† Romae regnare quadratae* (Festus 310-12L).

[6] Tac. *Ann.* 12.24, with Cecamore 2002.

[7] *Die auspicato*: Varro *Ling.* 5.143. *Inaugurato*: Livy 1.44.4; cf. Festus 294L with Lindsay's integration: *<ponti>ficalis pomerium*, *id est l<ocum quem pontifex transit auspi>cato*; with assent, Simonelli 2001, 125, and Carlà 2015, 621.

[8] Gell. 13.14.1–3 (*pomerium . . . finem urbani auspicii*); Cic. *Phil.* 2.40.102 (*colonia auspicato deducta*); cf. Livy 5.52.15 (*quid alia quae auspicato agimus omnia fere intra pomerium?*).

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Third, as the city's new walls separated what was *intra pomerium* from *extra pomerium*, they divided what belonged to the new foundation from what did not by the imposition of public land that belonged to the city itself and could not "by any legal means be removed from public ownership."[9] In this sense, as the *urbs* developed over time the *pomerium* marked the end of the *continentia aedificia*, the sprawl of construction that signaled not only the city's habitation but its social and cultural advancement from the primordial huts of the original Palatine settlement.

The walls' construction provoked exclusions as well as protections, especially given the city's profoundly sacral character, and chief among the former were those acts deemed the province of the god Mars (*imperium militiae*), which religious scruple did not allow within the city.[10] Thus the *comitia centuriata* met in the Campus Martius, and the two temples dedicated to the god himself were consigned beyond the *pomerium*, one *in circo*, in the Circus Flaminius, the other *in clivo*, reportedly on the Via Appia.[11]

❧

In all three of these ways (indeed, there were others), the Roman antiquarians explained to themselves the origins of their city and its often baffling institutions. The *pomerium*, as a fundamental feature of Rome's political topography, proved especially confounding, as we have already seen. Its religious role lived on, cultivated by those priesthoods—the augurs and the pontiffs—charged with its related rituals. But the realities that accompanied Rome's growth from the Romulean foundation to the *caput mundi* rendered much of the surviving lore that surrounded the city's mythic past incommensurate with early imperial life in the *urbs*. The sheer scale of the city challenged one's belief in so many of the stories about its formation and its growth; thus, in the age of Augustus, Dionysius of Halicarnassus attributed to Servius Tullius the first great enlargement of the city in the sixth century:

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[9] Frontin., *De Controversiis*: *eum dico lucum quem nec ordo nullo iure a populo poterit amovere* (Lachmann, 1848), I:17, trans. Campbell 2000, 67.

[10] Gell. 15.27.5, with the commentary of De Sanctis 2007, 504.

[11] Mars *in circo*: *LTUR* III:226–29 (Zevi); *in clivo*: Ziolkowski 1992, 101–4.

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> This king was the last who enlarged the circuit of the city, by adding these two hills [the Viminal and the Esquiline] to the other five, after he had first consulted the auspices, as the law directed, and performed the other religious rites. Farther than this the building of the city has not yet progressed, since the gods, they say, have not permitted it; but all the inhabited places round it, which are many and large, are unprotected and without walls, and very easy to be taken by any enemies who may come. If anyone wishes to estimate the size of Rome by looking at these suburbs he will necessarily be misled for want of a definite clue by which to determine up to what point it is still the city and where it ceases to be the city; so closely is the city connected with the country, giving the beholder the impression of a city stretching out indefinitely.[12]

The late Republican jurist Alfenus was apparently of the same opinion; so, in the *Digest*, it is reported that:

> According to Marcellus [a jurist of the late second century AD], "As Alfenus said, 'urbs' means that part of 'Roma' which was surrounded by the wall, 'Roma' however also covers the neighboring built-up area (*continentia aedificia*); for one can see from daily usage that Rome is not regarded as extending only as far as the wall, since we say that we are going to Rome even if we live outside the urbs."[13]

The ancient city was compacted by the influx of foreigners that accompanied Republican expansion, in Italy and then abroad, and this new density was attended by the topographical extension of its center. The enlargement of the *pomerium* continued, although this would wait for more than half a millennium after Tullius's, and our sources are contradictory about who

[12] Dion. Hal. 4.13.4, with the broader context presented in Champlin 1982 (= 1985); commentary in Panciera 1999.

[13] *Dig.* 50.16.87; discussion in Carlà 2015, 619.

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was responsible and when; indeed, a certain mystery still remains save for the epigraphically attested expansions under Claudius and Vespasian.[14]

Under the pressures consequent to the city's expansion, traditional religious practices would give way to new ones. In what follows, chapters 1, 2, and 4 address the vexed question of how commanders would leave and enter the city, and how this was subject to continuous reinterpretations in a tradition that held sway for nearly a millennium. Chapter 2 examines how, by late Republican times, commanders who would have been forced by religious scruple to return to Rome for the reenactment of religious rites were now granted new dispensation, often in the form of political and religious "fictions" (examples are discussed in chapters 2, 3, and 4) that would accommodate new priorities with new protocols. Similarly, amid the continual military campaigns of Rome's expanding empire, the practice of taking the auspices by the observation of the flight of birds would be reconceived and redesigned. Romulus's "high-flying birds" (the *genus altivolantum*), reported by Ennius, were a past practice; rather than await the signs of the birds in the heavens, the Romans, in their haste, now carried them into the field in cages, starved so as to ensure that the signs would be favorable. Thus, Cicero complained that they seemed hardly believable as the messengers of Jupiter ("how can there be anything divine about an auspice so forced and so extorted?"), and Cato the Elder lamented that many auguries and auspices had been entirely abandoned and lost.[15] In this as in other matters, for those who regarded themselves as the guardians of Roman tradition, contemporary change was hardly seen as social progress.

Even as fundamental an exercise as the annual enrollment of the army (the *dilectus*) was subject to change over time. According to Polybius, the selection had customarily taken place on the Capitol, when, on the day decided, all those

[14] Enlargement of the *pomerium*: see the materials cited in n. 2 above and add: Rodríguez-Almeida 1978–1979/1979–1980; Boatwright 1986; Chioffi 1992–1993; Giardina 1995; Lyasse 2005; Coarelli 2009.

[15] Enn. *Ann.* I.81 = Cic. *Div.* 1.107, with the extensive commentary of Linderski 2007b. Birds in cages: Cic. *Div.* 2.73 and 1.27–28 (the latter = Cato in *FRH* F132, with Cornell's commentary; cf. commentary of Schultz 2014, *ad loc.*) and discussion in Koortbojian 2013, 75–76, with fig. III.22.

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liable for military service were to arrive in Rome.[16] Yet this does not always appear to have been the case, especially in emergencies. Dionysius provides a curious account of an event that suggests how, in such dire circumstances as reputedly existed in 483 BC, when M. Fabius and L. Valerius were consuls, the pressures of war transformed this annual ritual. For in the previous year, wars in Italy had taken a dramatic toll, and the new consuls,

> having taken office, asked for the levying of fresh troops to replace those who had perished in the war against the Antiates, in order that the gaps in the various centuries might be filled; and having obtained a decree of the senate, they appointed a day on which all who were of military age must appear. Thereupon there was a great tumult throughout the city and seditious speeches were made by the poorest citizens, who refused either to comply with the decrees of the senate or to obey the authority of the consuls, since they had violated the promises made to them concerning the allotment of land. And going in great numbers to the tribunes, they charged them with treachery. . . . Most of the tribunes did not regard it as a suitable time, when a foreign war had arisen, to fan domestic hatreds into flame again; but one of them, named Gaius Maenius, declared that he would not betray the plebeians or permit the consuls to levy an army unless they should first appoint commissioners for fixing the boundaries of the public land, draw up the decree of the senate for its allotment, and lay it before the people. When the consuls opposed this and made the war they had on their hands an excuse for not granting anything he desired, the tribune replied that he would pay no heed to them, but would hinder the levy with all his power. And this he attempted to do; nevertheless, he could not prevail to the end. For the consuls, going outside the city, ordered their generals' chairs to be placed in the near-by field; and there they not only enrolled the troops, but also fined those who refused obedience to the laws, since it was not in their power to seize their persons. . . . And the tribune who opposed the levy was no longer able to

[16] *Dilectus*: Nicolet 1988, 96–105; Polyb. 6.19–21.

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> do anything. For those who are invested with the tribunate possess no authority over anything outside the city, since their jurisdiction is limited to the city walls.[17]

Here we find an antiquarian reconstruction of events that seemingly provides contemporary practices with their aetiologies. In the reputed clash between civil and military demands, the consuls, choosing to prioritize the latter, established themselves outside of the city's religio-political boundary and asserted their *imperium*, in the military sphere—*militiae*. Yet Dionysius's presentation not only contradicts Polybius's (much earlier) account of the traditional site of the enrollment of troops but acknowledges the role of the *pomerium* as the division of *res civiles* from *res militares* and retrojects it to the earliest moments of the Republic. Similarly anachronistic is his report of the tribunes' powers at such an early date (so too, in part, is Livy's version), and the finer details implied are misunderstood (for example, the fact that the limitation on the consuls' powers of *coercitio* within the active sphere of the tribunes' jurisdiction extended to the first milestone and thus was in effect in the Campus).[18]

In Dionysius's report, as in many preserved in Livy, in Plutarch, and in others, the realities of later Roman life—political, religious, or military—colored the vision of the past and remade traditions to conform to modern circumstances and practices. By the imperial age, Roman life had not only adapted itself to what had been preserved of its past, but also reconceived that past so as to validate its present. Such stories—for the Romans, the matter of their "history"—form both the backdrop and the foundation of the four chapters that make up the present volume.

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[17] Dion. Hal. 8.87.3–6. Promises of land distribution made by Sp. Cassius, *cos.* 486: Dion. Hal. 8.69.3–4; cf. the presentation of events in Livy 2.42.6–9, who focuses solely on the denial of the allotments.

[18] Anachronisms: Lintott 2003, 122; for Livy, see Botsford 1909, 270, n. 2. *Coercitio* and its relation to the tribunes' powers: Mommsen 1887–1888, I:136–61 = Mommsen 1889–1896, 156–85; Lintott 2003, 97–99, 125–27. Extent of the tribunes' jurisdiction: Livy 3.20.7; Dio 51.19.6; one mile: *RS* I: no. 24, line 20, with parallels offered in the commentary of Nicolet and Crawford; cf. Gaius, *Inst.* 4.104.

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The interpretations that mark the studies collected here took shape over the course of nearly two decades. In a variety of ways, they take up the aforementioned themes, along with others, as they focus on a particular set of historical perplexities. Their common thread is the Romans' continuing effort to abide by—indeed, to live up to—the tenets of the political, religious, and military traditions they had inherited even when the meaning and purpose of those traditions were difficult, if not occasionally impossible, for them to understand. The four studies that follow address, each in its own way, the question of what it meant for the Romans to leave the hallowed ground of their capital for war or to return to it afterwards—even, at times, while still in the midst of military campaigns. In all of these chapters, the relationship between civic life at Rome and military life beyond its boundaries is scrutinized, albeit from differing points of view and to different historical purpose. In each, the "crossing of the *pomerium*," whether into the city (*ad domum*) or away from it (*ad militiam*), provides, explicitly or implicitly, the crux of a historical interpretation of certain distinctly Roman endeavors.

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