APPIUS CLAUDIUS CAECUS AND THE VIA APPIA

The purpose of this paper is to reconsider the principal lines of approach which have been taken to the career of Appius Claudius Caecus in the hope of formulating a view of the censor which is neither over-dramatized nor, on the other hand, so muted as to deny recognition to those aspects of his political behaviour which so greatly exercised his contemporaries. In so doing, I will argue that previous studies of Appius' career have sought in the wrong places for an explanation of the political rivalry between him and his opponents and I will offer an interpretation of his censorial acts—and of one of them in particular —which, I believe, may account for this rivalry.

Appius Claudius Caecus, to judge from the long and distinguished *cursus honorum* described in his *elogium*,[1] was a respected and successful Roman statesman. He was censor, twice consul, dictator, three times *interrex*, twice praetor, twice curule aedile, quaestor, and three times military tribune; the *elogium* records his victories over Samnites, Sabines, and Etruscans; it reports the deed for which he was best known to later generations of Romans—his prevention of the peace with Pyrrhus; and it concludes with a list of his building activities: the road and aqueduct which bore his name and a temple to Bellona.

But in the major literary references to him—Livy, Diodorus, and, to a lesser extent, Cicero—a different Appius emerges.[2] According to this mainly hostile tradition, Appius was at once a rabble-rousing demagogue who debased the senate with the sons of freedmen and corrupted the assemblies by distributing the urban poor among the rustic tribes, and a stiff-necked patrician who fought stubbornly against the plebeian nobility.[3]

Scholars of an earlier generation generally adopted one or another of these extreme positions. Niebuhr conceived of Appius as an advocate of pure patrician oligarchy who used his freedmen clients to battle against the moderate

[1] Insc. Ital. 13.3.79 (of Augustan date): 'Appius Claudius C. f. censor. cos. bis. dict., interrex III. pr. II, aed. cur. II, q., tr. mil. III. complura oppida de Samnitibus cepit. Sabinorum et Tuscorum exercitum fudit, pacem fierei cum Pyrrho rege prohibuit, in censura viam Appiam stravit et aquam in urbem adduxit, aedem Bellonae fecit.'

Appius' securely datable offices are: censor, 312; cos. I, 307; *interrex*, 298; cos. II, 296; pr. II, 295 (cf. Broughton, *MRR* I, *sub ann.*)

[2] Diodorus 20.36; Cic. *Brut.* 55; *Sen.* 37. For convenience, the relevant passages in Livy's scattered account are summarized here: 312 (censorship) 9.29.5–11; 311 (ignoring the *lectio*) 9.30.1–2, 5–10; 310 (opposition of Sempronius) 9.33.3–34.26; 308 (opposition of Furius) 9.42.3–4; 307 (cos. I) 9.42.1, 4; 304 (aedileship of Flavius) 9.46.10–11; 300 (*lex Ogulnia*) 10.7.1–9.2; 298 (*interrex*) 10.11.10; 297 (contested consular election) 10.15.7–12; 296 (cos. II) 10.18.1–22.9; 295 (praetor) 10.22.9; 24.18–26; 31.3–7.

[3] Appius as popular demagogue:

a. spending money without senatorial permission (Diod. 20.36).

b. *senatus lectio* (Livy 9.29.46; Diod. 20.36).

c. *forensis factio, humiles* (Livy 9.46; Diod. 20.36).

d. excessive tenure of censorship (Livy 9.33).

Appius as reactionary patrician:

a. opposition to *lex Ogulnia* (Livy 10.7 ff.)

b. *interregnum*—refusal to accept plebeians (Cic. *Brut.* 55; *Auct. Vir. Illus.* 34.3; Livy 10.11.10).

c. attempt to have two patrician consuls elected (Livy 10.15).

patricio-plebeian nobility.[4] Though Niebuhr has had his followers, his view seriously misjudges the status of the struggle of the orders in Appius' day and lies outside the mainstream of useful thinking on Appius.[5] The opposing view, put forward by Mommsen, exerted far greater influence on subsequent discussion.[6] For Mommsen, Appius was a revolutionary demagogue—a sort of Roman Cleisthenes or Pericles and a spiritual forerunner of Julius Caesar—whose senatorial and tribal reforms were 'perhaps the most material constitutional change which ever took place in Republican Rome'. Mommsen went so far as to suggest that Appius was intent on overthrowing the state by constitutional devices. His thesis had several bases; one was a view of source criticism which generally preferred Diodorus to Livy, and it is from Diodorus' brief account of the censorship that a demagogic Appius can be most easily constructed; another was his interpretation of the tribal reform as a major innovation which for the first time opened membership in the tribes to landless, hitherto disenfranchised, residents of the city;[7] still another was a view which related the undated *plebiscitum Ovinium* to Appius' censorial *lectio senatus* with the implication that Appius was able to effect some major change in the rules for membership in the senate by means of tribunician legislation much in the style of later *popularis* demagogues.[8] Finally, and most important for our purpose, Mommsen gave particular weight to certain notices that emphasize Appius' wide-ranging *clientela* and, in particular, to the statement found in Suetonius (*Tib.* 2.2) that 'Claudius Drusus statua sibi diademata ad Appi Forum posita Italiam per clientelas occupare temptavit'. For the impossible 'Claudius Drusus', Mommsen suggested (*Claudius*) *Caecus rursus . . .*[9]

The general weaknesses in Mommsen's thesis are readily apparent. Diodorus' account has the virtue of coherence because it is incomplete, and Mommsen was unable to integrate those notices on Appius' later career, coming mostly from Livy, which seem to show him in a very different light.[10] Above all, the resulting portrait of Appius the Revolutionary has seemed so over-drawn and so patently anachronistic as to invite strong reaction.

[4] Niebuhr, *RG* 3^2, pp. 344 ff.

[5] Niebuhr has been followed by A. G. Amatucci, 'Appio Claudio Cieco', *Riv. di Fil.*, 22 (1894), 227–58, and by G. Bloch, *La République romaine* (Paris, 1913), pp. 111 ff. Even so recent a scholar as Lily Ross Taylor seems to incline to this view in her pages dealing with Appius (*The Voting Districts of the Roman Republic*, Papers and Monographs of the American Academy at Rome, vol. 20 (1960), pp. 132 ff.). Fortunately, this does not impair the value of her many other useful suggestions (see below, p. 364).

[6] Mommsen, *Röm. Forsch.*, I (1864), pp. 301 ff.

[7] Ibid., pp. 151, 305.

[8] Mommsen *StR* II.1, 394 ff. and III.2, 856. The *plebiscitum Ovinium* (mentioned only by Festus, p. 290 L) laid down that 'censores ex omni ordine optimum quemque curiatim in senatum legerent'. Mommsen was the first to suggest that this law, apparently transferring control over senate membership from consuls to censors, should be associated with the censorship of Appius in which the first recorded censorial *lectio* occurs. Interpretations and assessments of this difficult text have varied widely (see, for example, P. Willems, *Le Sénat de la république romaine* (Louvain, 1885), I, 153 ff.; O'Brien Moore, 'Senatus', *RE* VI, 686 ff.; J. Suolahti, *The Roman Censors* (Helsinki, 1963), pp. 53 ff.; E. Ferenczy, 'The Censorship of Appius Claudius Caecus', *Acta Ant. Acad. Scient. Hung.* 15 (1967), pp. 41 ff.; R.E.A. Palmer, *The Archaic Community of the Romans* (Cambridge, 1970), pp. 254 ff.

[9] Mommsen, *Röm. Forsch.* I, pp. 308–9.

[10] Ibid., pp. 309 ff. Mommsen was torn between simply rejecting the evidence (e.g. of Appius' opposition to the *lex Ogulnia*) or supposing that Appius had abandoned his revolutionary principles in later life.

Criticism of particular points was offered by Lejay and Fraccaro,[11] but it remained for Garzetti, in a long and thoughtful article, to offer a sharp alternative to the Mommsenian view, depicting Appius as a normally functioning member of the patricio-plebeian oligarchy of his day; an innovator in certain respects but scarcely a revolutionary.[12] In particular, Garzetti tried to argue that the censor's public works projects served no ulterior demagogic purpose, and he followed Lejay in rejecting the authenticity of those notices that emphasized Appius' *clientela*.[13] For the rest, the Ovinian plebiscite was dismissed in a footnote and the tribal reform reduced to the unalarming proportions of a political manœuvre well within the limits of accepted oligarchic practice.[14] By refusing to view Appius as a committed ideologue in his exercise of the censorship, Garzetti was able to avoid the problem (which had defeated Mommsen) of what to do with those notices from Livy and Cicero which represent Appius in his post-censorial years as opposing the *lex Ogulnia* (which opened the augurate and pontificate to plebeians) and, on two other occasions, opposing the candidature of plebeians for the consulship. Garzetti concluded that none of these incidents need be forced into any logical preconceived view of Appius' political philosophy but should be taken simply as instances of limited political clashes with his rivals.[15]

The value of this realistic and commonsensical treatment as a specific antidote to Mommsen's overwrought view has been acknowledged by all later students of the question. At the same time, however, it is possible to suspect that something important is missing from the picture; that the ancient sources, whatever their shortcomings, testify accurately in general to a figure who was far more exciting and more politically divisive than Garzetti will allow. We are assured, for example, that Appius can hardly have recognized the revolutionary potential of his discovery of the *forensis factio* as a politically significant group,[16] but Appius' enemies were sufficiently alarmed by it to revoke the *senatus lectio* and the tribal redistribution which contributed to the *factio*'s influence. It is precisely on this question of Appius' enemies and the reasons for the particular embroilments in which he was involved that Garzetti disappoints us most. While, on the one hand, reducing Appius' career to the manageable dimensions of oligarchic politics, he is cautious to a fault in following this line of analysis through. He recognizes that the redoubtable Q. Fabius Maximus Rullianus and his ally, P. Decius Mus, are Appius' consistent opponents,[17] but details are not filled in and we are left with no firm sense of precisely what the basis of enmity was.

More recently, Staveley has sought to explain that opposition on the basis of competing views of the desirability of Roman commercial penetration of Campania.[18] But his argument, on close examination, fails to present convincing

[11] P. Lejay, 'Appius Claudius Caecus', *Rév. de Phil.*, 44 (1920), 92–141; P. Fraccaro, 'Tribules ed Aerarii', *Athen.* N.S. 11 (1933), 150–72.

[12] A. Garzetti, 'Appio Claudio Cieco nella storia politica del suo tempo', *Athen.* N.S. 25 (1947), 175–224. Garzetti's view was, in fact, foreshadowed in F. Münzer, *Rom. Adels.*, pp. 54 ff. and in Fr. Altheim, *Appius Claudius, Rom. und der Hellenismus*, pp. 96 ff., though Garzetti refers to neither work.

[13] Garzetti, p. 197: '. . . la storia della statua a cui piu nessuno crede . . .'

[14] Ibid., pp. 198 ff. and 202 ff.

[15] Ibid., pp. 210 ff. and above, n. 3.

[16] Ibid., pp. 223–4.

[17] As had already been seen by Altheim (*Röm. Gesch.*, 80–2 and above, n. 12.).

[18] E. S. Staveley, 'The Political Aims of Appius Claudius Caecus', *Historia* 8 (1959), 410–33.

evidence for the existence at so early a date of an urban class of wealthy traders and manufacturers whose champion he supposes Appius to have been.[19] The gradual extension of Roman hegemony over southern Latium and Campania from the middle of the fourth century can indeed be associated pre-eminently with a group of probable *amici* who included Q. Publilius Philo, M. Valerius Corvus, A. Cornelius Cossus, L. Aemilius Mamercinus, Sp. Postumius Albinus, L. Papirius Cursor, and C. Maenius. But to contend that they constituted 'a coalition of plebeian and progressive patrician nobles whose aim was to raise [Rome] to the commercial leadership of Italy' is to go beyond both evidence and probability and to force a modern economic interpretation on the Samnite wars which is anachronistic and unnecessary.

It is with this group that Staveley associates Appius as Philo's 'political heir' —an assertion which derives an appearance of plausibility only from Appius' emergence on to the political stage two years after Philo's departure from it under clouded circumstances.[20]

If Appius was the political heir of Philo and if his senate and tribal reforms were then meant to give greater influence to a wealthy urban middle class which was both advocating and profiting from the commercial exploitation of Campania, then (Staveley argues) the enemies of that policy were certainly, among others, Fabius Rullianus and Decius Mus who revoked the tribal redistribution in 304. But why should they have opposed this (presumably lucrative) southern strategy? In a paragraph which makes heavy use of the conditional mood, Staveley defines the philosophy of a conservative element in the state which opposed the mercantilization of the Roman economy out of an idealistic scorn for money and a fear of the peasantry abandoning the countryside for the city. But in view of the weaknesses in his economic argument, this is not very convincing.[21]

[19] To note only the most crucial points in his argument: (1) The now generally accepted low chronology for the beginning of Roman coinage *c.*280 BC makes it increasingly likely (against Staveley) that Roman commercial interest in Campania is a product of the Pyrrhic much more than of the Samnite war (cf. Rudi Thomsen, *Early Roman Coinage*, III (Copenhagen, 1961), pp. 1 ff. and M. H. Crawford, *Roman Republican Coinage*, I (Cambridge, 1974), pp. 39 ff.); (2) the series of fourth-century debt laws given by Livy (all but one of which fall prior to even the earlier high dating for the introduction of the *aes signatum*) were far more likely intended for the relief of endemic distress among the Roman peasantry than for rescuing some unattested group of feckless urban *mercatores*; (3) the so-called Philinus treaty between Rome and Carthage, whose very existence is problematic, can, at most, only be made to show that the Roman government thought so little of commercial contact with Sicily that it was perfectly willing to have it abrogated (cf. Thiel, *Roman Seapower*, pp. 14 ff. and Walbank, *Comm. on Polyb.* I, p. 354).

[20] Staveley, pp. 429. The suggestion had been made previously by Garzetti. The circumstance in question is the hopelessly obscure affair of the 'Capuan conspiracy' of 314 (Livy 9.26.5–22)—an episode which has been made to 'explain' nearly every conceivable theory of Roman–Campanian relations.

[21] Ibid., 423. Staveley's thesis is not improved by the suggestion of Cassola (*I gruppi politici romani nel III secolo A.C.* (Trieste, 1962), pp. 146 ff.) who attempts to put Fabius and Decius at the head of a countervailing interest group—the rustic plebs, who (he argues) hungered for the land of the Etruscans. Though such a 'northern strategy' may be detectable in the third century, it cannot be retrojected to the generation of Fabius by a strained interpretation of Livy's rhetorical narrative of the famed march through the Ciminian forest. It is, on the contrary, precisely during these years that tens of thousands of Roman and Latin farmers were being

If we must conclude, then, that both Mommsen and Staveley are guilty, in various ways, of anachronism, and that Garzetti, while certainly closer to the truth in broad outline, fails to satisfy in detail, where ought we to look for a key to the understanding of Appius' political behaviour? Without in the least wishing to resurrect Mommsen's portentous revolutionary, one may still suggest that there is something to be gained from a reconsideration of some of the evidence which persuaded Mommsen to see in Appius the vivid and challenging figure that he certainly must have been.[22]

In particular, the evidence on Appius' widespread *clientela* does not deserve to be dismissed as it has been since the reaction of Garzetti.[23] In fact most of Appius' political acts can be seen as innovative devices for winning and rewarding clients—devices sometimes of questionable legality and always, it seems, infuriating to his opponents.

Discussion must begin from a consideration of the fortunes of Appius' family. The *gens* Claudia, for whatever reason, had not held its own among noble families of the first rank for several generations. They had fared poorly between 444 and 367, holding only two consular tribunates in 424 and 403.[24] Subsequently, they could claim a dictatorship in 362 and a consulship in 349. Both of these offices, and the tribunate of 403, were held by Appius' grandfather, Ap. Claudius Crassus Inregilensis.[25] His consulship was undistinguished; he died in office of old age. Appius' father, C. Claudius Inregilensis, is known only to have been appointed to a dictatorship in 337 from which post he immediately abdicated on being declared *vitio creatus*.[26] It is due only to the long career of the prolific and indefatigable Appius Caecus himself that the *gens* Claudia rises

settled in new colonies to the *south* (see E. T. Salmon, *Roman Colonization*, Ch. 3 for known numbers of colonists). It is hard to believe that there were still more thousands who coveted the fields of Etruria, while it is, at the same time, obvious that it was Campania's fertile fields, more than her workshops and warehouses, that attracted Roman interest in the fourth century. (See also, E. Badian, *Roman Imperialism in the Late Republic*, Ch. 2 for the persuasive view that Roman businessmen carried small weight in dictating foreign policy even at a much later period than the one we are considering.)

[22] A misguided attempt to revive the Mommsenian Appius is to be found in three long articles by E. Ferenczy (*Acta Antiqua Acad. Scient. Hung.* 13 (1965), 379–404; 15 (1967), 27–61; 18 (1970), 71–103.) Ferenczy is heavily indebted to Mommsen for his view of the senatorial and tribal measures as sweeping constitutional reforms whose aim was no less than the establishment of full-blown Athenian democracy on Roman soil. He goes further in ascribing to Appius (on the basis of no evidence) responsibility for the *lex Valeria de provocatione*, the *lex Aquilia de damno*, the *lex Hortensia*, and treaties with Carthage in 306 and 279.

[23] Above, p. 357 for the important statement of Suetonius quoted there. We should note in addition the general assertions of Valerius Maximus (8.13.5): *plurimas clientelas*, and Cicero (*Sen.* 37): *tantas clientelas Appius regebat* (both referring to Appius in his old age.) Although this paper concerns itself with Appius' *clientela*, it is, of course, not intended to suggest that no other factors played a part in the rise of his fortunes. Cicero, in the passage noted above, lays equal stress on Appius' four strapping sons and five daughters who were, of course, indispensable to his oligarchic aspirations.

[24] For these and the following dates, see Broughton, *MRR sub ann.*

[25] *RE* Claudii, No. 122. The authenticity of his dictatorship was doubted by Beloch (*Röm. Gesch.*, pp. 69, 198 ff.). For the questionable authenticity of his consulship, see Werner, *Der Beginn der Röm. Rep.*, pp. 82 ff.

[26] *RE* Claudii, No. 183.

to the prominence which it will maintain in the following centuries of the Republic and Principate.[27]

We may picture Appius, then, in 312 as a fairly young man (it is necessary to stress this because the image of the blind and aged Appius of 279 tends to impress itself permanently on the imagination) who, after having been stalled repeatedly at the level of military tribune and curule aedile, chooses to stand for the censorship,[28] for one reason, because he sees no chance of being elected consul and, for another, because he does apparently see possibilities for using the censorship in ways in which it had never been used before.[29] Thus, he introduces allies into the senate;[30] he wins popularity with (most likely) humble freedmen and their not so humble patrons by seeking to enhance the value of their vote in the tribal assembly;[31] with his support Cn. Flavius, the son of a freedman, attains the curule aedileship in 304 and (relying on Appius' deep knowledge of the law) carries forward a Claudian tradition which went back to the great Decemvir himself by publishing the pontifical *fasti* and *legis actiones* for the general benefit of all.[32]

Such legal and administrative innovations could be subsequently ignored or repealed, as they were; but other useful devices for winning gratitude, hardened in field-stone and cement, could not suffer that fate. The aqueduct is, of course, one example. But pre-eminently the Via Appia (uniquely among Roman roads named by his *praenomen*), although its strategic utility at the time was irreproachable, was meant to accomplish this too.

The road, which ran 132 miles to Capua, served important military, and

[27] The tabulations of R. V. Cram ('The Roman Censors', *H.S.C.P.* 51 (1940), 103 ff.) show dramatically the effect of Appius' career on the later fortunes of his family: between 443 and 367 the Claudii held two consulships and no censorship; between 366 and 287 they held three consulships (two of them Appius') and one censorship (Appius); between 286 and 133 they held thirteen consulships (by twelve different men) and four censorships. Appius' situation is strikingly similar to the great Aemilius Scaurus two hundred years later, of whom Asconius tells us that his family had been in decline for three generations and consequently 'Scauro aeque ac novo homini laborandum fuit.' (Scaurus, p. 20 K.)

[28] Neither aedileship can be dated. It is not certain, therefore, though more than likely, that both were held before the censorship.

[29] On the censorship and its incumbents see the prosopographical works of Cram (art. cit., n. 27) and of J. Suolahti, *The Roman Censors: A Study of Social Structure* (Helsinki, 1963). Censorial building activity appears to begin only with the censorship of C. Maenius in 318; control of the senatorial list (whether or not this is to be associated with the *lex Ovinia*) does not appear to antedate the censorship of Appius. Out of 188 known censors, eighteen at most appear not to have held the consulship first (Suolahti, pp. 543 ff.), and most of these occur before 300 BC. This can, in part, be ascribed to the general fluidity of the early *cursus honorum*, but Cram is right in arguing that the office was not a major one before the third century as evidenced by the large number of early prominent families who did not bother to hold it.

[30] Though at the same time, we are assured, he refrains from expelling already seated members (Diod. 20.36).

[31] I adopt here the interpretation of this reform offered by Taylor (*Voting Districts*, pp. 132 ff.) which has a number of distinct advantages over that of Staveley by substituting for his urban businessmen the numerous and well-documented class of freedmen, living, for the most part, in the country in the vicinity of their former masters' estates. Taylor's interpretation of this reform is not impaired by her misapprehension of Appius' motives for it (see above, p. 357 and n. 5).

[32] On Flavius and the *ius civile Flavianum*, see below, p. 371 and n. 86. Appius' legal expertise is attested by Pomponius in *Digest* 12.2.36.

perhaps even some commercial purposes originally (as it certainly did later on) but what has received less attention are the personal benefits which may have accrued to the builder of the road himself.

After leaving the territory of the old *Ager Romanus*, the Appian Way passed first through the territory of the *tribus* Scaptia (organized in 332 by the censors Q. Publilius Philo and Sp. Postumius Albinus);[33] then through the *tribus* Pomptina (organized in 358 in the consulship of C. Plautius Proculus and C. Fabius Ambustus);[34] the road then passed through the territory of the *tribus* Oufentina (organized in 318 by the censors C. Maenius and L. Papirius Crassus); then through the territory of the Roman colony of Tarracina (founded in 329 when L. Aemilius Mamercinus and C. Plautius Decianus were consuls); and then successively through the territories of Fundi and Formiae (incorporated as *municipia sine suffragio* in 338 in the consulship of Maenius and L. Furius Camillus). From there the road passed through a long stretch of territory which was still non-Roman in 312, but which would later be incorporated into the Roman colonies of Minturnae and Sinuessa (both proposed in 296 and assigned to *triumviri* selected by the praetor, P. Sempronius,[35] and through the intervening land of *tribus* Teretina (organized in 299 in the censorship of P. Sempronius Sophus and P. Sulpicius Saverrio, 300 to 299). The road then re-entered Roman territory in the *tribus* Falerna (organized in 318, together with Oufentina by the censors Papirius and Maenius). Finally, it entered the territory of the *municipium* of Capua (the town which is likely to have been the native *patria* of the Decii Mures).[36]

It is impossible, of course, to assess fully the degree of allegiance over a period of time which the inhabitants of Roman tribes, Roman colonies and their surrounding native districts, Roman *fora* founded along a major road, and Romanized foreign states may have felt towards the consuls and censors who in each case were responsible for their organization or their foundation; or who presided over their entry into the Roman state on reasonably favourable terms; or whose actions contributed in any way to their prosperity or their safety. But it is clear in general that *clientela* could be acquired by many kinds of *beneficia* conferred by Roman magistrates,[37] and it is at least suggestive that of the territories surrounding the Via Appia, either at the time it was built or soon afterwards, many reveal connections with individuals (e.g. the Plautii, Fabius Rullianus and Decius Mus, Sempronius Sophus and Sulpicius Saverrio) who both played an important role in the history of Roman relations with Capua and who were intimately connected with the career of Appius Claudius.

In the remaining portion of this paper I will argue that there exists at least a strong probability that the political conflicts of Appius' career were due primarily to a competition for the *clientela* of both Romans and Campanians who

[33] Livy (8.17.11–12) probably mis-states himself in saying that the censors Philo and Postumius 'added' the tribes Maecia and Scaptia—a vote of the *populus* being required for this; but censors still had considerable latitude in constituting the tribe as a new voting unit (Taylor, op. cit., pp. 17 ff.).

[34] Livy 7.15.9–11. No censors are recorded for this year. Plautius, however, won a victory over the Hernici and probably assisted in organizing the *tribus* Poblilia *in Hernicis*. Since Fabius had been defeated in Etruria, it is possible that Plautius also took charge of the organization of the not too distant Pomptina on Volscian land.

[35] Livy 10.21.9.

[36] Below, p. 367 and n. 59.

[37] E. Badian, *Foreign Clientelae* (Oxford, 1958), pp. 1 ff.

lived in the territories through which Appius built his road. Briefly, I believe that the tradition is essentially correct in depicting Appius as the opponent in particular of Fabius and Decius. Unlike Staveley and Cassola, however, I do not believe that the conflict concerned opposing views on the desirability of Campanian involvement. On the contrary, the conflict was one purely and simply between a group of allied nobles who had claims on the clientage of Campania going back to the middle of the century, and one very ambitious latecomer.

To be sure, the Roman world consisted of a mosaic of client areas owing allegiance to many different Roman families and this situation certainly did not lead inevitably to conflict between the families concerned—indeed, it might often be a cause for alliance. But, at the same time, there must have existed at times the practice of 'raiding' for clients. The existence of a paved all-weather road connecting Capua with Rome constituted a *beneficium* of considerable importance in many ways to the people—Romans and Campanians—who lived along its route. Another man than Appius might not have worked this *beneficium* so assiduously for his own advantage, but Appius will not have inherited a large *clientela* from his undistinguished forbears. He needed to create one and wished to do so quickly.[38]

The innuendo preserved in Diodorus that Appius spent public funds without permission in building his works should alert us to its political sensitivity.[39] So too should the attempts on the part of his enemies to terminate his long tenure of the censorship before he could see the project to completion.[40] That the Claudian family did cement connections with the Capuan nobility is made indisputably clear by the recorded marriage of Appius' granddaughter to Pacuvius Calavius, the *meddix tuticus* of Capua in 216.[41] But the most intriguing datum of all—and the one that most caught Mommsen's imagination—is the remark made by Suetonius in his brief survey of famous and infamous Claudii, which we have already had occasion to note.[42] Mommsen's emendation, 'Caecus rursus' for the corrupt 'Claudius Drusus' was rejected by Lejay principally on the ground that Suetonius, having just listed Caecus above among his three examples of *egregia merita* (viz. the rejection of the peace with Pyrrhus), was therefore unlikely to name him again immediately below among Claudian malefactors.[43] This argument has some weight, and yet whoever 'Claudius Drusus' is he must fit chronologically in Suetonius' list of three between the Decemvir of 451 who is named before him and the consul of 249 who is named after him. Most recently, Miss Taylor, who appreciated the political significance of the road, returned to Mommsen's suggestion with approval.[44] But the most satisfactory emendation was made long ago by Ihm, who suggested Claudius Russus, one of Caecus' sons, who held the consulship in 268 but died in office.[45] Whether Suetonius' remark

[38] Let it be plainly stated that this is, of course, a series of assumptions which, in the nature of our evidence, can never aspire to the status of certainties. It is hoped that these assumptions will take on a high degree of probability as the ensuing argument unfolds.

[39] Diod. 20.36.1–2. The fiscal allegations are obviously meant to be taken as true for the road as well as for the aqueduct.

[40] See pp. 368, 370 below for the attacks of the tribunes Sempronius and Furius. It is, to be sure, a modern view (beginning with Mommsen, *St R* II, p. 353, n. 2) that the prolongation of Appius' term was legal so that opposition to it can be viewed as *politically* (as opposed to *constitutionally*) motivated. On this question see the discussion of Garzetti, art. cit., pp. 193 ff.

[41] Livy 23.2.

[42] Above, p. 357.

[43] Lejay, art. cit., pp. 100 f.

[44] Taylor, op. cit., p. 137.

[45] *Hermes* 36 (1901), 303. Cf. Broughton

refers to Caecus or his son really makes little difference. The point that must be confronted is that some member of the family was charged with what seems to be an extraordinarily bold appeal to the power of patronage precisely at one of the way-stations which Appius built and named as a complement to his road.[46]

A charge of erecting a diademed statue to oneself can, of course, be nothing else than an accusation of what the Romans called *affectatio regni*—seeking a tyranny.[47] Mommsen took this literally—we need not. Such an accusation is, of course, a commonplace of Roman political invective and, as such, it would be a mistake to try to extract from it more than it really conveys: that is, that Appius and his sons were notoriously successful in attracting and marshalling clients; that places along the Via Appia were hotbeds of Claudian support; and that Appius' rivals could not bear this—precisely because, I suggest, this was the very region they had come to look upon as their own preserve.

Miss Taylor, in her discussion, considered the political utility of the road in terms of facilitating the transportation of loyal voters from the southern tribal areas to Rome on comitial days.[48] Numbered among these voters, in her opinion, would have been many of those freedmen whose enrolment in the rustic tribes Appius had temporarily secured.[49] This may well be true but it is only a part of the whole picture. Citizens without the suffrage as well (who, of course, accounted for a large portion of the population of Campania) could enhance the prestige of a Roman statesman with their wealth, their contacts, simply their existence. Full Romans and Campanian half-citizens alike, then, were undoubtedly courted by many members of the Roman establishment who could claim to have befriended or benefited them in one way or another. A road which brought them all into closer contact with Rome and with each other for purposes of trade and defence was a benefit that few could compete with.

In all of this, let us repeat, we need not entertain any notion that Appius' behaviour was illegal, tyrannical, or demagogic in some anachronistic sense. Appius had enemies and made enemies (as what Roman politician did not); he broke new ground in the game of personal politics by exploiting the potential of his office to earn the gratitude of politically useful groups; but the very fact that he enjoyed a long and distinguished career makes it quite clear (as Garzetti was at pains to point out) that whatever Appius did fell somehow within the rules of the game.

The facts of Appius' career after 312 about which any tradition survives can be summarized as follows (some of them have already been noted above):

In 311, the consuls C. Junius Bubulcus Brutus and Q. Aemilius Barbula refuse

(*MRR* I, p. 200); he tentatively accepts Ihm's emendation and suggests that, 'perhaps (Russus') death in office has more significance than appears'.

[46] The market town was located between Setia and Tarracina along that stretch of the road which crosses the Pomptine marshes.

[47] Even as early as Appius' day Romans will presumably have known what a diadem represented.

[48] Taylor, p. 137. She also points out (p. 14) that the earliest known *lex de ambitu* of 358 was passed to stop the campaigning of plebeian candidates at market places and rural centres (cf. Livy 7.15.12). Taylor did not pursue this insight to explicate Appius' political rivalries.

[49] Taylor, pp. 132 ff. and see above, n. 31.

to recognize the order of the senate established by the censors Appius and Plautius Venox in the preceding year.[50]

In 310, Sempronius Sophus, a plebeian tribune, demands Appius' resignation from the censorship in a long speech harking back to the patrician arrogance of his ancestor, the Decemvir.

In 308, another tribune, L. Furius, 'according to some annalists' vetoes Appius' petition for the consulship of 307 until he shall give up the censorship.

In 307, as consul (with L. Volumnius Flamma), Appius strongly opposes the prorogation of Fabius' consular command.

In 304, upon the election of Flavius to the aedileship, Fabius and Decius, as censors, revoke Appius' tribal registration.

In 300, Appius unsuccessfully opposes the *lex Ogulnia* which sought to add four plebeian pontiffs and five plebeian augurs to the colleges. Decius, who was one of the candidates for pontiff, denounces him in a long speech, accusing him of believing that only patricians have a right to the auspices and *imperium*.

In 298 (probably), Appius, as *interrex*, refuses to admit the candidacy of plebeians to the consulship, and the plebeian tribune, M' Curius Dentatus, speaks eloquently against him.

In 297, Appius attempts to have two patricians elected to the consulship for the following year--namely himself and Fabius. Fabius refuses to consent to this, much to the dismay of the nobles.

In 296, as consul for the second time (again with Volumnius), Appius campaigns in Etruria and vows a temple to Bellona. Volumnius, serving in Samnium, comes to give him assistance which Appius denies having asked for. They quarrel but the troops prevail on them to command jointly. After a successful engagement, Volumnius returns to hold the elections.

In 295, as praetor (elected *in absentia*), Appius continues to serve in Etruria until the consuls, Fabius and Decius, arrive. After the battle of Sentinum, he serves in Campania and Samnium.

In 279, Appius performs the final act of his career. Now old and blind, he is brought into the senate house by his sons and pleads successfully against accepting the peace terms offered by Pyrrhus.[51]

According to the tradition, then, Appius encountered opposition to his high-handed acts from plebeians in 310, 308, 300, and 298. He and Fabius appear to be at odds in 307, 304, and 297.

How much of the annalistic account can we believe? A minority of scholars has found it possible to believe none of it. Both Palmer and Ferenczy, for instance, have argued for complete rejection of all the anecdotal material in the sources and have stressed that the pattern of office-holding alone, considered without presupposition, should indicate that Appius, Volumnius Flamma, Fabius Rullianus, and Decius Mus were all collaborators.[52] Thus, shared consulships of Fabius and Decius in 308 and 297 preceded each of the shared consulships of Appius and Volumnius who, in turn, preceded another turn in office for Fabius and Decius in 295. Under both consulships of Appius the consular *imperium* of Fabius (and in the second instance of Decius also) was prorogued.

[50] For these and the following references, see nn. 2 and 3 above.

[51] Cic. *Sen.* 16; *Brut.* 55; Plutarch *Pyrrhus* 18–19.

[52] Ferenczy, 'The Career of Appius Claudius Caecus After the Censorship', *Acta Ant.* 18, 76–7; Palmer, *Archaic Community*, pp. 269–70 and n. 4.

In 295, when Fabius and Decius were consuls, Appius held a praetorship and Volumnius' *imperium* was prorogued. For the rest, Appius' opposition to Fabius' promagistracy in 307 is (according to Palmer) an 'illogical fiction', and Curius Dentatus simply did not oppose Appius as *interrex*.[53] Fabius and Decius, when censors in 304, will, at the most, have modified Appius' tribal redistribution, while the ritual of the *transvectio equitum* which Fabius instituted in that year further extended censorial control in the same spirit in which Appius had acted eight years before.

Any analysis of political relationships in early Rome is, as everyone concedes, a risky undertaking. Evidence of marriage alliances is mostly lacking—entirely so in our case, and apparent patterns of office-holding must be treated with great care. Nominated posts (a dictator's master of horse, an *interrex*'s consul, a consul's dictator) are likely to be indicative of friendships, but the same assumption cannot be so easily made as it once was of the elective offices. Repeatedly shared offices certainly indicate alliance but a single shared office may well conceal a Caesar and a Bibulus, as the familiar example goes. In particular, it is no longer possible to assume that the presiding magistrate at an election could invariably dictate his preference to the *comitia* in the face of pressures coming from other quarters and of the unpredictable will of the *populus* itself.[54] Indeed, if Fabius, Decius, Claudius, and Volumnius had really been able (through the support of the *forensis factio* presumably) to hand the consulship back and forth amongst themselves almost at will, as the pattern of consulships might seem to suggest, then we should have to conclude that the imputation of diademed tyranny which we found in Suetonius was not so far-fetched as we had thought.

In the literary sources statements about personal friendships or hatreds must, of course, be treated sceptically until they can be shown to make sense in a context of other facts and unless we can think of some reasonable way that Livy's sources can have actually known what they were talking about. In our case we may be justified in supposing that Livy's account rests ultimately on Fabius Pictor,[55] and that Fabius will have had access to Fabian traditions, however biased and coloured, going back to the time of Rullianus. Further, we know that Appius' famous speech of 279 survived until Cicero's day, and so other speeches may have survived as well in public or private archives long enough to have found their way into some annalist's compilation.[56] Total rejection of the literary tradition is a last resort which I do not think we are reduced to. I have already indicated what I think was the basis of the competition between Appius and Fabius and the others. It would, of course, be foolish to pretend that every datum can be forced neatly into place but what follows is an attempt to rationalize the evidence along the lines indicated. The following men, then, seem clearly to be opponents of Appius:

[53] This is also argued by Staveley ('The Conduct of Elections during an Interregnum', *Historia* 3 (1954), 201) who wishes to separate this episode from Appius and date it to soon after 367. But the story is firmly attached to two names and, though an earlier Claudius might be substituted for one, there is no earlier Dentatus.

[54] See the useful remarks of Broughton in *ANRW* I.1 (1972), 254–5; cf. M. L. Patterson, 'Rome's Choice of Magistrates during the Hannibalic War', *TAPA* 73 (1942), 319.

[55] Münzer, *RE* III, 2681 ff.; A. Alföldi, *Emotion und Hass bei Fabius Pictor; Antidoron E. Salin* (Tübingen, 1962), pp. 117 ff.

[56] Cic. *Sen.* 16; after quoting two verses of Ennius' poetic treatment of the speech, Cicero adds, 'et tamen ipsius Appi extat oratio'.

1. M. Fabius Maximus Rullianus and P. Decius Mus. The Fabii were very active in patronizing naturalized foreign nobles.[57] Such a relationship obviously existed between Decius II and Fabius Rullianus, and it began, no doubt, when Fabius' father, M. Fabius Ambustus, as *interrex* in 340, created Decius' father consul.[58] The key to the prominence of the Decii was the valuable connections that they had in their former homeland—precious to the Romans in general but especially to their patrons, the Fabii.[59] If we assume, then, that Appius was attempting to invade this preserve of the Decii in 312, their mutual enmity finds an explanation. Decius remained in Rome in that year, not to impede the building of the road, certainly—he was too conscientious a soldier for that—but to try to associate himself with Appius so that credit should not be entirely lost to himself.[60] But the defiantly named Via *Appia* shows how far he failed in this attempt. Fabius necessarily became involved in the rivalry—which will explain Appius' sniping attempt to block his proconsulship in 307. But they were able to retaliate in 304 when a partial explanation, at least, of their revocation of the tribal reform was pure political enmity.[61]

Appius' opposition to the Ogulnian Law in 300 is characterized by Livy as the act of a patrician reactionary. It need only be noted that Decius was to be one of its beneficiaries.

Livy's account of the consular elections in 297 is obviously confused, but the explanation seems to be as follows. Appius, was not, of course, trying to restore the all-patrician consulate, but was, rather, standing for office with his plebeian colleague of 307, L. Volumnius Flamma, since the two of them were, in fact, finally elected. But when Appius proposed his candidacy he could not have foreseen that Fabius was going to be spontaneously acclaimed by the first centuries. Fabius was not only consul at the time, he was holding the *comitia*—for both of which reasons his election would be highly improper. Whether Fabius truly had scruples about this we cannot determine, but clearly he was

[57] Münzer, *Röm. Adel.*, p. 324.

[58] Livy 8.3.5.

[59] As is well known, a Campanian provenance for the Decii was first suggested by Münzer and argued at length by Heurgon (*Rom. Adel.*, p. 45; *Capoue préromaine*, pp. 260 ff.). The question revolves in part around technical problems of Oscan nomenclature where non-specialists should fear to tread, but either of two suggestions seems permissible: that an Oscan *gentilicium*, Dekiis (= Decius) is linguistically possible, though unattested (cf. Salmon, *Samnium and the Samnites*, p. 54 and Heurgon, op. cit., p. 275), or that the well-attested Oscan *praenomen*, Dekis, was quickly converted into a proper sounding Roman *nomen*, Decius, as soon as the family was established at Rome. Apart from linguistics, general historical considerations still favour a Campanian origin for the Decii despite the doubts expressed by Beloch (*Röm. Gesch.*, pp. 338 ff.) and Cassola (op. cit., pp. 152 ff.). We need not follow Heurgon in every detail of his romanticized reconstruction of events surrounding the début of the first Decius Mus in 341. Livy's notice (7.21.5–8) placing him at Rome as early as 352 should be accepted. It is only necessary to assume that Decius, or his parents, were fairly recent arrivals who still retained knowledge of and contact with their former *patria* which Decius could put at the service of Rome. The general question of widespread Fabian *clientela* in the South involves, of course, other families besides the Decii. If the Atilii remain an arguable case (see Münzer, pp. 56 ff. and Heurgon, p. 285; *contra*, Beloch, p. 338), surely there is no doubt about the Samnite Otacilii who appear as notable Fabian clients in the third century (Münzer, pp. 63 ff., 92).

[60] Livy (9.29.3) is forced to suppose that Decius was ill.

[61] Fabius may also really have objected to the reform in principle but we cannot know that and should not too readily assume it. In any case, rivalries among politicians can be founded on less heady stuff than principle.

unwilling to serve with his rival Appius. In the event, he settled for another proconsulship. Fabius' embarrassing failure to master-mind this election, at least, should again cause us to doubt the easy assumption that presiding magistrates always got the results they wanted. Clearly we are dealing with rival politicians, both of whom, for different reasons, were extremely popular with the electorate, which must have been at least occasionally capable of making up its own mind.

In 296, it is true, Volumnius presided over the election of Fabius and Decius to the consulship. This situation, however, is especially understandable. Appius had been making it clear in his dispatches from Etruria that a storm was gathering there.[62] 295 was going to be (and proved to be) a year of crisis. Under the circumstances Volumnius recommended Fabius to the centuries as 'unquestionably the greatest general of the day'.[63] He could have done no less. Fabius, of course, insisted on having no colleague but his loyal client Decius. Volumnius acquiesced and was rewarded for his magnanimity with a proconsulship. His slighting remark about Appius, 'a man whose shrewdness in law and eloquence fitted him only to preside over the forum as a praetor'[64] is certainly to be rejected As praetor, Appius had the *imperium* and was employed in military operations throughout the year. In this emergency even the unwarlike Appius could not be spared.

2. P. Sempronius Sophus and P. Sulpicius Saverrio. Sempronius is almost certainly the tribune who, in 310, tried to force Appius to lay down his censorship. Sempronius and Sulpicius were consuls in 304, the year that Fabius and Decius, as censors, revoked the tribal reform. In 300, Sempronius was another candidate for pontiff under the Ogulnian bill. Sempronius and Sulpicius were also the censors in 300 to 299. In the latter year they organized the *tribus* Teretina through which the Via Appia ran. Undoubtedly, this was desirable for many reasons, but among them may have been the opportunity to associate themselves with a stretch of territory in which Appius was promoting his own popularity. Sempronius had a further opportunity to press his connection with this same area four years later when, as praetor in 296, he was ordered by plebiscite to cause the election of a board of three to found Roman colonies at Minturnae and Sinuessa—both cities located on the Via Appia and contiguous with the territory of the *tribus* Teretina.[65]

In 298, Livy reports that, for some reason, there was an *interregnum*. Appius was *interrex*, followed by P. Sulpicius who held the elections and created L. Cornelius Scipio and Cn. Fulvius consuls. Cicero reports, without giving a date, that Appius, when *interrex*, refused to accept plebeian candidates, but that M' Curius Dentatus attacked him and forced the *patres* to give their *auctoritas* in advance. Cicero is, of course, partly confused because *interreges* did not 'accept' candidates, they proposed them. Broughton tentatively connects Cicero's report with Appius' one dated *interregnum* of 298, although he notes that it was Sulpicius who held the elections.[66] But it is easy to see what happened. Appius is not necessarily the first, or 'dummy' *interrex* but simply the first one in the series whom Livy knows of or cares to mention. He was obviously refusing to

[62] Livy 10.21.11.
[63] Livy 10.21.15.
[64] Livy 10.21.7 ff.
[65] Livy 10.21.9; Vell. 1.14. On the identification of Sempronius the tribune, see Broughton, *MRR* I, p. 162.
[66] Above, n. 53.

name *some* plebeian candidate (any one of his numerous enemies, but, quite possibly, Decius Mus) for whom a majority of the electorate was clamouring. After a five day stand-off the auspices passed to the next *interrex*, P. Sulpicius, who then named Cn. Fulvius, who became the plebeian consul of the year. Since we cannot guess what Appius' objection to Fulvius might have been, it is likely that Fulvius represented a compromise after all with the intransigent Appius. Decius became consul again the following year. Concerning Sulpicius it should be noted, for what it may be worth, that his son shared the consulship of 279 with Decius' son.

3. C. Marcius Rutilus Censorinus. There can be little doubt that Marcius belonged to the Fabian side.[67] He both shared a consulship with Fabius in 310 and served under him as legate in 295. Stronger than this evidence, though, is the fact that Appius' opposition to the Ogulnian bill would have deprived Marcius of both a pontificate and an augurate. Staveley wished to claim Marcius as an ally of Appius on the grounds that as plebeian tribune in 311 he carried a plebiscite to have the sixteen tribunes of the soldiers elected by the tribes—a move presumably intended to enhance the powers of Appius' newly restructured assembly.[68] It is not, in fact, certain that the two Marcii are to be identified with each other.[69] If they are one and the same, then we should probably conclude that Appius' rivals were quite willing, for the time being at least, to associate themselves with a popular measure.

As for what underlay the evident enmity between Appius and Marcius, we should recall the fact that the elder Marcius Rutilus Censorinus, as consul in 342, was apparently instrumental in protecting Capua and other Campanian towns from seditious conspiracies arising among the Roman soldiery in that year.[70] Whatever the true story of that obscure episode may be, we should be safe in assuming at least that the consul thereby assumed the rights of a protector over Campanians, or some of them, which he would pass on to his son.

4. C. Junius Bubulcus Brutus, Q. Aemilius Barbula, and M. Valerius Maximus Corvus. It is difficult to reach certainty about Brutus and his two colleagues. He and Aemilius Barbula, as consuls in 311, refused to observe Appius' *lectio senatus*. On the other hand, in his censorship with Valerius in 307 apparently no move was made to interfere with the tribal registration which was going on apace. Presumably, then, these censors also registered *humiles* in the rustic tribes. Staveley wished to claim them for that reason as allies of Appius and accordingly doubted that Junius and his colleague had opposed the *lectio* of 311.[71] Cassola carried this further and argued at length that opposition to the *lectio* was offered not by the consuls of 311, as Livy has it, but by the consuls of 310,

[67] So, E. J. Phillips, 'Roman Politics during the Second Samnite War', *Athen.* N.S. 50 (1972), 352 and note. I am in agreement with Phillips's useful study in a number of points of detail. He, however, explains the conflict between Appius and Fabius as the inheritance by Appius from Publilius Philo of a feud with the faction of Fabius which had begun many years before; I find this unconvincing (see below, p. 371). He also accepts, without critical examination, Staveley's thesis of Appius' championship of the Roman 'commercial class' though he stops short of invoking it as a basis of factional dispute.

[68] Staveley, art. cit., p. 430; cf. Livy 9.30.3.

[69] The tribune is named simply C. Marcius and the step from tribune in 311 to consul in 310 seems extraordinary, as Cassola (who wishes to separate them) points out. Broughton, however, equates them (*MRR* I, p. 161).

[70] Livy 7.38.8–39.7; 42.3.

[71] Staveley, p. 413.

Fabius Rullianus and Marcius Rutilus.[72] This would be a neat solution but his argument is not compelling. It is better to accept the Livian datum for 311 and to assume that the failure to oppose tribal redistribution in 307 is to be explained as either due to the fact that the tribal reform had not yet proceeded far enough for its unsettling effects to be apparent,[73] or as due to the fact that Appius, who was consul in that year, was able somehow to safeguard his reform from counter-attack; a conclusion which we are justified in drawing from Livy's remark that he remained in the city throughout the year 'ut urbanis artibus opes augeret'.[74]

I know of no evidence which points to a particular connection of Junius with Campania (though he did win victories there as consul in 313),[75] but the Valerii, at any rate, were charter members of the 'Campanian group'.[76]

5. L. Furius. Livy records finding 'in some annals' that a tribune, L. Furius, vetoed Appius' petition for the consulship in 308 until he should give up his censorship. Garzetti questioned the authenticity of this notice but there are no sufficiently strong grounds for rejecting it.[77]

The tribune, is otherwise unknown. However, in 318 another L. Furius (also otherwise unknown) was the first praetor entrusted with sending prefects to Capua.[78] Broughton lists this Furius as a patrician, but there are both patrician and plebeian Furii—without a *cognomen* or some additional clue we cannot distinguish them.[79] If Furius the praetor was a plebeian, then he was most certainly related to Furius the tribune, and the tribune's action becomes understandable.

6. M' Curius Dentatus. For his tribunician opposition to Appius in 298 or thereabouts, see above, page 366 and n. 53. Not surprisingly no previous Campanian connection is demonstrable for this *novus homo* and there may have been none. A young tribune might have many and various reasons for choosing to make a particular enemy.

We may now consider Appius' putative friends.

1. Q. Publilius Philo. The suggestion has regularly been made that Appius was in some sense Philo's 'political heir' on the grounds that both his interest in southern expansion and in opening up the political establishment at home carry forward the interests of that great plebeian leader whose career came to an end abruptly in 314—two years before Appius emerges as a major figure.[80] It is possible, of course, that the two men had been close, but Appius' interest in the South was, as we have seen, not the monopoly of a single faction nor are his innovations in government really foreshadowed by anything in Philo's career. In

[72] Cassola, op. cit., pp. 138 ff.

[73] So Phillips (art. cit., pp. 351, 355) who claims all these men for the Fabian side.

[74] Livy 9.42.4.

[75] See Broughton, *MRR, sub ann.* In his censorship in 307, he and his colleague Valerius are credited with building roads through the countryside at public expense (Livy 9.43.25–6). Clearly, they have borrowed a leaf from Appius' book; one would like to know where these roads were located.

[76] Corvinus' father had been consul in 343, the year of the Campanian alliance; in the following year the annalistic account assigns him a pre-eminent role in quelling the anti-Campanian mutiny in the Roman army, for whatever that tradition may be worth.

[77] Livy 9.42.3. Garzetti, art. cit., p. 195. Cf. Cassola, p. 162, n. 63.

[78] Livy 9.20.5.

[79] Broughton, *MRR* I, p. 155.

[80] Garzetti, p. 223; Staveley, p. 429; Cassola, p. 129; Phillips, p. 349. On Plautius Venox as a possible link between Appius and Philo's friends, see below.

particular, the enmity between Appius and Fabius is satisfactorily explained by Appius' own initiatives in building up his *clientela* and need have nothing to do with the inheritance of an old feud between Fabius and the friends of Papirius Cursor.

2. C. Plautius Venox. Concerning Plautius Livy tells us at 9.29.7 that he abdicated office 'ob infamem atque invidiosam senatus lectionem verecundia victus' but at 9.33.4 he seems to imply that Plautius simply left office in the normal way after the expiry of his term. The second statement, if it is a distinct account, is more likely to be true since, according to Diodorus, Plautius was a docile supporter of Appius, and Frontinus ascribes his *cognomen*, Venox, to his success in locating the springs of water (*venae*) for Appius' aqueduct.[81] Cassola alone, so far as I know, has tried to argue that Appius and Plautius were enemies. I follow Staveley in thinking it at least more likely that they presented themselves for the censorship as a team.[82] On the other hand the Plautii show close connections with Appius' opponents and they may, in fact, be another of those families of foreign (in this case Praenestine) origin who were taken under the wing of the Fabii.[83] C. Plautius Proculus had been consul with C. Fabius Ambustus in 358. More significant, the consul of 329 was one C. Plautius Decianus—evidently a Decius by birth adopted into the *gens* Plautia.[84] We might conclude, then, that the Plautii were attempting to work with two rival camps simultaneously—a situation not unknown in Roman politics. Since the Plautii Venoces subsequently disappear from the *fasti* (and no Plautii reappear until the second century) we cannot carry the matter any further than this.

3. L. Volumnius Flamma. Cassola and Philips have both recently argued that Appius and Volumnius were not allies, citing principally the Livian evidence for Appius' opposition in 297 to plebeian consuls (which would include Volumnius) and Livy's long narrative of the contretemps between the two men in Etruria in 296 where we are told that Appius first requested and then spurned the assistance of his fellow consul and the soldiers had to resolve an open breach between them.[85] On the first point (as well as on Volumnius' presiding over the election of Fabius and Decius to the consulship of 295) I have expressed my opinion above. As to the last point, it is conceivable that there is some basis to the story but such an episode, even if it contained a grain of truth, should probably not outweigh the plain fact that the two men did share two consulships. Volumnius is last heard of as a legate in Samnium in 293. No other Volumnii appear in the *fasti* after him until the late second century.

4. Despite the very confused and unsatisfactory tradition concerning Cn. Flavius, we should probably conclude that he was a satellite of Appius, upon whose legal knowledge he must have relied. And we may accept Livy's statement that the *forensis factio*, the city plebs, and the newly registered freedmen, voted him the aedileship and whatever other offices he may have held before that.[86]

[81] Diod. 20.36.1; Frontinus, *de Aqu.* 1.5.

[82] Cassola, p. 138; Staveley, *JRS* 53 (1963), 182; Suolahti (op. cit., pp. 221, 223, 550) and Phillips (p. 349) also consider them allies.

[83] Münzer, pp. 36–45, 412.

[84] Our Plautius cannot be securely identified with any of the Plautian consuls of this period; the problem is discussed by Münzer (*RE* Plautius, 32–4) and Cassola (p. 138).

[85] Livy 10.18.1 ff.; Cassola, pp. 152, 202–3; Phillips, p. 353. The older view, that they were allies, is maintained by Garzetti (pp. 210–11) and Staveley (p. 430).

[86] On problems connected with the *ius civile Flavianum* see the standard handbooks of Roman law. Ancient opinion was divided as to whether the principal initiative came

The tale of Appius' friends is soon told. The bias of the annalistic tradition has depicted him, like his ancestor the Decemvir, as a man with no friends and thus put the facts for ever beyond our reach. Predictably, of the three of his allies whom the tradition has left us, Plautius feels ashamed of him, Volumnius damns him with faint praise, and Flavius is a rascal. Clearly there were tribunes who supported him as well as those who attacked him—one may have been that Ovinius with whom Appius presumably worked in concert if the *plebiscitum Ovinium* did, as Mommsen suggested, coincide with Appius' censorship; and there were the three tribunes who prevented Sempronius bringing him to trial in 310.[87] There were *patres* who consented to his being *interrex* on three separate occasions—two of which go completely unnoticed in the sources. There was a consul some time between 292 and 284 who named him dictator.[88]

But, to an extent, the sources are not misleading. Appius' actions, as I have tried to interpret them, can be understood precisely as those of a man who entered the political arena without allies of the first rank, whose father had been passed over for the consulship, and who, therefore, set off swift from the mark with great energy and ingenuity to create a base of power and personal following which would secure him his rightful place among the leaders of the Roman oligarchy—necessarily making enemies along the way wherever he trod on established interests. The story of the old Appius in 279 swaying the senate with his eloquence and *auctoritas* to reject the peace with Pyrrhus and, by defending Magna Graecia, to defend as well that Campanian land on whose clientage he had largely built his career, is an illustration of how far he succeeded in his aim.

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from Flavius or from Appius, using Flavius as a front man (see Cicero *Mur.* 11.25; *ad Att.* 6.1.8; *Orat.* 186; Livy 9.46.5; Macrobius *Sat.* 1.15.9; Pliny *N.H.* 33.17; Val. Max. 2.5.2). It is not necessary for our purpose here to attempt to argue that vexed question.

[87] Livy 9.34.26.

[88] Broughton, *MRR* I, p. 187.