

LICINIUS MACER AND THE CONSULES SUFFECTI OF 444 B.C.

BRUCE WOODWARD FRIER

University of Michigan

For the year 444 B.C., the late Republican annalist C. Licinius Macer proposed a pair of *consules suffecti*, L. Papirius Mugillanus and L. Sempronius Atratinus (Livy 4.7.10–12 = Macer fr. 13 P). He had found their names recorded as consuls in the *libri lintei*, and as the consular “ratifiers” of a *foedus Ardeatinum*.¹ The treaty allegedly conferred on Ardea *societas* and *amicitia* (DH 11.62.4). The consuls were supposedly elected when the consular tribunes of 444, the first to hold that office, had been compelled to abdicate after 73 days, *vitio creati* (Livy 4.7.2–3; DH 11.62.1–2). In the following year, 443, these same two consuls became Rome’s first two censors (Cic. *Fam.* 9.21.2; *et al.*). But the early annalists had not listed the consuls (Livy 4.7.10),² and some historians after Macer eliminated either them or the consular tribunes in discussing 444 (DH 11.62.3).

Most modern authorities have duly eliminated either the consuls³ or the consular tribunes;⁴ or they have awkwardly grouped both into

¹ I am grateful to R. M. Ogilvie and T. J. Luce, who criticized a preliminary draft; also to E. T. Salmon, who caught an important error. For convenience, I have utilized Varronian dating, though it is wrong for the early period by a variable factor of years; for a discussion, A. Toynbee, *Hannibal’s Legacy* I (London 1965) 557–62. I have been unable to obtain access to E. Peruzzi, *Le Origini di Roma* II (Bologna 1973).

² They are not in Diodorus, often considered to have an early version of the magistrate list; but on this see G. Perl, *Kritische Untersuchungen zur Diodors Römischen Jahrzahl* (Berlin 1957) 139–41; reviewed by J. P. V. D. Balsdon, *Gnomon* 30 (1958) 295–300. Cicero, *Fam.* 9.21.2 (46 B.C.), may accept the version of Macer. For a good survey of nineteenth century works on this subject, cf. O. Leuze, *Zur Geschichte der Römischen Censur* (Halle 1912) 95–133.

³ So Mommsen, *Römischen Chronologie* (Berlin 1859²) 93–96; followed by, e.g., G. De Sanctis, *Storia dei Romani* II (Torino 1907) 58 (2nd ed., Torino 1960, p. 55); and recently R. Werner, *Der Beginn der Römischen Republik* (Vienna 1963) 465 note 1; R. E. A. Palmer, *The Archaic Community of the Romans* (Cambridge 1970) 222 note 4.

⁴ So K. J. Beloch, *Römische Geschichte* (Berlin 1926) 249–50, with a wide following, e.g., F. Münzer, *RE* s.v. “Papirius” (1949) 1065. So too, perhaps, Cicero, *Fam.* 9.21.2.

the year 444.⁵ The arguments presented within this article proceed differently; it is proposed that the ancient debate on the magistrates of 444 reflects an important historiographic conflict in the late Roman Republic.

There is one crucial premise to a critique of this debate. It is likely that a *foedus*, which can be identified with the treaty seen by Macer, was in fact concluded between Rome and Ardea at about this time. As is well-known, Ardea remained uncaptured after Tarquin's famous siege of 510; and though, in the 509 treaty the new Republic concluded with Carthage,⁶ Ardea was listed within Rome's sphere of influence, Dionysius (5.61.3) counts it among the cities resisting Rome about 500. Ardea was presumably included like the others in the *foedus Cassianum*; but the city was again at war with Rome in 445.⁷

A few years later, in 442, Rome and the native Rutuli cooperated in the foundation of a colony at Ardea (Livy 4.11.1-7; Diod. 12.34.5). During that foundation, in defiance of any parallel, the Rutuli were allegedly accorded preference in the division of land occupied previously by Rome. The colony itself is authentic, for it has impeccable historical credentials.⁸ Ardea, like other colonies that were later

⁵ A. Boddington, *Historia* 8 (1959) 359, argues that both consuls and consular tribunes were in office; somewhat differently, K. Hanell, *Die Altrömische Eponyme Amt* (Lund 1946) 201. Both arguments involve much other pleading on early chronology, and I will not discuss them here. For O. Leuze's views, see note 25 below.

⁶ Polyb. 3.22.11 (the dating is controversial, of course); Dionysius, 4.85.4 and 5.1.2, asserts that the new Republic concluded a 15-year treaty with Ardea (i.e., from 509 to 495).

⁷ Livy 4.1.4. Livy appears here to recognize a treaty struck with Ardea sometime earlier and broken in 445; but a relevant bilateral treaty before 444 is not elsewhere reported, not even by Livy (cf. 3.71.2). Most probably, the *foedus Cassianum* of 493 is meant; but see R. M. Ogilvie's *Commentary* (Oxford 1965) on Livy 4.1.4. This earlier treaty is responsible for the belief of Livy's source (Macer?) that the 444 treaty was a "renewal" (4.7.10, 9.1), whatever that may mean. The episode with Ardea in 446 (3.71-72) probably just provided an etiology for the much later *tribus Scaptia*; so F. Münzer, *RE* s.v. "Scaptius" (1921) 353-54. Likewise the nameless maid of Ardea in 443 (4.9.1-10.7) is a lay figure, invented to illustrate Roman marriage law, R. M. Ogilvie, *Latomus* 21 (1962) 477-83; but see A. Momigliano in *JRS* 58 (1968) 278, citing E. Volterra, in *Studi A. Segni* (1966). Only the Volscan advance in this period and its general Cluilius (4.9.12, 10.7) are certainly real.

⁸ The *Illviri col. ded.* were named (Livy 4.11.5-7) on the basis of information in public records (4.11.4), and the names seem authentic (Ogilvie on 4.11.5). This fact is one strong reason against grouping Ardea (and also Antium: Livy 3.1.6; DH 9.59.2) together with the fifth and fourth century colonies of the Latin league (cf. E. T. Salmon, "Rome and the Latins," *Phoenix* 7 [1953] 93-104 and 123-35), since Roman *Illviri* are unnamed

designated *coloniae Latinae*, possessed from an early date the right to receive exiles from Rome;⁹ as a Latin colony, it remained nominally independent of Rome. Nevertheless, Ardea never after 442 enjoyed a government capable of negotiating a treaty with Rome;¹⁰ Rome did not, of course, conclude treaties with Latin colonies.

The annalistic tradition before Macer apparently knew nothing of a treaty ending the 445 conflict. However, the extraordinary emphasis which this tradition placed on the cooperative nature of the 442 foundation suggests that Rome's colony (perhaps more exactly, Rome's re-organization) was carried out in accordance with a *foedus*, a mutual agreement to protect Ardea or a faction at Ardea against the Volsci; this inveterate enemy of Rome was pressing hard in southern Latium.¹¹ If so, the treaty's date is securely fixed to between 445 and 442.

The treaty invoked by Macer is set in direct relation to the 442 colony by Livy (4.7.6). It was dated by the consular names L. Papirius and L. Sempronius, probably in that form.¹² But embarrassingly

for them and presumably did not exist. Also notable is the admission of other settlers only from the territory of Ardea (Livy 4.11.4); Ardea is in this respect similar to the Roman colony at Antium in 338 (8.14.8; also 3.1.7: Volsci were admitted). On the basis of this evidence, it may be proper to call Ardea (maybe Antium as well) a "maritime colony," originally distinct from the Latin league colonies but later assimilated to their status; cf. also notes 9 and 11 below. The defensive works of Ardea date from the time of the colony: A. Boethius, "Le Fortificazioni di Ardea," in *Opuscula Romana* 4 (1962) 29-42.

⁹ Camillus went into exile there; see Mommsen, *Staatsrecht* III, 48. So also the *Illviri* who led out the colony, Livy 4.11.7; though G. Crifò, *Ricerche sull'Exilium* I (Milan 1961) 193-97, considers the notice false. Possession of the *ius exsulare* is a good general indication of Ardea's status just after 444; see E. T. Salmon, *Roman Colonization* (Ithaca 1970) 168 note 26, citing Cic. *Caec.* 98. On early *exilium* see M. Kaser, *Das Römische Privatrecht* I (Munich 1971²) 31, and bibliography in note 10 on the relation between this right and treaties.

¹⁰ On Ardea's history, see C. Hülsen, *RE* s.v. "Ardea" (1895) 612-13; no sign of resistance, disagreement, or revolt. Ardea remained a member of the religious league of the Alban Mount (Livy 32.1.9; *ILLRP* 188).

¹¹ H. Last, in *Cambridge Ancient History* VII (Cambridge 1928) 497-504, stresses this aspect of the colony; cf. A. Alföldi, *Early Rome and the Latins* (Ann Arbor 1964) 394: "this foundation is a purely defensive expedient, differing in this from all subsequent acts of this kind." The colony shows also the Roman preoccupation with the coast of Latium, a matter of slight concern to her Latin allies; compare the Romano-Carthaginian treaty allegedly of 509.

¹² Other early Republican documents allegedly using praenomen-nomen for consular eponymous dating are the *antiquissima lex* probably of 472 (Macrob. *Sat.* 1.13.21, from Varro), cf. A. K. Michels, *Calendar of the Roman Republic* (Princeton 1967) 101, and K.

enough, as Macer must have realized, two men of these families, with these praenomens, did not hold eponymous office together in the traditional *Fasti*. Any modern attempt¹³ to see in them, for instance, two of the consular tribunes of 416 (A. Sempronius, M. Papirius, Q. Fabius, Sp. Nautius) founders on two counts; the praenomens unaccountably vary, and a treaty with a colony cannot be explained or paralleled. Thus we are confronted by the very problem which faced Macer.

Now, or so Macer asserted, these same two names were to be found listed between the eponymous colleges of 444 and 443 in "the holy and secret books" (DH 11.62.3), the *libri lintei*. Macer's reading inspires reasonable confidence here, for the annalist Aelius Tubero also consulted the *libri lintei* about a generation after Macer. For the year 434, Tubero (fr. 11 P) reported from the *libri lintei* a different consular college than Macer had obtained from the same source (Livy 4.23.1-2 = Macer fr. 19 P). Tubero's apparent failure to observe a difference in 444/443 strongly suggests that Macer's reading for that year was correct.

After discovering these names, Macer then drew the obvious conclusion that the *foedus Ardeatinum* was to be associated with the two names he had found. So far, if this is the correct reconstruction of Macer's reasoning, his logic is unimpeachable. By consequence of this reasoning, Macer could restore the *foedus Ardeatinum* to its proper historical date.

The one obvious alternative to this reconstruction is to suppose that Macer falsified the entry in the *libri lintei* and fabricated the eponymous date of the Ardea treaty.¹⁴ Such an alternative provides no motive (save sheer perversity) for Macer's alleged falsifications, and should be

Hanell in *Entretiens sur l'antiquité classique* 13 (Geneva 1967) 184; and also the Carthage treaty of 509, Polyb. 3.22.1, and the *foedus Cassianum* of 493 in Cic. *Balb.* 53 (both treaties are disputed; on the latter, see also Livy 2.33.9). These documents seem to prove the existence of eponymous dating in the fifth century.

¹³ Ogilvie's *Commentary* on Livy 4.7.10, drawing on an article in *Hermes* 89 (1961) 379-81.

¹⁴ Werner (above, note 3) 465 note 1 actually does advance this alternative. Werner's radical reinterpretation of early Roman chronology has been rightly rejected by A. Momigliano, *RSI* 77 (1964) 803-06; R. M. Ogilvie, *CR* 15 (1965) 84-87, is milder. Cicero, *Leg.* 1.7, does not state that Macer falsified history.

dismissed as aprioristic. We are thus led to consider the historical consequences of Macer's discovery.

The principal sources for the magistrate list of the early Republic, 509 to 390 inclusive, are all Augustan in date, namely Livy, Dionysius, Diodorus, and the *Fasti Capitolini*. These sources were able, by the Augustan period, to present a list astoundingly consistent both in its sequence and in its composition.¹⁵ The implications of such consistency, occurring at so late a time and among such diverse authorities, are unclear. Modern suspicions of this list for the most antique period are natural, justified, and frequent.¹⁶ But these suspicions are more than a matter of a few names falsified and the order confused during centuries between 390 and the Augustan era. The point is that the list is unitary as it stands, it is a single list found with minor variations in all the sources; therefore, that its integrity cannot be attacked piecemeal; and that, within the surviving sources, significant variants, such as might buttress modern attacks, are very few.

For example, of the 62 consular names of 483-472 and 466-448 (when all four sources are at least partially preserved), not only is there an incidence of agreement of 99% on the *nomina* and of 98% on the *praenomina*;¹⁷ also in better than two-thirds of the cases there is agreement between sources even on the order of names within the year.¹⁸ If the *Fasti Capitolini* are taken as a norm for 422-414 and 409-391 (when Dionysius is lost), Livy's order is in agreement some 81% of the time, Diodorus' about 87%. It has been estimated that some 97%

¹⁵ L. R. Taylor, *PAPhS* 94.6 (1950) 511-16, and P. Fraccaro, *Opuscula* I (Pavia 1956) 1-23, among others, defend the integrity of the list. De Sanctis, *Storia* I (Torino 1907) 1-13 (2nd ed., Torino 1956, 1-12), finds little interpolation after the earliest years.

¹⁶ For an extreme skepticism, cf. E. Kornemann, *HZ* 145 (1931) 284-89; Werner (above, note 3) 264-94.

¹⁷ Probable manuscript errors and obvious examples of mere carelessness are not taken into account in this calculation; lists of names are accessible in A. Degraffi, *Inscriptiones Italiae* 13.1. I do not maintain that points of divergence are unimportant.

¹⁸ The incidence of agreement (68%) rises to 74% if Livy is omitted. For this period Livy is more often at variance than any other source. The agreement is also part of the annalistic tradition; e.g., the list preserved in Hemina (fr. 20 P) for the consular tribunes of 389 agrees with that in Livy 6.1.8. On the order of names, L. R. Taylor and T. R. S. Broughton, "The Order of the Consuls' Names in the Yearly Lists," *MAAR* 14 (1949) 2-14, requires modification for this period. On the *Fasti* of Diodorus, see Perl (above, note 2) and below, note 31.

of the names in the *Fasti* from 485 to 302 are common to all lists.¹⁹

Since most later sources depend on this Augustan list, it is hard to find outside evidence that bears against it. The list was formed up by at least the Ciceronian era (the time of Livy's sources); and Cicero, who cites colleges from the list on many occasions, agrees with it almost invariably.²⁰ Only the most tantalizing hints survive of an earlier list (or lists) much different, such hints invariably coming from outside the annalistic tradition. For example, Aulus Gellius (17.21.13) names the consuls of 477 as Menenius Agrippa and M. Horatius Pulvillus; in the main tradition they are uniformly C. Horatius Pulvillus and T. Menenius Lanatus, in that order. Gellius' source may be the *Chronica* of Cornelius Nepos, who is cited three times in this passage (17.21.3, 8, 24). Against the combined weight of other authors, such stray variants are often considered of little importance, an attitude no doubt also widely prevalent in antiquity.

Ancient authors could reasonably have supposed that the unitary list reported in Augustan sources was of much earlier origin, and that it stemmed from one source, namely the chronicle of the pontifex maximus, the *Annales Maximi*, which the Romans commonly considered their fundamental and oldest historical source.²¹ The pontifical chronicle, so Cicero wrote (*De Or.* 2.51–53), had been composed *ab initio rerum Romanarum* precisely to allow the later writing of literary history; the annalists, especially, had followed this source even to the point of imitating its jejune and boring style. Many similar passages in ancient authors suggest that the chronicle was regarded as the principal influence on the style, form, and content of

¹⁹ Beloch (above, note 4) 7 and P. Fraccaro, *Storia Romana Arcaica* (1952) 11. This is no less true for the period 509 to 486.

²⁰ Exceptional is Cic. *Rep.* 2.60 on 430 B.C., consuls C. Julius and P. Papirius; the better tradition has C. Papirius (Diod.; L. Papirius in Livy and Cassiod.) and L. Julius (Junius, Diod.), in that order invariably.

²¹ See above all Cic. *De Or.* 2.52; Serv. "Auctus" *ad Aen.* 1.373. Modern scholarship rests on J. G. Hullemann, *Disputatio Critica de Annalibus Maximis* (Amsterdam 1855), with the reviews by K. Niemeyer, *ZG* 12 (1858) 423–28, and E. Huebner, *JKPh* 79 (1859) 401–23; cf. C. Cichorius, *RE* s.v. "Annales" (1894) 2248–55; H. Peter, *HRR* vol. 12 (1914) iii–xxix; J. E. A. Crake, "The Annals of the Pontifex Maximus," *CP* 35 (1940) 375–86; E. Rawson, "Prodigy Lists and the Use of the *Annales Maximi*," *CQ* 21 (1971) 158–69, all with further bibliography. Not at question in this article is the actual extent to which the annalists had used the chronicle; on this matter Rawson observes an exemplary caution.

the annalistic tradition. The unitary character of the received *Fasti* for the early Republic would undoubtedly have been explained in antiquity as a consequence of the list's derivation from the chronicle through the authors of the annalistic tradition. Indeed, as will emerge below, there is evidence that precisely this assertion was made in the late Republic. (A similar assertion is made, or course, by many modern scholars.)

If any such source lay at the base of the annalistic version of the *Fasti*, it is important to observe that it must originally have presented magistrate names rather fully (praenomen, nomen, father's praenomen, cognomen), since that is the invariable pattern utilized when the early annalists introduce magistrates; this pattern obtains not only for eponymous magistrates, but for lower ones as well.²² Such a pattern exactly conforms to that found on the earliest datable Roman sarcophagus, from about 300–275 B.C.²³

Confronted with the task of integrating Macer's college into the eponymous list of the annalistic tradition, we must initially concede that both consuls emerge as real personages when measured against that list. L. Papirius is the father of L. Papirius L. f. Mugillanus, consul in 427, consular tribune in 422, and censor in 418; his filiation is given in the *Fasti Capitolini* for 418.²⁴ L. Sempronius is attested as the brother of the consular tribune of 444 (DH 11.62.2). He is the son of A. Sempronius Atratinus consul in 497 and 491; and the father

²² Consuls: Piso fr. 36 P; cf. Hemina fr. 37 P (cited by Pliny); and so even Ennius, *Ann.* lines 295 and 303–305 V². Curule aediles: Piso fr. 27 P; cf. Piso fr. 28 P (cited by Livy). Plebeian tribunes: cf. Tuditanus fr. 4 P (cited by Asconius). Senatorial envoys: cf. Gellius fr. 20 P (cited by Dionysius). These examples come from all parts of Republican history; of course, abbreviated names were used after the first mention (e.g., Hemina fr. 20, 21 P; Piso fr. 19 P; Tuditanus fr. 5 P). The pattern may derive from the chronicle.

²³ Published by H. Blanck, *MDAI(R)* 73/74 (1966/1967) 72–77; cf. H. Solin, *Arctos* 6 (1970) 110–11; F. Zevi, in *Roma Medio Repubblicana* (Rome 1973) 240–41. The sarcophagus is that of P. CORNELIO P. F. SCAPOLA / PONTFEX. MAX (sic), probably son of the consul of 328 (Livy 8.22.1). Only the coffin is preserved. Discovered at the same place was the gable of L. CORNELI CN. F., cognomen evidently omitted for lack of space; the lettering is slightly older than the Scapola inscription, and this may be the original sarcophagus gable of Scipio Barbatus consul in 298. The sarcophagi were recovered outside the Porta Ardeatina, one-half kilometer from the Scipio tomb. Comparable for nomenclature are *ILLRP* 309–11 (the Scipio sarcophagi).

²⁴ M. Papirius Mugillanus, consular tribune in 418 and 416, consul in 411, is probably his brother.

of A. Sempronius L. f. A. n. Atratinus, consular tribune in 425, 420, and 416 (when the *Fasti Capitolini* have his filiation). Macer's college, therefore, precisely filled the gap of a generation in two prominent patrician families.

Nonetheless, Macer did not find it acceptable simply to defy tradition and insert his new college into the list; for, as will be seen below, he attached great importance to the *grosso modo* rectitude of the annalistic tradition. To be sure, Roman chronology for the early Republic was not quite consistent with itself. A censorial document cited by Dionysius (1.74.5), who certainly believed in its extreme antiquity,²⁵ gave Varronian 392 as the 119th year of the Republic; hence 390 was the 121st year. This was inconsistent with the standard eponymous list, which had only 120 colleges in that same period. There is evidence, furthermore, that Polybius knew the same method of reckoning which the censorial document used;²⁶ it was also known to Dionysius (1.74.5) and to Livy,²⁷ and perforce to Livy's sources. This system appeared to presume 121 eponymous colleges for the period 509 to 390.

The inconsistency between the chronological system and the eponymous list was obvious even to ancient users of the system, who apparently invented a third decemviral year to fill out the list.²⁸ Such a stopgap was never universally accepted and did not survive the criti-

²⁵ That antiquity is not jeopardized because Dionysius added cognomens to the names that he found there, as Hanell (above, note 12) 194 has argued; cf. A. Alföldi, "Les Cognomina des Magistrats de la République Romaine," *Mélanges A. Piganiol* II (Paris 1966) 709-22. Even if the document was later than 392, its dating remains peculiar. O. Leuze's unwarranted assumption, *Römische Jahreszählung* (Tübingen 1909) 155-59, that the document calculated in calendar years, fails to explain the discrepancy even on his own highly speculative reassemblage of early Roman chronology (pp. 350-64, where Macer's version of 444 is in part accepted).

²⁶ Polybius' chronology is reassembled by Werner (above, note 3) 102-13 on a very speculative basis. Polybius apparently set the first year of the Republic in 507/506 (3.22.1-2, with Walbank on 6.11a.2) and the Allia in 387/386 (1.6.1), 121 years later on an inclusive reckoning.

²⁷ Compare Livy 1.60.3 and 5.54.5.

²⁸ Cic. *Rep.* 2.62 (from Polybius?); DH 10.61; 11.1. The early annalists regularly employed A.U.C. "absolute" dating alongside eponymous dating. See Hemina fr. 20 P; Gellius fr. 25 P; Piso fr. 36 P; and compare Hemina fr. 26, 37, 39 P; Gellius fr. 27 P; and Piso fr. 30, 34, 39 P. This not only made it easy to recognize chronological discrepancies, but also allowed easy calculations of intervals; see Gellius fr. 27 P; Piso fr. 11, 30 P; and the Latin Pictor fr. 6 P.

cism of Varro, who eliminated it and reduced the interval to 120 years.²⁹ Prolonging the second decemviral college in illegal office was awkward, especially since grave doubts could be raised against the historicity of that college itself;³⁰ and hence it is likely that the traditional magistrate list for the early Republic lacked the names of more than one college. The *Fasti* for 509 to 390 must therefore at one time have contained additional colleges.³¹

Against the list in the annalistic tradition stood, in this instance, the *foedus Ardeatinum* and the *libri lintei*. The treaty was presumably not mentioned by or known to Roman annalists before Macer. It falls within the class of documents "independent" of the received tradition, documents which the annalists as a rule had rarely cared to consult.³² There is no good reason to doubt the validity of this document, and some reason to assert its authenticity. It was dated by two consular names not in the traditional *Fasti*.

A far more thorny problem is the *libri lintei*, which also listed these two names between Varronian 444 and 443. It is difficult to suppose that Macer merely lied on this specific point.³³ The *libri lintei* are defined by Livy (4.20.8) as *libri magistratuum*, a simple list of magistrate names; in addition to eponymous names they contained some lower

²⁹ For the Varronian reform, see Leuze (above, note 25) 226.

³⁰ See Ogilvie on Livy 3.35.11: "elaborated doubtless at the end of the third century," if not slightly earlier.

³¹ This is not to assume that the longer list need have been more historically accurate than what we have. The possibility of additional colleges is ignored by scholars who attempt to base intricate chronological conclusions on a modified pontifical list obtained by casting out colleges considered suspicious; e.g., Werner (above, note 3) 297-482; Alföldi (above, note 11) 78-84, and *passim*. Ogilvie, on Livy 5.29.6-7, suggests another "lost" college. Stray colleges are reported by Diodorus for 457/456 and 428/427; by the *Fasti Capitolini* for 393. A considerable number of stray names (usually listed as "suffects") occur throughout the period.

³² On the attitude of the annalists to such documents, see A. Momigliano, *Secondo Contributo* (Rome 1960) 85-87. This treaty may have come to Macer's attention through the publication of a collection of inscriptions in the 80's, on which see J. Heurgon, "Cincius et la Loi du Clavis Annalis," *Athenaeum* 42 (1964) 432-37. The *foedus Ardeatinum* might have been preserved in various places: in the temple of Semo Sancus like the alleged *foedus Gabinum* (DH 4.58.4), or sculpted on a bronze column like the *foedus Cassianum* (Cic. *Balb.* 53; Livy 2.33.9).

³³ There is need of humility in approaching Macer. For instance, his wanton exaggerations of his own family history (fr. 16 P) are far different from his efforts to obtain a better chronology for the early Republic—efforts sometimes in error, no doubt, but no more foolish than many modern theories. His own side of the argument rarely survives.

magistrates (Livy 4.13.7). The references to the linen books fall within the narrow period 444–428; perhaps they were only fragmentarily preserved.³⁴

But it seems unlikely that the *libri lintei* actually date from the fifth century B.C.³⁵ Apart from the obvious difficulties in the conservation of linen records from such a date,³⁶ surviving citations do not suggest that this list was radically different from the pontifical *Fasti*; nor were the *libri lintei* a formal history counter to the chronicle. The temple of Juno Moneta, or “Memory” (Cic. *Div.* 1.101; Andron. fr. 35 R²),³⁷ where the *libri lintei* were kept, was dedicated in 344 (Livy 7.28.6); the temple might appropriately have preserved a specially prepared memorial magistrate list among its treasures. Dionysius (11.62.3) appears to refer to them as temple treasure. The linen on which the books were written also suggests that they were of a sacred nature.³⁸ About 269 the character of the temple was radically and forever altered by its conversion into the Roman mint.³⁹ The interval after 344

³⁴ On these books, see now Palmer (above, note 3) 232–38, with bibliography at 238 note 1: especially, R. M. Ogilvie, “Livy, Licinius Macer, and the Libri Lintei,” *JRS* 48 (1958) 40–46. My arguments diverge widely from Palmer’s; in particular, I cannot agree that the *libri lintei* reported only “tribune-consuls” (Palmer ignores DH 11.62.3, and at 235 note 4 has difficulty with Livy 4.13.7). Nothing in Livy 9.38.15–16 (=Macer fr. 17 P) suggests that this notice derives from the *libri lintei*, against Palmer 234–35.

³⁵ See Ogilvie (above, note 34); also, on Livy 4.7.12.

³⁶ Objections raised also against the linen corslet of Cornelius Cossus, see Plut. *RQ* 37; Ogilvie, on Livy 4.20.5–11, with bibliography. But Palmer (above, note 3) 232–34 accepts the corslet of Cossus; and at 237–38 proposes that the *libri lintei* were in fact made up of such tunics. Since the Fronto passage cited below, note 38 (and mistranslated in Palmer) proves that linen books were customarily used for sacred writings, such a suggestion is decidedly overcomplicated.

³⁷ But see G. Radke, *Die Götter Altitaliens* (Münster 1965) s.v. “Moneta,” for other suggestions.

³⁸ See DH 11.62.3 (“holy and secret books”) and P. De Francisci, *Primordia Civitatis* (Rome 1959) 120–21, and Palmer (above, note 3) 236–37 for linen as a sacred cloth. The *multi libri lintei, quod ad sacra adinet*, found by M. Aurelius in Anagnia (Fronto, *ad. M. Caes.* 4.4), and the Etruscan ritual books from Zagreb, are both comparable. The Fronto passage translates “many books made out of linen, a fact that has religious significance;” and not “many linen books which concern religious matters,” as in Palmer 237.

³⁹ Mommsen, *Römische Munzwesen* (Berlin 1860) 301; for the date, I accept R. Thomsen, *Early Roman Coinage* III (Copenhagen 1961) 291–92. The mint was apparently inside the temple, cf. Livy 6.20.13 (a single building), and especially the Suda, s.v. “Moneta;” the temple was probably chosen because of its site on the arx, rather than for any considerations of cult. The year 269 seems the latest possible date as regards

is the most likely time for the assemblage of the *libri lintei*;⁴⁰ how much later, it is difficult to determine.

A date after 344 for the *libri lintei* might impel the assumption that at least for the early Republic, 509 to 390, the linen books did not have an origin altogether independent of the pontifical chronicle; more probably, both *libri lintei* and chronicle stem from the same sources. In that event, the *libri lintei* might be an independent, but not always accurate, transcription of the magistrate list in the chronicle; and at least this once they may have included consular names omitted in the later annalistic tradition. Perhaps this is not the only reasonable explanation for the variants in the linen books, here and elsewhere;⁴¹ but such an explanation at least accords easily with the known data.

The *Fasti* of the annalistic tradition required one or more additional colleges, and Macer may have found one of these in sources "independent" of that tradition. Not unreasonably could this college be inserted between Varronian 444 and 443. But Macer's clumsy attempt to save the traditional *Fasti* through a compromise, namely by having the tribunes of 444 resign after an arbitrary period and consuls serve out their terms, will not do. Mommsen⁴² long ago pointed out a number of constitutional objections; besides, this restoration does not explain why consular tribunes were replaced with consuls. So an entire eponymous year should be restored.

We come now to the censors of 443. Mommsen⁴³ also noted that

the conversion of the temple into a mint; it may have been somewhat earlier. Thomsen, for instance, dates the inception of the office *IIIviri aere argento auro flando feriundo* (called *monetales* from the temple) to c. 289, on the basis of Pomponius, *Dig.* 1.2.2.30 (a slender reed): *Coinage* III, 172-78. The *Moneta* cult declined in classical times, probably as a result of its supplantation by the mint; all that apparently survived of cult were sacrifices (Lydus, *Mag.* 4.89) to the goddess on 1 June, the probable dedication day of the temple, and on 10 October: A. Degrassi, *Inscriptiones Italiae* 13.2 pp. 463 and 519; E. Marbach, *RE* s.v. "Moneta" (1933) 113-19.

⁴⁰ The lower their compilation is dated, the more difficult it becomes to explain their variations from the standard tradition. Ogilvie, on Livy 4.7.12, suggests what may have been a further stage of compilation about 150 B.C.

⁴¹ But it is suggestive that Ogilvie, on Livy 4.20.8, seems led to the same explanation for variations between the *libri lintei* and the traditional list between 434 and 426. I must add, however, that Palmer's conclusions are very different.

⁴² (Above, note 3) 94; this anachronism most modern authorities unite in deploring.

⁴³ (Above, note 3) 95-96; *Staatsrecht* II³, 334-35. O. Leuze (above, note 2) 94-144, defended the validity of this census; it cannot simply be dismissed as an invention of Macer. Dionysius 1.74.5 implies that early census statistics were found in familial

it was not until the *lustrum* of 435-434 that the 18-month term was instituted for censors (Livy 4.24.4-9) and their Villa Publica was approved (4.22.7). He therefore argued that the alleged censors of 443 had neither office space nor legal term of office; and that, therefore, the censorship was not instituted until 435. As with all previous *lustra*, the census of "443" would have been conducted by consuls. It seems likely that Roman annalists, doubtless before Macer, fabricated the census of 443 when they located among the transmitted censorial statistics a *lustrum* founded by these men at about this time, but could not locate their names in the traditional *Fasti*. They acted toward their sources in the same manner that Macer handled his new consulate; rather than contradict the traditional list, they sought to incorporate the new information within it, even if awkwardly.⁴⁴ The census of 443 is thus an invention; it was in fact conducted by the consuls of the previous year.⁴⁵

If the additional year is accepted, the history of this period might become somewhat clearer. L. Sempronius Atratinus, son and father of eponyms, was elected to the consulate the year after his older brother was consular tribune. He served with the new man L. Papirius. During their consulate a census was instituted, the first since 459 (DH 11.63.1-3). A defensive treaty was also concluded with Ardea against the Volsci, after several years of intermittent fighting; on the basis of this treaty Rome was allowed to lead a reorganization at Ardea two years later, in return for concessions guaranteeing Ardea's partial autonomy. On any other reconstruction some plausible element of the tradition must be neglected.

Let me pause at this point and recapitulate precisely what it is that I am asserting. The working methods of Macer, to the extent that they can be ascertained from fragments such as 13 P, apparently involved

records; they were assembled and recorded already in Pictor (fr. 10, 23 P). These early statistics, which make little sense, are now discussed by P. Brunt, *Italian Manpower* (Oxford 1971) 26-33.

⁴⁴ Similarly, Dionysius 11.62.3 says that historians after Macer arbitrarily preserved the number of colleges for the early Republic either by rejecting Macer's plausible addition or by eliminating the consular tribunes of 444; for this latter course there is no good reason ancient or modern.

⁴⁵ So already Münzer (above, note 4). For a summary of modern views on this census, see G. Pieri, *L'Histoire du Cens jusqu'à la Fin de la République Romaine* (Sirey 1968) 125-30.

certain assumptions about the character of the annalistic tradition as it existed in his day. Macer probably believed that a single list of eponymous magistrates for the early Republic had been preserved in the pontifical chronicle, and that this list had been adopted and transmitted through the histories of annalists writing before him. These assumptions lie at the base of my notion concerning the "unity" of the annalistic tradition. The addition of Macer's college to the annalistic list seemed to him to make that tradition more coherent, rather than less so. Now perhaps, as was suggested above, the "pontifical" or "annalistic" list neither derived more or less as a unit from the pontifical chronicle nor took on its present form until rather late (say, by the end of the second century B.C.). Nothing demonstrates that any historian in the late Republic seriously entertained either of these possibilities; therefore, neither was considered in arguments on chronology. Had they been, then the sort of tinkering undertaken by Macer would have been pointless; what was needed in that event was a massive historiographic reexamination of the tradition itself. On the other hand, if late Republican annalists were correct in excluding these possibilities (and many modern scholars think that they were), then Macer's handling of the list was entirely appropriate; he was seeking to improve what he believed to be the chronological framework of the entire annalistic tradition on the early Republic.

Behind this solution to the problems raised by Licinius Macer's research, there lies a more important historiographic question: why was it that Macer sought out such independent documents and brought them to bear in this fashion on the annalistic tradition? The details of Macer's life are well known; he was a moneyer about 82, tribune in 73, praetor probably in 68, a provincial governor in 67, and was then successfully prosecuted for extortion in 66 (Cic. *Att.* 1.4.2), despite a defence by his kinsman Licinius Crassus. During or soon after this trial he died (Val. Max. 9.12.7; Plut. *Cic.* 9.1-2).⁴⁶ This suggests

⁴⁶ On Licinius Macer, see H. Peter, *HRR* vol. 1² (1914) cccl-ccclxv; F. Münzer, *RE* s.v. "Licinius" (1926) 419-35; R. M. Ogilvie (above, note 34) and his *Commentary* 7-12; E. Gruen, *HSCP* 71 (1966) 215-17. On the political character of the 70's, see now E. Gruen, *The Last Generation of the Roman Republic* (Berkeley 1974) 23-27; on Macer, pp. 25, 44, 273 ("an advocate of tribunician reform"); cf. also H. Strasburger, *Concordia Ordinum* (1931, reprinted Amsterdam 1956) 11-12, on Macer's political views. Among Macer's friends must be counted the pro-Sullan historian Cornelius Sisenna (Cic. *Leg.* 1.7), and Licinius Crassus his advocate in 67.

that his history was written in the decade 80–70, the years of the Sullan restoration.

Slightly earlier in this decade also belongs, so it appears, the annalistic history of Q. Claudius Quadrigarius, who is listed as a literary contemporary of Cornelius Sisenna and Rutilius Rufus by Velleius (2.9.5). Sisenna died as a legate in 67 (Dio 36.18–19); he wrote his history as an old man (so Velleius). Rutilius is described in Cicero's *De Natura Deorum* (3.80) as still alive in 75; his various historical memoirs were presumptively the labor of his old age. For Quadrigarius there is no other evidence, but his *annales* are also best placed in this decade; the last datable fragment concerns 82 (fr. 84 P).⁴⁷

The *annales* of Quadrigarius, extensively attested for their quaint Latin, are remarkable in that no fragment clearly refers to the period before 390, the Gallic incursion; with that year, however, six fragments are associated. The first book is therefore believed to have begun with 390.⁴⁸

Now Plutarch, *Numa* 1.2, cites a pamphlet entitled *Elenchos Chronôn*⁴⁹ ("An Attack on Chronology") written by a "certain Clodius," who asserted that "the ancient records" had vanished in the Gallic disaster, while the records "now exhibited" had been untruthfully confused by those favoring men who were forcing their way into the ranks of the principal families of Rome. These aspiring men must surely be the plebeians, who in tradition attained the consulate and the nobility first in 366. Presumably, Clodius attacked the occurrence of plebeian names in the early consul lists.⁵⁰ His attack is closely paralleled in

⁴⁷ On Quadrigarius, see H. Peter, *HRR* vol. I² (1914) cclxxxv–ccciv; M. Zimmerer, *Der Annalist Qu. Claudius Quadrigarius* (Munich 1937); A. Klotz, *RhM* 91 (1942) 268–85; P. G. Walsh, *Livy* (Cambridge 1961) 120–21; E. Badian, in *Latin Historians* (ed. T. A. Dorey, London 1966) 18–20. At p. 34 note 93, Badian rightly rejects M. I. Henderson, *JRS* 47 (1957) 83–85, on his political views. On his alleged use of Senatorial archives, see U. Bredehorn, cited note 56 below. That Quadrigarius published before Macer is established by Cicero, *Leg.* 1.6.

⁴⁸ Zimmerer (above, note 47) 8–10 argues *ex silentio* that he surveyed history before 390, a view to be rejected.

⁴⁹ The use of Greek titles for Latin works is not unusual in the late Republic; most comparable are the *Annalium Ennii Elenchi* of M. Pompilius Andronicus (Suet. *Gram.* 8), an aggressively critical work; and the *Chronica* of Nepos. For the spelling of Quadrigarius' nomen as Clodius, compare Cic. *Leg.* 1.6.

⁵⁰ As to plebeians in the early *Fasti*, there is a vast bibliography. I agree with Palmer (above, note 34) 290–302 that plebeians were elected to the consulate from early on; I do not agree that the Sempronii Atratini must be patrician (the arguments at pp. 297 and

Cicero (Brutus 62) and Livy (8.40.4-5), the latter maintaining that even public documents had been confounded by the false claims of some families.

Clodius evidently argued that pseudo-ancestors of plebeian families had been introduced into "the ancient records;" and so these "records" had lost their value in assembling an accurate history and chronology of Rome before 390. These "records" were conceived as playing a fundamental role in chronological calculations. They can only be the pontifical chronicle; the widespread apprehension concerning its fate in 390 is of course reflected in a famous passage of Livy (6.1.2; cf. Plut. *Fort. Rom.* 326a).

This thesis of Clodius has circumstantial relation to the *Annales* of Claudius Quadrigarius; for the Romans commonly believed that the annalistic tradition on the early Republic stood or fell with the pontifical chronicle. Even if (what is unlikely) the Clodius of Plutarch is not in fact Quadrigarius,⁵¹ still it is probable that these arguments duplicate his own in rejecting Roman history before 390. At the least, such ideas were in the air during the late Republic.

The attack of Quadrigarius does not precisely prove that he was a "scientific" historian, but nonetheless it is interesting, among other things, for its implicit anti-plebeian tone. The reasons for the attack need not have been narrowly "political." Quadrigarius himself is usually assumed to have been a plebeian, from some minor family; still, during his youth there had been those prepared to assert that all Claudii, patricians and plebeians alike, were descended from the patrician branch (Cic. *De Or.* 1.176). Mere plebeity did not prevent an annalist from vigorously trumpeting the bygone, more glorious holders of his name, as the remarkable career of Valerius Antias also

298 note 1 are unconvincing). The view that plebeians were not admitted to nobility until 367 is as old as the Latin *Annales* of Fabius Pictor (fr. 6 P).

⁵¹ Zimmerer (above, note 47) 14-16 scouts this obvious association; the work was conceivably a preliminary examination of chronology (like that of Dionysius, see 1.74.2-4), made necessary by his skepticism of the chronicle. But the *Chronikai Syntaxeis* (evidently synchronous tables) of Paulus Claudius, in Appian, *Celt.* 1.3.8, remain a problem, though they have no apparent connection to the works under discussion. Note that Porcius Cato, not an annalist, also attacked the chronicle at the beginning of his historical narrative (fr. 77 P), which began at 264 (Nepos, *Cato* 3.3). So too, perhaps, Sempronius Asellio (cf. fr. 2A P), a "pragmatic" historian opposed to the annalists (fr. 1-2 P); his earliest datable fragments (4-5 P), from Book 4, concern 136-134 B.C.

seems to prove; even Livy (25.7-11) proved squeamish about narrating the drunkenness of M. Livius, no ancestor, at the siege of Tarentum in 212. As for the Claudii, their immemorial hatred of plebeians was notorious (Livy 2.56.7-8).

Quadrigarius instituted a new era in the writing of annalistic histories. The latest annalist attested before him was C. Fannius, consul in 122, his history terminating the long series of *annales* (some ten in all) written at Rome from c. 155 to c. 120. But the over-articulated and artificial annalistic form came to arouse multiple feelings of distaste, reflected at about the century's turn in the preface of Sempronius Asellio (fr. 1-2 P). Quadrigarius created a new type of annalistic writing, in which the writer gave some play to a more vigorous style (Cicero still found it boring, *Leg.* 1.6), while at the same time filling his pages with documentation and precise statistics that were on occasion outrageously fabricated.⁵² The aim in either case was to make the narrative more persuasive, thus countering objections like those of Asellio. Claudius' rejection of the tradition before 390 met Asellio's criticism in another way.

Quadrigarius had challenged the integrity of the annalistic tradition on the early Republic. Such a challenge at least demanded consideration by later annalists; and his challenge had been so cast as to reflect discredit on the pedigrees of certain plebeian families. Now the Licinii were among those families alleged to have held plebeian tribunes in the early Republic (493, 481); a member of that family, P. Licinius Calvus, had been consular tribune in 400 and 396. Macer's furious loyalty to those claimed as his ancestors is attested by Livy (7.9.3-5). Macer's son, the poet, was accorded the cognomen Calvus.⁵³

More broadly, Macer championed the plebeians as a whole. A proud speech is placed into his mouth by Sallust (*Hist.* 3.48); it depicts him, during his tribunate in 73, upholding in forceful language the plebeian traditions and rights.⁵⁴ This speech matches well the portrait

⁵² On his style, see A. D. Leeman, *Orationis Ratio* I (Amsterdam 1963) 78-81; in comparison with Livy, see the essays of R. Heinze and K. Büchner, in *Wege zu Livius* (ed. E. Burck, Darmstadt 1967) 376-82. On documentation, see note 56 (work of U. Bredehorn); and E. Badian (above, note 47) 19.

⁵³ This paragraph and the next owe much to Ogilvie, *Commentary* 7-12.

⁵⁴ R. Syme, *Sallust* (Berkeley 1964) 200-207, emphasizes the close relation of these two historians and suggests that the *Oratio Macri* drew on Macer's *annales*.

of Macer in Cicero's *Brutus* (238): a vigorous advocate, but wanting in presence, more cunning than persuasive. At the start of the speech in Sallust, Macer is made to lament that the press of time deters him from narrating the glorious plebeian struggles of the distant past.

The last datable citation from Macer's *annales* refers to 299 (fr. 19 P); another fragment, allegedly from Book 2, mentions Pyrrhus (fr. 20 P). Macer figures as a favored source of Livy's first decade. In the third decade, his name occurs no more. It is an *ex silentio* deduction, but an attractive one, that his work documented only the great plebeian revolution, from the origins of Rome down to the Lex Hortensia of 287 and its immediate aftermath in the conquest of Italy. Macer's history would then, if this conjecture is correct, be directly alluded to by Sallust.⁵⁵ The apparent decision by Macer to exclude the often-told tale of Roman history after 268 is as remarkable, in its own way, as Claudius' attitude toward early Roman history.

If the evidence for Macer's *annales* is placed beside the characterization emerging from Sallust, then it is at hand to assume that Macer's motive in writing history was his deep love of his own class and ancestry, his desire to vaunt the historical achievements of both. Modern scholars have often gone much further and seen the history as conceived in reaction to the political situation after Sulla's death; this is perhaps dubious, since Macer did not (unlike his friend Sisenna) treat Sulla directly, and, for the rest, the thrust of Macer's political views involved but a small area of the Sullan constitution.

Macer, jealous for his family and for his class, had apparently determined to buttress the annalistic tradition against its critics. Therefore he summoned into the argument ostensibly archaic documents such as the *foedus Ardeatinum* and the *libri lintei*. It may be that similar documentation underlay Macer's remarks on the history of *ovatio* (fr. 9 P), on the Alban origin of the Roman dictatorship (fr. 10 P), and on the unlucky history of the *curia Fautia* (fr. 17 P); if so, the traces have vanished in the citations of later authors.

Macer struggled both to integrate these documents with the annalistic tradition and to use their testimony to support that narrative. This

⁵⁵ Usually Macer's failure to continue is explained by his premature demise. His history reached at least to Book 16 (fr. 22 P). The book number of the Pyrrhus fragment seems incredible, but is three times thus cited by Priscian.

is surely a part of the explanation for the various chronological eccentricities of his history, which to some extent did lie outside the mainstream of the annalistic tradition and for that very reason is often held suspect even by modern historians.⁵⁶ In searching beyond the confines of his own age, Macer found problems for which there were no absolute solutions; had he not done so, vital data would be lost.

The *libri lintei* were the great fruit of Macer's research. Because they did not precisely accord with the received *Fasti* of his time, modern scholars have handled them gingerly, if not with instinctive distrust. For Macer, precisely the opposite logic may have prevailed; the *libri lintei* did display some differences, but they appear to have supported, in most instances, the annalistic tradition. They added a new college between 444 and 443; a new prefect for 439, whose name helped to date the Sp. Maelius saga (Macer fr. 27 P); and a pair of consuls, their names admittedly disputed, in place of the traditional military tribunes of 434 (Macer fr. 14 P; Tubero fr. 6 P). Minor changes, all of them.

But Macer fr. 15 P (from Livy 4.20.8) is distinguishable. In this passage, Livy, seeking to establish the date of the consulate of A. Cornelius Cossus, scrupulously notes that the *veteres annales* agreed with the *libri lintei* cited by Macer. Livy's use of a document to support tradition reflects the psychology at work in the employment of the *libri lintei* by the later Roman annalists. Livy was careful in Book 4 to note where the *libri lintei* diverged from older sources; that he noted this fact so infrequently is of major importance.

Often, admittedly, suspicion of Macer's research is well-founded. But dogmatism ill-characterizes a skeptic; and, for the year 444, Macer had written a history on its surface more convincing than that of his modern successors. To reject his history out of hand is needless.

⁵⁶ See, for instance, Ogilvie's note on 4.7.10, which begins: "those who pin their faith on Licinius Macer's powers of historical research need read no further. The omission of the names from the *annales prisci* is the one conclusive proof that Papirius and Sempronius were not consuls for 444," and so on. But see note 33 above. The question of documentation in the late Republican annalists has recently been reopened by U. Bredehorn, *Senatsakten in der Republikanischen Annalistik* (Diss., Marburg 1968), cf. especially 1-30, who does not discuss historiographic implications; his conclusions (which are affirmative and mainly involve Quadrigarius) seem problematic, cf. J. von Ungern-Sternberg, *Gnomon* 43 (1971) 369-74.

On the contrary, I should imagine that another consular college may be confidently asserted and assigned between Varronian 444 and 443.

To recapitulate:⁵⁷ about 80 B.C., in response to earlier attacks on the annalistic tradition, the annalist Claudius Quadrigarius attempted a radical break from his predecessors; he asserted that the pontifical chronicle for the period before 390 had been forged, and, apparently on the basis of this assertion, he abandoned the received narrative of the early Republic and began his history in 390. About 75 B.C., the annalist Licinius Macer sought for personal reasons to vindicate the annalistic tradition on the early Republic, by bringing to bear on it certain "independent" documents that seemed to support the traditional account. The *libri lintei*, one of the documents apparently discovered by Macer, generally upheld the received *Fasti*; but they listed, between the years 444 and 443, a new consular pair whose names were confirmed by the eponymous date on an archaic Ardeatine treaty. Macer integrated this new consular pair into the traditional *Fasti* by making them suffect consuls for 444, all the while leaving untouched the traditional occurrence of the same names as censors in 443. In fact, the new pair of consuls is better understood as a genuine eponymous college omitted for one reason or another in the annalistic tradition; and the census is better attributed to them as consuls. Macer's efforts with regard to the *Fasti* vividly illustrate the historiographic practices of the last generation of annalists before Livy.⁵⁸

⁵⁷ This summary simply restates the main lines of my argument, without indicating the substantial areas of doubt signaled in the course of that argument.

⁵⁸ As this article was going to press, I finally received E. Gjerstad's *Early Rome 5: The Written Sources* (Lund 1973); at pp. 73-106, he considers and generally approves the historicity of the *Fasti* from 509 to 450, without however setting forth a clear methodology. He does not deal with the problems raised in this article, which are very troubling for his principal thesis.