THEODOR MOMMSEN

THE HISTORY OF ROME, BOOK I

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The History of Rome, Book I / The Period Anterior to the Abolition of the Monarchy:

Содержание

Preparer's Note 4
PREFACE BY THE TRANSLATOR 7
INTRODUCTORY NOTE BY DR. MOMMSEN 13
DEDICATIONS 15
BOOK FIRST 17
CHAPTER I 17
CHAPTER II 25
CHAPTER III 61
CHAPTER IV 80
CHAPTER V 103
Конец ознакомительного фрагмента. 116

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Preparer's Note

This work contains many literal citations of and references to foreign words, sounds, and alphabetic symbols drawn from many languages, including Gothic and Phoenician, but chiefly Latin and Greek. This English Gutenberg edition, constrained to the characters of 7-bit ASCII code, adopts the following orthographic conventions:

1) Except for Greek, all literally cited non-English words that do not refer to texts cited as academic references, words that in the source manuscript appear italicized, are rendered with a single preceding, and a single following dash; thus, -xxxx-.

2) Greek words, first transliterated into Roman alphabetic equivalents, are rendered with a preceding and a following double-dash; thus, —xxxx—. Note that in some cases the root word itself is a compound form such as xxx-xxxx, and is rendered as —xxx-xxx—

3) Simple unideographic references to vocalic sounds, single letters, or alphabeic dipthongs; and prefixes, suffixes, and syllabic references are represented by a single preceding dash; thus, -x, or -xxx.

4) (Especially for the complex discussion of alphabetic evolution in Ch. XIV: Measuring And Writing). Ideographic references, meaning pointers to the form of representation itself rather than to its content, are represented as -"id:xxxx"-. "id:" stands for "ideograph", and indicates that the reader should form a picture based on the following "xxxx"; which may be a single symbol, a word, or an attempt at a picture composed of ASCII characters. E. g. —"id:GAMMA gamma"– indicates an uppercase Greek gamma-form followed by the form in lowercase. Some such exotic parsing as this is necessary to explain alphabetic development because a single symbol may have been used for a number of sounds in a number of languages, or even for a number of sounds in the same language at different times. Thus, -"id:GAMMA gamma" might very well refer to a Phoenician construct that in appearance resembles the form that eventually stabilized as an uppercase Greek "gamma" juxtaposed to one of lowercase. Also, a construct such as —"id:E" indicates a symbol that with ASCII resembles most closely a Roman uppercase "E", but, in fact, is actually drawn more crudely.

5) Dr. Mommsen has given his dates in terms of Roman usage, A.U.C.; that is, from the founding of Rome, conventionally taken to be 753 B. C. The preparer of this document, has appended to

the end of each volume a table of conversion between the two systems.

PREFACE BY THE TRANSLATOR

When the first portion of this translation appeared in 1861, it was accompanied by a Preface, for which I was indebted to the kindness of the late Dr. Schmitz, introducing to the English reader the work of an author whose name and merits, though already known to scholars, were far less widely familiar than they are now. After thirty-three years such an introduction is no longer needed, but none the less gratefully do I recall how much the book owed at the outset to Dr. Schmitz's friendly offices.

The following extracts from my own "Prefatory Note" dated "December 1861" state the circumstances under which I undertook the translation, and give some explanations as to its method and aims:—

"In requesting English scholars to receive with indulgence this first portion of a translation of Dr. Mommsen's 'Romische Geschichte,' I am somewhat in the position of Albinus; who, when appealing to his readers to pardon the imperfections of the Roman History which he had written in indifferent Greek, was met by Cato with the rejoinder that he was not compelled to write at all—that, if the Amphictyonic Council had laid their commands on him, the case would have been different—but that it was quite out of place to ask the indulgence of his readers when his task had been self-imposed. I may state, however, that I did not undertake this task, until I had sought to ascertain

whether it was likely to be taken up by any one more qualified to do justice to it. When Dr. Mommsen's work accidentally came into my hands some years after its first appearance, and revived my interest in studies which I had long laid aside for others more strictly professional, I had little doubt that its merits would have already attracted sufficient attention amidst the learned leisure of Oxford to induce some of her great scholars to clothe it in an English dress. But it appeared on inquiry that, while there was a great desire to see it translated, and the purpose of translating it had been entertained in more quarters than one, the projects had from various causes miscarried. Mr. George Robertson published an excellent translation (to which, so far as it goes, I desire to acknowledge my obligations) of the introductory chapters on the early inhabitants of Italy; but other studies and engagements did not permit him to proceed with it. I accordingly requested and obtained Dr. Mommsen's permission to translate his work.

"The translation has been prepared from the third edition of the original, published in the spring of the present year at Berlin. The sheets have been transmitted to Dr. Mommsen, who has kindly communicated to me such suggestions as occurred to him. I have thus been enabled, more especially in the first volume, to correct those passages where I had misapprehended or failed to express the author's meaning, and to incorporate in the English work various additions and corrections which do not appear in the original.

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

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

English idiom, for the sake of avoiding longer periphrases.

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

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

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

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

In a new Library edition, which appeared in 1868, I incorporated all the additions and alterations which were

introduced in the fourth edition of the German, some of which were of considerable importance; and I took the opportunity of revising the translation, so as to make the rendering more accurate and consistent.

Since that time no change has been made, except the issue in 1870 of an Index. But, as Dr. Mommsen was good enough some time ago to send to me a copy in which he had taken the trouble to mark the alterations introduced in the more recent editions of the original, I thought it due to him and to the favour with which the translation had been received that I should subject it to such a fresh revision as should bring it into conformity with the last form (eighth edition) of the German, on which, as I learn from him, he hardly contemplates further change. As compared with the first English edition, the more considerable alterations of addition, omission, or substitution amount, I should think, to well-nigh a hundred pages. I have corrected various errors in renderings, names, and dates (though not without some misgiving that others may have escaped notice or been incurred afresh); and I have still further broken up the text into paragraphs and added marginal headings.

The Index, which was not issued for the German book till nine years after the English translation was published, has now been greatly enlarged from its more recent German form, and has been, at the expenditure of no small labour, adapted to the altered paging of the English. I have also prepared, as an accompaniment to it, a collation of pagings, which will materially facilitate the

finding of references made to the original or to the previous English editions.

I have had much reason to be gratified by the favour with which my translation has been received on the part alike of Dr. Mommsen himself and of the numerous English scholars who have made it the basis of their references to his work.[1] I trust that in the altered form and new dress, for which the book is indebted to the printers, it may still further meet the convenience of the reader.

September 1894.

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[1] It has, I believe, been largely in use at Oxford for the last thirty years; but it has not apparently had the good fortune to have come to the knowledge of the writer of an article on "Roman History" published in the Encyclopedia Britannica in 1886, which at least makes no mention of its existence, or yet of Mr. Baring-Gould, who in his Tragedy of the Caesars (vol. 1. p. 104f.) has presented Dr. Mommsen's well-known "character" of Caesar in an independent version. His rendering is often more spirited than accurate. While in several cases important words, clauses, or even sentences, are omitted, in others the meaning is loosely or imperfectly conveyed—e.g. in "Hellenistic" for "Hellenic"; "success" for "plenitude of power"; "attempts" or "operations" for "achievements"; "prompt to recover" for "ready to strike"; "swashbuckler" for "brilliant"; "many" for "unyielding"; "accessible to all" for "complaisant towards every one"; "smallest fibre" for "Inmost core"; "ideas" for "ideals"; "unstained with blood" for "as bloodless as possible"; "described" for "apprehended"; "purity" for "clearness"; "smug" for "plain" (or homely); "avoid" for "avert"; "taking his dark course" for "stealing towards his aim by paths of darkness"; "rose" for "transformed himself"; "checked everything like a praetorian domination" for "allowed no hierarchy of marshals or government of praetorians to come into existence"; and in one case the meaning is exactly reversed, when "never sought to soothe, where he could not cure, intractable evils" stands for "never disdained at least to mitigate by palliatives evils that were incurable."

INTRODUCTORY NOTE BY DR. MOMMSEN

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

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

The Roman and Greek money has uniformly been commuted on the basis of assuming the libral as and sestertius, and the denarius and Attic drachma, respectively as equal, and taking for all sums above 100 denarii the present value in gold, and for all sums under 100 denarii the present value in silver, of the corresponding weight. The Roman pound (=327.45 grammes) of gold, equal to 4000 sesterces, has thus, according to the ratio of gold to silver 1:15.5, been reckoned at 304 1/2 Prussian thalers [about 43 pounds sterling], and the denarius, according to the

value of silver, at 7 Prussian groschen [about 8d.].[2]

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

[2] I have deemed it, in general, sufficient to give the value of the Roman money approximately in round numbers, assuming for that purpose 100 sesterces as equivalent to 1 pound sterling.—TR.

DEDICATIONS

The First Volume of the original bears the inscription:—

To My Friend

MORIZ HAUPT Of Berin

The Second:—

To My Dear Associates

FERDINAND HITZIG Of Zurich

And

KARL LUDWIG Of Vienna 1852, 1853, 1854

And the Third:—

BOOK FIRST
The Period Anterior to the Abolition of the Monarchy

—Ta palaiotera saphos men eurein dia chronou pleithos adunata ein ek de tekmeirion on epi makrotaton skopounti moi pisteusai xumbainei ou megala nomizo genesthai oute kata tous polemous oute es ta alla.—
Thucydides.

CHAPTER I
Introduction

Ancient History

The Mediterranean Sea with its various branches, penetrating far into the great Continent, forms the largest gulf of the ocean, and, alternately narrowed by islands or projections of the land and expanding to considerable breadth, at once separates and connects the three divisions of the Old World. The shores of this inland sea were in ancient times peopled by various nations belonging in an ethnographical and philological point of view to different races, but constituting in their historical aspect one whole. This historic whole has been usually, but not very

appropriately, entitled the history of the ancient world. It is in reality the history of civilization among the Mediterranean nations; and, as it passes before us in its successive stages, it presents four great phases of development—the history of the Coptic or Egyptian stock dwelling on the southern shore, the history of the Aramaean or Syrian nation which occupied the east coast and extended into the interior of Asia as far as the Euphrates and Tigris, and the histories of the twin-peoples, the Hellenes and Italians, who received as their heritage the countries on the European shore. Each of these histories was in its earlier stages connected with other regions and with other cycles of historical evolution; but each soon entered on its own distinctive career. The surrounding nations of alien or even of kindred extraction—the Berbers and Negroes of Africa, the Arabs, Persians, and Indians of Asia, the Celts and Germans of Europe—came into manifold contact with the peoples inhabiting the borders of the Mediterranean, but they neither imparted unto them nor received from them any influences exercising decisive effect on their respective destinies. So far, therefore, as cycles of culture admit of demarcation at all, the cycle which has its culminating points denoted by the names Thebes, Carthage, Athens, and Rome, may be regarded as an unity. The four nations represented by these names, after each of them had attained in a path of its own a peculiar and noble civilization, mingled with one another in the most varied relations of reciprocal intercourse, and skilfully elaborated and richly developed all the elements

of human nature. At length their cycle was accomplished. New peoples who hitherto had only laved the territories of the states of the Mediterranean, as waves lave the beach, overflowed both its shores, severed the history of its south coast from that of the north, and transferred the centre of civilization from the Mediterranean to the Atlantic Ocean. The distinction between ancient and modern history, therefore, is no mere accident, nor yet a mere matter of chronological convenience. What is called modern history is in reality the formation of a new cycle of culture, connected in several stages of its development with the perishing or perished civilization of the Mediterranean states, as this was connected with the primitive civilization of the Indo-Germanic stock, but destined, like the earlier cycle, to traverse an orbit of its own. It too is destined to experience in full measure the vicissitudes of national weal and woe, the periods of growth, of maturity, and of age, the blessedness of creative effort in religion, polity, and art, the comfort of enjoying the material and intellectual acquisitions which it has won, perhaps also, some day, the decay of productive power in the satiety of contentment with the goal attained. And yet this goal will only be temporary: the grandest system of civilization has its orbit, and may complete its course but not so the human race, to which, just when it seems to have reached its goal, the old task is ever set anew with a wider range and with a deeper meaning.

Italy

Our aim is to exhibit the last act of this great historical drama,

to relate the ancient history of the central peninsula projecting from the northern continent into the Mediterranean. It is formed by the mountain-system of the Apennines branching off in a southern direction from the western Alps. The Apennines take in the first instance a south-eastern course between the broader gulf of the Mediterranean on the west, and the narrow one on the east; and in the close vicinity of the latter they attain their greatest elevation, which, however, scarce reaches the line of perpetual snow, in the Abruzzi. From the Abruzzi the chain continues in a southern direction, at first undivided and of considerable height; after a depression which forms a hill-country, it splits into a somewhat flattened succession of heights towards the south-east and a more rugged chain towards the south, and in both directions terminates in the formation of narrow peninsulas.

The flat country on the north, extending between the Alps and the Apennines as far down as the Abruzzi, does not belong geographically, nor until a very late period even historically, to the southern land of mountain and hill, the Italy whose history is here to engage our attention. It was not till the seventh century of the city that the coast-district from Sinigaglia to Rimini, and not till the eighth that the basin of the Po, became incorporated with Italy. The ancient boundary of Italy on the north was not the Alps but the Apennines. This mountain-system nowhere rises abruptly into a precipitous chain, but, spreading broadly over the land and enclosing many valleys and table-lands connected by easy passes, presents conditions which well adapt it to become

the settlement of man. Still more suitable in this respect are the adjacent slopes and the coast-districts on the east, south, and west. On the east coast the plain of Apulia, shut in towards the north by the mountain-block of the Abruzzi and only broken by the steep isolated ridge of Garganus, stretches in a uniform level with but a scanty development of coast and stream. On the south coast, between the two peninsulas in which the Apennines terminate, extensive lowlands, poorly provided with harbours but well watered and fertile, adjoin the hill-country of the interior. The west coast presents a far-stretching domain intersected by considerable streams, in particular by the Tiber, and shaped by the action of the waves and of the once numerous volcanoes into manifold variety of hill and valley, harbour and island. Here the regions of Etruria, Latium, and Campania form the very flower of the land of Italy. South of Campania, the land in front of the mountains gradually diminishes, and the Tyrrhenian Sea almost washes their base. Moreover, as the Peloponnesus is attached to Greece, so the island of Sicily is attached to Italy—the largest and fairest isle of the Mediterranean, having a mountainous and partly desert interior, but girt, especially on the east and south, by a broad belt of the finest coast-land, mainly the result of volcanic action. Geographically the Sicilian mountains are a continuation of the Apennines, hardly interrupted by the narrow "rent" — Pegion—of the straits; and in its historical relations Sicily was in earlier times quite as decidedly a part of Italy as the Peloponnesus was of Greece, a field for the struggles of the same races, and

the seat of a similar superior civilization.

The Italian peninsula resembles the Grecian in the temperate climate and wholesome air that prevail on the hills of moderate height, and on the whole, also, in the valleys and plains. In development of coast it is inferior; it wants, in particular, the island-studded sea which made the Hellenes a seafaring nation. Italy on the other hand excels its neighbour in the rich alluvial plains and the fertile and grassy mountain-slopes, which are requisite for agriculture and the rearing of cattle. Like Greece, it is a noble land which calls forth and rewards the energies of man, opening up alike for restless adventure the way to distant lands and for quiet exertion modes of peaceful gain at home.

But, while the Grecian peninsula is turned towards the east, the Italian is turned towards the west. As the coasts of Epirus and Acarnania had but a subordinate importance in the case of Hellas, so had the Apulian and Messapian coasts in that of Italy; and, while the regions on which the historical development of Greece has been mainly dependent—Attica and Macedonia —look to the east, Etruria, Latium, and Campania look to the west. In this way the two peninsulas, so close neighbours and almost sisters, stand as it were averted from each other. Although the naked eye can discern from Otranto the Acroceraunian mountains, the Italians and Hellenes came into earlier and closer contact on every other pathway rather than on the nearest across the Adriatic Sea, In their instance, as has happened so often, the historical vocation of the nations was prefigured in the relations

of the ground which they occupied; the two great stocks, on which the civilization of the ancient world grew, threw their shadow as well as their seed, the one towards the east, the other towards the west.

Italian History

We intend here to relate the history of Italy, not simply the history of the city of Rome. Although, in the formal sense of political law, it was the civic community of Rome which gained the sovereignty first of Italy and then of the world, such a view cannot be held to express the higher and real meaning of history. What has been called the subjugation of Italy by the Romans appears rather, when viewed in its true light, as the consolidation into an united state of the whole Italian stock—a stock of which the Romans were doubtless the most powerful branch, but still were only a branch.

The history of Italy falls into two main sections: [3] its internal history down to its union under the leadership of the Latin stock, and the history of its sovereignty over the world. Under the first section, which will occupy the first two books, we shall have to set forth the settlement of the Italian stock in the peninsula; the imperilling of its national and political existence, and its partial subjugation, by nations of other descent and older civilization, Greeks and Etruscans; the revolt of the Italians against the strangers, and the annihilation or subjection of the latter; finally,

[3] The dates as hereafter inserted in the text are years of the City (A.U.C.); those in the margin give the corresponding years B.C.

the struggles between the two chief Italian stocks, the Latins and the Samnites, for the hegemony of the peninsula, and the victory of the Latins at the end of the fourth century before the birth of Christ—or of the fifth century of the city. The second section opens with the Punic wars; it embraces the rapid extension of the dominion of Rome up to and beyond the natural boundaries of Italy, the long status quo of the imperial period, and the collapse of the mighty empire. These events will be narrated in the third and following books.

CHAPTER II
The Earliest Migrations into Italy

Primitive Races of Italy

We have no information, not even a tradition, concerning the first migration of the human race into Italy. It was the universal belief of antiquity that in Italy, as well as elsewhere, the first population had sprung from the soil. We leave it to the province of the naturalist to decide the question of the origin of different races, and of the influence of climate in producing their diversities. In a historical point of view it is neither possible, nor is it of any importance, to determine whether the oldest recorded population of a country were autochthones or immigrants. But it is incumbent on the historical inquirer to bring to light the successive strata of population in the country of which he treats, in order to trace, from as remote an epoch as possible, the gradual progress of civilization to more perfect forms, and the suppression of races less capable of, or less advanced in, culture by nations of higher standing.

Italy is singularly poor in memorials of the primitive period, and presents in this respect a remarkable contrast to other fields of civilization. The results of German archaeological research lead to the conclusion that in England, France, the North of Germany and Scandinavia, before the settlement of the Indo-

Germans in those lands, there must have dwelt, or rather roamed, a people, perhaps of Mongolian race, gaining their subsistence by hunting and fishing, making their implements of stone, clay, or bones, adorning themselves with the teeth of animals and with amber, but unacquainted with agriculture and the use of the metals. In India, in like manner, the Indo-Germanic settlers were preceded by a dark-coloured population less susceptible of culture. But in Italy we neither meet with fragments of a supplanted nation, such as the Finns and Lapps in the Celto-Germanic domain and the black tribes in the Indian mountains; nor have any remains of an extinct primitive people been hitherto pointed out there, such as appear to be revealed in the peculiarly-formed skeletons, the places of assembling, and the burial mounds of what is called the stone-period of Germanic antiquity. Nothing has hitherto been brought to light to warrant the supposition that mankind existed in Italy at a period anterior to the knowledge of agriculture and of the smelting of the metals; and if the human race ever within the bounds of Italy really occupied the level of that primitive stage of culture which we are accustomed to call the savage state, every trace of such a fact has disappeared.

Individual tribes, or in other words, races or stocks, are the constituent elements of the earliest history. Among the stocks which in later times we meet with in Italy, the immigration of some, of the Hellenes for instance, and the denationalization of others, such as the Bruttians and the inhabitants of the

Sabine territory, are historically attested. Setting aside both these classes, there remain a number of stocks whose wanderings can no longer be traced by means of historical testimony, but only by a priori inference, and whose nationality cannot be shown to have undergone any radical change from external causes. To establish the national individuality of these is the first aim of our inquiry. In such an inquiry, had we nothing to fall back upon but the chaotic mass of names of tribes and the confusion of what professes to be historical tradition, the task might well be abandoned as hopeless. The conventionally received tradition, which assumes the name of history, is composed of a few serviceable notices by civilized travellers, and a mass of mostly worthless legends, which have usually been combined with little discrimination of the true character either of legend or of history. But there is another source of tradition to which we may resort, and which yields information fragmentary but authentic; we mean the indigenous languages of the stocks settled in Italy from time immemorial. These languages, which have grown with the growth of the peoples themselves, have had the stamp of their process of growth impressed upon them too deeply to be wholly effaced by subsequent civilization. One only of the Italian languages is known to us completely; but the remains which have been preserved of several of the others are sufficient to afford a basis for historical inquiry regarding the existence, and the degrees, of family relationship among the several languages and peoples.

In this way philological research teaches us to distinguish three primitive Italian stocks, the Iapygian, the Etruscan, and that which we shall call the Italian. The last is divided into two main branches,—the Latin branch, and that to which the dialects of the Umbri, Marsi, Volsci, and Samnites belong.

Iapygians

As to the Iapygian stock, we have but little information. At the south-eastern extremity of Italy, in the Messapian or Calabrian peninsula, inscriptions in a peculiar extinct language[4] have been found in considerable numbers; undoubtedly remains of the dialect of the Iapygians, who are very distinctly pronounced by tradition also to have been different from the Latin and Samnite stocks. Statements deserving of credit and numerous indications lead to the conclusion that the same language and the same stock were indigenous also in Apulia. What we at present know of this people suffices to show clearly that they were distinct from the other Italians, but does not suffice to determine what position should be assigned to them and to their language in the history of the human race. The inscriptions have not yet been, and it is scarcely to be expected that they ever will be, deciphered. The genitive forms, -aihi- and -ihi-, corresponding to the Sanscrit -asya- and the Greek —oio—, appear to indicate that the dialect belongs to the Indo-Germanic family. Other indications, such as the use of the aspirated consonants and the

[4] Some of the epitaphs may give us an idea of its sound; as -theotoras artahiaihi bennarrihino- and -dasiihonas platorrihi bollihi-.

avoiding of the letters m and t as terminal sounds, show that this Iapygian dialect was essentially different from the Italian and corresponded in some respects to the Greek dialects. The supposition of an especially close affinity between the Iapygian nation and the Hellenes finds further support in the frequent occurrence of the names of Greek divinities in the inscriptions, and in the surprising facility with which that people became Hellenized, presenting a striking contrast to the shyness in this respect of the other Italian nations. Apulia, which in the time of Timaeus (400) was still described as a barbarous land, had in the sixth century of the city become a province thoroughly Greek, although no direct colonization from Greece had taken place; and even among the ruder stock of the Messapii there are various indications of a similar tendency. With the recognition of such a general family relationship or peculiar affinity between the Iapygians and Hellenes (a recognition, however, which by no means goes so far as to warrant our taking the Iapygian language to be a rude dialect of Greek), investigation must rest content, at least in the meantime, until some more precise and better assured result be attainable.[5] The lack of information, however, is not

[5] The hypothesis has been put forward of an affinity between the Iapygian language and the modern Albanian; based, however, on points of linguistic comparison that are but little satisfactory in any case, and least of all where a fact of such importance is involved. Should this relationship be confirmed, and should the Albanians on the other hand—a race also Indo-Germanic and on a par with the Hellenic and Italian races—be really a remnant of that Hellene-barbaric nationality traces of which occur throughout all Greece and especially in the northern provinces, the nation that preceded the Hellenes would be demonstrated as identical with that which preceded the Italians.

much felt; for this race, already on the decline at the period when our history begins, comes before us only when it is giving way and disappearing. The character of the Iapygian people, little capable of resistance, easily merging into other nationalities, agrees well with the hypothesis, to which their geographical position adds probability, that they were the oldest immigrants or the historical autochthones of Italy. There can be no doubt that all the primitive migrations of nations took place by land; especially such as were directed towards Italy, the coast of which was accessible by sea only to skilful sailors and on that account was still in Homer's time wholly unknown to the Hellenes. But if the earlier settlers came over the Apennines, then, as the geologist infers the origin of mountains from their stratification, the historical inquirer may hazard the conjecture that the stocks pushed furthest towards the south were the oldest inhabitants of Italy; and it is just at its extreme south-eastern verge that we meet with the Iapygian nation.

Italians

The middle of the peninsula was inhabited, as far back as trustworthy tradition reaches, by two peoples or rather two branches of the same people, whose position in the Indo-Germanic family admits of being determined with greater precision than that of the Iapygian nation. We may with propriety call this people the Italian, since upon it rests the historical

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Still the inference would not immediately follow that the Iapygian immigration to Italy had taken place across the Adriatic Sea.

significance of the peninsula. It is divided into the two branch-stocks of the Latins and the Umbrians; the latter including their southern offshoots, the Marsians and Samnites, and the colonies sent forth by the Samnites in historical times. The philological analysis of the idioms of these stocks has shown that they together constitute a link in the Indo-Germanic chain of languages, and that the epoch in which they still formed an unity is a comparatively late one. In their system of sounds there appears the peculiar spirant -f, in the use of which they agree with the Etruscans, but decidedly differ from all Hellenic and Helleno-barbaric races as well as from the Sanscrit itself. The aspirates, again, which are retained by the Greeks throughout, and the harsher of them also by the Etruscans, were originally foreign to the Italians, and are represented among them by one of their elements—either by the media, or by the breathing alone -f or -h. The finer spirants, -s, -w, -j, which the Greeks dispense with as much as possible, have been retained in the Italian languages almost unimpaired, and have been in some instances still further developed. The throwing back of the accent and the consequent destruction of terminations are common to the Italians with some Greek stocks and with the Etruscans; but among the Italians this was done to a greater extent than among the former, and to a lesser extent than among the latter. The excessive disorder of the terminations in the Umbrian certainly had no foundation in the original spirit of the language, but was a corruption of later date, which appeared in a similar

although weaker tendency also at Rome. Accordingly in the Italian languages short vowels are regularly dropped in the final sound, long ones frequently: the concluding consonants, on the other hand, have been tenaciously retained in the Latin and still more so in the Samnite; while the Umbrian drops even these. In connection with this we find that the middle voice has left but slight traces in the Italian languages, and a peculiar passive formed by the addition of -r takes its place; and further that the majority of the tenses are formed by composition with the roots -es and -fu, while the richer terminational system of the Greeks along with the augment enables them in great part to dispense with auxiliary verbs. While the Italian languages, like the Aeolic dialect, gave up the dual, they retained universally the ablative which the Greeks lost, and in great part also the locative. The rigorous logic of the Italians appears to have taken offence at the splitting of the idea of plurality into that of duality and of multitude; while they have continued with much precision to express the relations of words by inflections. A feature peculiarly Italian, and unknown even to the Sanscrit, is the mode of imparting a substantive character to the verb by gerunds and supines,—a process carried out more completely here than in any other language.

Relation of the Italians to the Greeks

These examples selected from a great abundance of analogous phenomena suffice to establish the individuality of the Italian stock as distinguished from the other members of the Indo-

Germanic family, and at the same time show it to be linguistically the nearest relative, as it is geographically the next neighbour, of the Greek. The Greek and the Italian are brothers; the Celt, the German, and the Slavonian are their cousins. The essential unity of all the Italian as of all the Greek dialects and stocks must have dawned early and clearly on the consciousness of the two great nations themselves; for we find in the Roman language a very ancient word of enigmatical origin, -Graius-or -Graicus-, which is applied to every Greek, and in like manner amongst the Greeks the analogous appellation —Opikos— which is applied to all the Latin and Samnite stocks known to the Greeks in earlier times, but never to the Iapygians or Etruscans.

Relation of the Latins to the Umbro-Samnites

Among the languages of the Italian stock, again, the Latin stands in marked contrast with the Umbro-Samnite dialects. It is true that of these only two, the Umbrian and the Samnite or Oscan, are in some degree known to us, and these even in a manner extremely defective and uncertain. Of the rest some, such as the Marsian and the Volscian, have reached us in fragments too scanty to enable us to form any conception of their individual peculiarities or to classify the varieties of dialect themselves with certainty and precision, while others, like the Sabine, have, with the exception of a few traces preserved as dialectic peculiarities in provincial Latin, completely disappeared. A conjoint view, however, of the facts of language and of history leaves no doubt that all these dialects belonged to the Umbro-Samnite branch

of the great Italian stock, and that this branch, although much more closely related to Latin than to Greek, was very decidedly distinct from the Latin. In the pronoun and other cases frequently the Samnite and Umbrian used -p where the Roman used -q, as -pis- for -quis-; just as languages otherwise closely related are found to differ; for instance, -p is peculiar to the Celtic in Brittany and Wales, -k to the Gaelic and Erse. Among the vowel sounds the diphthongs in Latin, and in the northern dialects generally, appear very much destroyed, whereas in the southern Italian dialects they have suffered little; and connected with this is the fact, that in composition the Roman weakens the radical vowel otherwise so strictly preserved,—a modification which does not take place in the kindred group of languages. The genitive of words in -a is in this group as among the Greeks -as, among the Romans in the matured language -ae; that of words in -us is in the Samnite -eis, in the Umbrian -es, among the Romans -ei; the locative disappeared more and more from the language of the latter, while it continued in full use in the other Italian dialects; the dative plural in -bus is extant only in Latin. The Umbro-Samnite infinitive in -um is foreign to the Romans; while the Osco-Umbrian future formed from the root -es after the Greek fashion (-her-est- like —leg-so—) has almost, perhaps altogether, disappeared in Latin, and its place is supplied by the optative of the simple verb or by analogous formations from -fuo-(-amabo-). In many of these instances, however—in the forms of the cases, for example—the differences only exist in

the two languages when fully formed, while at the outset they coincide. It thus appears that, while the Italian language holds an independent position by the side of the Greek, the Latin dialect within it bears a relation to the Umbro-Samnite somewhat similar to that of the Ionic to the Doric; and the differences of the Oscan and Umbrian and kindred dialects may be compared with the differences between the Dorism of Sicily and the Dorism of Sparta.

Each of these linguistic phenomena is the result and the attestation of an historical event. With perfect certainty they guide us to the conclusion, that from the common cradle of peoples and languages there issued a stock which embraced in common the ancestors of the Greeks and the Italians; that from this, at a subsequent period, the Italians branched off; and that these again divided into the western and eastern stocks, while at a still later date the eastern became subdivided into Umbrians and Oscans.

When and where these separations took place, language of course cannot tell; and scarce may adventurous thought attempt to grope its conjectural way along the course of those revolutions, the earliest of which undoubtedly took place long before that migration which brought the ancestors of the Italians across the Apennines. On the other hand the comparison of languages, when conducted with accuracy and caution, may give us an approximate idea of the degree of culture which the people had reached when these separations took place, and so furnish

us with the beginnings of history, which is nothing but the development of civilization. For language, especially in the period of its formation, is the true image and organ of the degree of civilization attained; its archives preserve evidence of the great revolutions in arts and in manners, and from its records the future will not fail to draw information as to those times regarding which the voice of direct tradition is dumb.

Indo-Germanic Culture

During the period when the Indo-Germanic nations which are now separated still formed one stock speaking the same language, they attained a certain stage of culture, and they had a vocabulary corresponding to it. This vocabulary the several nations carried along with them, in its conventionally established use, as a common dowry and a foundation for further structures of their own. In it we find not merely the simplest terms denoting existence, actions, perceptions, such as -sum-, -do-, -pater-, the original echo of the impression which the external world made on the mind of man, but also a number of words indicative of culture (not only as respects their roots, but in a form stamped upon them by custom) which are the common property of the Indo-Germanic family, and which cannot be explained either on the principle of an uniform development in the several languages, or on the supposition of their having subsequently borrowed one from another. In this way we possess evidence of the development of pastoral life at that remote epoch in the unalterably fixed names of domestic animals; the Sanscrit

-gaus- is the Latin -bos-, the Greek —bous—; Sanscrit -avis- is the Latin -ovis-, Greek —ois—; Sanscrit -asvas-, Latin -equus-, Greek —ippos—; Sanscrit -hansas-, Latin -anser-, Greek —chein—; Sanscrit -atis-, Latin -anas-, Greek —neissa—; in like manner -pecus-, -sus-, -porcus-, -taurus-, -canis-, are Sanscrit words. Even at this remote period accordingly the stock, on which from the days of Homer down to our own time the intellectual development of mankind has been dependent, had already advanced beyond the lowest stage of civilization, the hunting and fishing epoch, and had attained at least comparative fixity of abode. On the other hand, we have as yet no certain proofs of the existence of agriculture at this period. Language rather favours the negative view. Of the Latin-Greek names of grain none occurs in Sanscrit with the single exception of —zea—, which philologically represents the Sanscrit -yavas-, but denotes in the Indian barley, in Greek spelt. It must indeed be granted that this diversity in the names of cultivated plants, which so strongly contrasts with the essential agreement in the appellations of domestic animals, does not absolutely preclude the supposition of a common original agriculture. In the circumstances of primitive times transport and acclimatizing are more difficult in the case of plants than of animals; and the cultivation of rice among the Indians, that of wheat and spelt among the Greeks and Romans, and that of rye and oats among the Germans and Celts, may all be traceable to a common system of primitive tillage. On the other hand the name of one cereal

common to the Greeks and Indians only proves, at the most, that before the separation of the stocks they gathered and ate the grains of barley and spelt growing wild in Mesopotamia,[6] not that they already cultivated grain. While, however, we reach no decisive result in this way, a further light is thrown on the subject by our observing that a number of the most important words bearing on this province of culture occur certainly in Sanscrit, but all of them in a more general signification. -Agras-among the Indians denotes a level surface in general; -kurnu-, anything pounded; -aritram-, oar and ship; -venas-, that which is pleasant in general, particularly a pleasant drink. The words are thus very ancient; but their more definite application to the field (-ager-), to the grain to be ground (-granum-), to the implement which furrows the soil as the ship furrows the surface of the sea (-aratrum-), to the juice of the grape (-vinum-), had not yet taken place when the earliest division of the stocks occurred, and it is not to be wondered at that their subsequent applications came to be in some instances very different, and that, for example, the corn intended to be ground, as well as the mill for grinding it (Gothic -quairinus-, Lithuanian -girnos-,[7]) received their names from the Sanscrit -kurnu-. We may accordingly assume it as

[6] Barley, wheat, and spelt were found growing together in a wild state on the right bank of the Euphrates, north-west from Anah (Alph. de Candolle, Geographie botanique raisonnee, ii. p. 934). The growth of barley and wheat in a wild state in Mesopotamia had already been mentioned by the Babylonian historian Berosus (ap. Georg. Syncell. p. 50 Bonn.).

[7] Scotch -quern-. Mr. Robertson.

probable, that the primeval Indo-Germanic people were not yet acquainted with agriculture, and as certain, that, if they were so, it played but a very subordinate part in their economy; for had it at that time held the place which it afterwards held among the Greeks and Romans, it would have left a deeper impression upon the language.

On the other hand the building of houses and huts by the Indo-Germans is attested by the Sanscrit -dam(as)-, Latin -domus-, Greek —domos—; Sanscrit -vesas-, Latin -vicus-, Greek —oikos—; Sanscrit -dvaras-, Latin -fores-, Greek —thura—; further, the building of oar-boats by the names of the boat, Sanscrit -naus-, Latin -navis-, Greek —naus—, and of the oar, Sanscrit -aritram-, Greek —eretmos—, Latin -remus-, -tri-res-mis-; and the use of waggons and the breaking in of animals for draught and transport by the Sanscrit -akshas- (axle and cart), Latin -axis-, Greek —axon—, —am-axa—; Sanscrit -iugam-, Latin -iugum-, Greek —zugon—. The words that denote clothing- Sanscrit -vastra-, Latin -vestis-, Greek —esthes—; as well as those that denote sewing and spinning-Sanscrit -siv-, Latin -suo-; Sanscrit -nah-, Latin -neo-, Greek —netho—, are alike in all Indo-Germanic languages. This cannot, however, be equally affirmed of the higher art of weaving.[8] The knowledge

[8] If the Latin -vieo-, -vimen-, belong to the same root as our weave (German -weben-) and kindred words, the word must still, when the Greeks and Italians separated, have had the general meaning "to plait," and it cannot have been until a later period, and probably in different regions independently of each other, that it assumed that of "weaving." The cultivation of flax, old as it is, does not reach back to this

of the use of fire in preparing food, and of salt for seasoning it, is a primeval heritage of the Indo-Germanic nations; and the same may be affirmed regarding the knowledge of the earliest metals employed as implements or ornaments by man. At least the names of copper (-aes-) and silver (-argentum-), perhaps also of gold, are met with in Sanscrit, and these names can scarcely have originated before man had learned to separate and to utilize the ores; the Sanscrit -asis-, Latin -ensis-, points in fact to the primeval use of metallic weapons.

No less do we find extending back into those times the fundamental ideas on which the development of all Indo-Germanic states ultimately rests; the relative position of husband and wife, the arrangement in clans, the priesthood of the father of the household and the absence of a special sacerdotal class as well as of all distinctions of caste in general, slavery as a legitimate institution, the days of publicly dispensing justice at the new and full moon. On the other hand the positive organization of the body politic, the decision of the questions between regal sovereignty and the sovereignty of the community, between the hereditary privilege of royal and noble houses and the unconditional legal equality of the citizens, belong altogether to a later age.

Even the elements of science and religion show traces of

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period, for the Indians, though well acquainted with the flax-plant, up to the present day use it only for the preparation of linseed-oil. Hemp probably became known to the Italians at a still later period than flax; at least -cannabis- looks quite like a borrowed word of later date.

a community of origin. The numbers are the same up to one hundred (Sanscrit -satam-, -ekasatam-, Latin -centum-, Greek —e-katon—, Gothic -hund-); and the moon receives her name in all languages from the fact that men measure time by her (-mensis-). The idea of Deity itself (Sanscrit -devas-, Latin -deus-, Greek —theos—), and many of the oldest conceptions of religion and of natural symbolism, belong to the common inheritance of the nations. The conception, for example, of heaven as the father and of earth as the mother of being, the festal expeditions of the gods who proceed from place to place in their own chariots along carefully levelled paths, the shadowy continuation of the soul's existence after death, are fundamental ideas of the Indian as well as of the Greek and Roman mythologies. Several of the gods of the Ganges coincide even in name with those worshipped on the Ilissus and the Tiber: —thus the Uranus of the Greeks is the Varunas, their Zeus, Jovis pater, Diespiter is the Djaus pita of the Vedas. An unexpected light has been thrown on various enigmatical forms in the Hellenic mythology by recent researches regarding the earlier divinities of India. The hoary mysterious forms of the Erinnyes are no Hellenic invention; they were immigrants along with the oldest settlers from the East. The divine greyhound Sarama, who guards for the Lord of heaven the golden herd of stars and sunbeams and collects for him the nourishing rain-clouds as the cows of heaven to the milking, and who moreover faithfully conducts the pious dead into the world of the blessed, becomes

in the hands of the Greeks the son of Sarama, Sarameyas, or Hermeias; and the enigmatical Hellenic story of the stealing of the cattle of Helios, which is beyond doubt connected with the Roman legend about Cacus, is now seen to be a last echo (with the meaning no longer understood) of that old fanciful and significant conception of nature.

Graeco-Italian Culture

The task, however, of determining the degree of culture which the Indo-Germans had attained before the separation of the stocks properly belongs to the general history of the ancient world. It is on the other hand the special task of Italian history to ascertain, so far as it is possible, what was the state of the Graeco-Italian nation when the Hellenes and the Italians parted. Nor is this a superfluous labour; we reach by means of it the stage at which Italian civilization commenced, the starting-point of the national history.

Agriculture

While it is probable that the Indo-Germans led a pastoral life and were acquainted with the cereals, if at all, only in their wild state, all indications point to the conclusion that the Graeco-Italians were a grain-cultivating, perhaps even a vine-cultivating, people. The evidence of this is not simply the knowledge of agriculture itself common to both, for this does not upon the whole warrant the inference of community of origin in the peoples who may exhibit it. An historical connection between the

Indo-Germanic agriculture and that of the Chinese, Aramaean, and Egyptian stocks can hardly be disputed; and yet these stocks are either alien to the Indo-Germans, or at any rate became separated from them at a time when agriculture was certainly still unknown. The truth is, that the more advanced races in ancient times were, as at the present day, constantly exchanging the implements and the plants employed in cultivation; and when the annals of China refer the origin of Chinese agriculture to the introduction of five species of grain that took place under a particular king in a particular year, the story undoubtedly depicts correctly, at least in a general way, the relations subsisting in the earliest epochs of civilization. A common knowledge of agriculture, like a common knowledge of the alphabet, of war chariots, of purple, and other implements and ornaments, far more frequently warrants the inference of an ancient intercourse between nations than of their original unity. But as regards the Greeks and Italians, whose mutual relations are comparatively well known, the hypothesis that agriculture as well as writing and coinage first came to Italy by means of the Hellenes may be characterized as wholly inadmissible. On the other hand, the existence of a most intimate connection between the agriculture of the one country and that of the other is attested by their possessing in common all the oldest expressions relating to it; -ager-, —agros—; -aro aratrum-, —aroo arotron—; -ligo- alongside of —lachaino—; -hortus-, —chortos—; -hordeum-, —krithei—; -milium-, —melinei—; -rapa-, —raphanis-; -malva-,

—malachei—; -vinum-, —oinos—. It is likewise attested by the agreement of Greek and Italian agriculture in the form of the plough, which appears of the same shape on the old Attic and the old Roman monuments; in the choice of the most ancient kinds of grain, millet, barley, spelt; in the custom of cutting the ears with the sickle and having them trodden out by cattle on the smooth-beaten threshing-floor; lastly, in the mode of preparing the grain -puls- —poltos—, -pinso- —ptisso—, -mola- —mulei —; for baking was of more recent origin, and on that account dough or pap was always used in the Roman ritual instead of bread. That the culture of the vine too in Italy was anterior to the earliest Greek immigration, is shown by the appellation "wine-land" (—Oinotria—), which appears to reach back to the oldest visits of Greek voyagers. It would thus appear that the transition from pastoral life to agriculture, or, to speak more correctly, the combination of agriculture with the earlier pastoral economy, must have taken place after the Indians had departed from the common cradle of the nations, but before the Hellenes and Italians dissolved their ancient communion. Moreover, at the time when agriculture originated, the Hellenes and Italians appear to have been united as one national whole not merely with each other, but with other members of the great family; at least, it is a fact, that the most important of those terms of cultivation, while they are foreign to the Asiatic members of the Indo-Germanic family, are used by the Romans and Greeks in common with the Celtic as well as the Germanic, Slavonic, and

Lithuanian stocks.[9]

The distinction between the common inheritance of the nations and their own subsequent acquisitions in manners and in language is still far from having been wrought out in all the variety of its details and gradations. The investigation of languages with this view has scarcely begun, and history still in the main derives its representation of primitive times, not from the rich mine of language, but from what must be called for the most part the rubbish-heap of tradition. For the present, therefore, it must suffice to indicate the differences between the culture of the Indo-Germanic family in its oldest undivided form, and the culture of that epoch when the Graeco-Italians still lived together. The task of discriminating the results of culture which are common to the European members of this family, but foreign to its Asiatic members, from those which the several European groups, such as the Graeco-Italian and the Germano-Slavonic,

[9] Thus -aro-, -aratrum- reappear in the old German -aran- (to plough, dialectically -eren-), -erida-, in Slavonian -orati-, -oradlo-, in Lithuanian -arti-, -arimnas-, in Celtic -ar-, -aradar-. Thus alongside of -ligo- stands our rake (German -rechen-), of -hortus- our garden (German -garten-), of -mola- our mill (German -muhle-, Slavonic -mlyn-, Lithuanian -malunas-, Celtic -malin-).With all these facts before us, we cannot allow that there ever was a time when the Greeks in all Hellenic cantons subsisted by purely pastoral husbandry. If it was the possession of cattle, and not of land, which in Greece as in Italy formed the basis and the standard of all private property, the reason of this was not that agriculture was of later introduction, but that it was at first conducted on the system of joint possession. Of course a purely agricultural economy cannot have existed anywhere before the separation of the stocks; on the contrary, pastoral husbandry was (more or less according to locality) combined with it to an extent relatively greater than was the case in later times.

have wrought out for themselves, can only be accomplished, if at all, after greater progress has been made in linguistic and historical inquiries. But there can be no doubt that, with the Graeco-Italians as with all other nations, agriculture became and in the mind of the people remained the germ and core of their national and of their private life. The house and the fixed hearth, which the husbandman constructs instead of the light hut and shifting fireplace of the shepherd, are represented in the spiritual domain and idealized in the goddess Vesta or —Estia— almost the only divinity not Indo-Germanic yet from the first common to both nations. One of the oldest legends of the Italian stock ascribes to king Italus, or, as the Italians must have pronounced the word, Vitalus or Vitulus, the introduction of the change from a pastoral to an agricultural life, and shrewdly connects with it the original Italian legislation. We have simply another version of the same belief in the legend of the Samnite stock which makes the ox the leader of their primitive colonies, and in the oldest Latin national names which designate the people as reapers (-Siculi-, perhaps also -Sicani-), or as field-labourers (-Opsci-). It is one of the characteristic incongruities which attach to the so-called legend of the origin of Rome, that it represents a pastoral and hunting people as founding a city. Legend and faith, laws and manners, among the Italians as among the Hellenes are throughout associated with agriculture.[10]

[10] Nothing is more significant in this respect than the close connection of agriculture with marriage and the foundation of cities during the earliest epoch of culture. Thus

Cultivation of the soil cannot be conceived without some measurement of it, however rude. Accordingly, the measures of surface and the mode of setting off boundaries rest, like agriculture itself, on a like basis among both peoples. The Oscan and Umbrian -vorsus- of one hundred square feet corresponds exactly with the Greek —plethron—. The principle of marking off boundaries was also the same. The land-measurer adjusted his position with reference to one of the cardinal points, and proceeded to draw in the first place two lines, one from north to south, and another from east to west, his station being at their point of intersection (-templum-, —temenos— from —temno—); then he drew at certain fixed distances lines parallel to these, and by this process produced a series of rectangular pieces of ground, the corners of which were marked by boundary posts (-termini-, in Sicilian inscriptions -termones-, usually —oroi—). This mode of defining boundaries, which is probably also Etruscan but is hardly of Etruscan origin, we find among the Romans, Umbrians, Samnites, and also in very ancient records of the Tarentine Heracleots, who are as little likely to have borrowed it from the Italians as the Italians from the Tarentines: it is an ancient possession common to all. A peculiar characteristic of

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the gods in Italy immediately concerned with marriage are Ceres and (or?) Tellus (Plutarch, Romul. 22; Servius on Aen. iv. 166; Rossbach, Rom. Ehe, 257, 301), in Greece Demeter (Plutarch, Conjug. Praec. init.); in old Greek formulas the procreation of children is called —arotos—(ii. The Family and the State, note); indeed the oldest Roman formof marriage, -confarreatio-, derives its name and its ceremony from the cultivation of corn. The use of the plough in the founding of cities is well known.

the Romans, on the other hand, was their rigid carrying out of the principle of the square; even where the sea or a river formed a natural boundary, they did not accept it, but wound up their allocation of the land with the last complete square.

Other Features of Their Economy

It is not solely in agriculture, however, that the especially close relationship of the Greeks and Italians appears; it is unmistakably manifest also in the other provinces of man's earliest activity. The Greek house, as described by Homer, differs little from the model which was always adhered to in Italy. The essential portion, which originally formed the whole interior accommodation of the Latin house, was the -atrium-, that is, the "blackened" chamber, with the household altar, the marriage bed, the table for meals, and the hearth; and precisely similar is the Homeric —megaron—, with its household altar and hearth and smoke-begrimed roof. We cannot say the same of ship-building. The boat with oars was an old common possession of the Indo-Germans; but the advance to the use of sailing vessels can scarcely be considered to have taken place during the Graeco-Italian period, for we find no nautical terms originally common to the Greeks and Italians except such as are also general among the Indo-Germanic family. On the other hand the primitive Italian custom of the husbandmen having common midday meals, the origin of which the myth connects with the introduction of agriculture, is compared by Aristotle with the Cretan Syssitia; and the earliest Romans further agreed with

the Cretans and Laconians in taking their meals not, as was afterwards the custom among both peoples, in a reclining, but in a sitting posture. The mode of kindling fire by the friction of two pieces of wood of different kinds is common to all peoples; but it is certainly no mere accident that the Greeks and Italians agree in the appellations which they give to the two portions of the touch-wood, "the rubber" (—trypanon—, -terebra-), and the "under-layer" (—storeus—, —eschara—, -tabula-, probably from -tendere-, —tetamai—). In like manner the dress of the two peoples is essentially identical, for the -tunica- quite corresponds with the —chiton—, and the -toga- is nothing but a fuller —himation—. Even as regards weapons of war, liable as they are to frequent change, the two peoples have this much at least in common, that their two principal weapons of attack were the javelin and the bow,—a fact which is clearly expressed, as far as Rome is concerned, in the earliest names for warriors (-pilumni —arquites-),[11] and is in keeping with the oldest mode of fighting which was not properly adapted to a close struggle. Thus, in the language and manners of Greeks and Italians, all that relates to the material foundations of human existence may be traced back to the same primary elements; the oldest problems which the world proposes to man had been jointly solved by the two peoples at a time when they still formed one nation.

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[11] Among the oldest names of weapons on both sides scarcely any can be shown to be certainly related; -lancea-, although doubtless connected with -logchei-, is, as a Roman word, recent, and perhaps borrowed from the Germans or Spaniards.

It was otherwise in the mental domain. The great problem of man—how to live in conscious harmony with himself, with his neighbour, and with the whole to which he belongs—admits of as many solutions as there are provinces in our Father's kingdom; and it is in this, and not in the material sphere, that individuals and nations display their divergences of character. The exciting causes which gave rise to this intrinsic contrast must have been in the Graeco-Italian period as yet wanting; it was not until the Hellenes and Italians had separated that that deep-seated diversity of mental character became manifest, the effects of which continue to the present day. The family and the state, religion and art, received in Italy and in Greece respectively a development so peculiar and so thoroughly national, that the common basis, on which in these respects also the two peoples rested, has been so overgrown as to be almost concealed from our view. That Hellenic character, which sacrificed the whole to its individual elements, the nation to the township, and the township to the citizen; which sought its ideal of life in the beautiful and the good, and, but too often, in the enjoyment of idleness; which attained its political development by intensifying the original individuality of the several cantons, and at length produced the internal dissolution of even local authority; which in its view of religion first invested the gods with human attributes, and then denied their existence; which allowed full play to the limbs in the sports of the naked youth, and gave free scope to thought

in all its grandeur and in all its awfulness;—and that Roman character, which solemnly bound the son to reverence the father, the citizen to reverence the ruler, and all to reverence the gods; which required nothing and honoured nothing but the useful act, and compelled every citizen to fill up every moment of his brief life with unceasing work; which made it a duty even in the boy modestly to cover the body; which deemed every one a bad citizen who wished to be different from his fellows; which regarded the state as all in all, and a desire for the state's extension as the only aspiration not liable to censure,—who can in thought trace back these sharply-marked contrasts to that original unity which embraced them both, prepared the way for their development, and at length produced them? It would be foolish presumption to desire to lift this veil; we shall only endeavour to indicate in brief outline the beginnings of Italian nationality and its connections with an earlier period—to direct the guesses of the discerning reader rather than to express them.

The Family and the State

All that may be called the patriarchal element in the state rested in Greece and Italy on the same foundations. Under this head comes especially the moral and decorous arrangement of social life,[12] which enjoined monogamy on the husband and visited with heavy penalties the infidelity of the wife, and which

[12] Even in details this agreement appears; e.g., in the designation of lawful wedlock as "marriage concluded for the obtaining of lawful children" (—gauos epi paidon gneision aroto—, -matrimonium liberorum quaerendorum causa-).

recognized the equality of the sexes and the sanctity of marriage in the high position which it assigned to the mother within the domestic circle. On the other hand the rigorous development of the marital and still more of the paternal authority, regardless of the natural rights of persons as such, was a feature foreign to the Greeks and peculiarly Italian; it was in Italy alone that moral subjection became transformed into legal slavery. In the same way the principle of the slave being completely destitute of legal rights—a principle involved in the very nature of slavery—was maintained by the Romans with merciless rigour and carried out to all its consequences; whereas among the Greeks alleviations of its harshness were early introduced both in practice and in legislation, the marriage of slaves, for example, being recognized as a legal relation.

On the household was based the clan, that is, the community of the descendants of the same progenitor; and out of the clan among the Greeks as well as the Italians arose the state. But while under the weaker political development of Greece the clan-bond maintained itself as a corporate power in contradistinction to that of the state far even into historical times, the state in Italy made its appearance at once complete, in so far as in presence of its authority the clans were quite neutralized and it exhibited an association not of clans, but of citizens. Conversely, again, the individual attained, in presence of the clan, an inward independence and freedom of personal development far earlier and more completely in Greece than in Rome—a

fact reflected with great clearness in the Greek and Roman proper names, which, originally similar, came to assume very different forms. In the more ancient Greek names the name of the clan was very frequently added in an adjective form to that of the individual; while, conversely, Roman scholars were aware that their ancestors bore originally only one name, the later -praenomen-. But while in Greece the adjectival clan-name early disappeared, it became, among the Italians generally and not merely among the Romans, the principal name; and the distinctive individual name, the -praenomen-, became subordinate. It seems as if the small and ever diminishing number and the meaningless character of the Italian, and particularly of the Roman, individual names, compared with the luxuriant and poetical fulness of those of the Greeks, were intended to illustrate the truth that it was characteristic of the one nation to reduce all to a level, of the other to promote the free development of personality. The association in communities of families under patriarchal chiefs, which we may conceive to have prevailed in the Graeco-Italian period, may appear different enough from the later forms of Italian and Hellenic polities; yet it must have already contained the germs out of which the future laws of both nations were moulded. The "laws of king Italus," which were still applied in the time of Aristotle, may denote the institutions essentially common to both. These laws must have provided for the maintenance of peace and the execution of justice within the community, for military organization

and martial law in reference to its external relations, for its government by a patriarchal chief, for a council of elders, for assemblies of the freemen capable of bearing arms, and for some sort of constitution. Judicial procedure (-crimen-, —krinein—, expiation (-poena-, —poinei—), retaliation (-talio-, —talao—, —tleinai—, are Graeco-Italian ideas. The stern law of debt, by which the debtor was directly responsible with his person for the repayment of what he had received, is common to the Italians, for example, with the Tarentine Heracleots. The fundamental ideas of the Roman constitution—a king, a senate, and an assembly entitled simply to ratify or to reject the proposals which the king and senate should submit to it—are scarcely anywhere expressed so distinctly as in Aristotle's account of the earlier constitution of Crete. The germs of larger state-confederacies in the political fraternizing or even amalgamation of several previously independent stocks (symmachy, synoikismos) are in like manner common to both nations. The more stress is to be laid on this fact of the common foundations of Hellenic and Italian polity, that it is not found to extend to the other Indo-Germanic stocks; the organization of the Germanic community, for example, by no means starts, like that of the Greeks and Romans, from an elective monarchy. But how different the polities were that were constructed on this common basis in Italy and Greece, and how completely the whole course of their political development belongs to each as its distinctive property,[13]

[13] Only we must, of course, not forget that like pre-existing conditions lead

it will be the business of the sequel to show.

Religion

It is the same in religion. In Italy, as in Hellas, there lies at the foundation of the popular faith the same common treasure of symbolic and allegorical views of nature: on this rests that general analogy between the Roman and the Greek world of gods and of spirits, which was to become of so much importance in later stages of development. In many of their particular conceptions also,—in the already mentioned forms of Zeus-Diovis and Hestia-Vesta, in the idea of the holy space (—temenos—, -templum-), in various offerings and ceremonies—the two modes of worship do not by mere accident coincide. Yet in Hellas, as in Italy, they assumed a shape so thoroughly national and peculiar, that but little even of the ancient common inheritance was preserved in a recognizable form, and that little was for the most part misunderstood or not understood at all. It could not be otherwise; for, just as in the peoples themselves the great contrasts, which during the Graeco-Italian period had lain side by side undeveloped, were after their division distinctly evolved, so in their religion also a separation took place between the idea and the image, which had hitherto been but one whole

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everywhere to like institutions. For instance, nothing is more certain than that the Roman plebeians were a growth originating within the Roman commonwealth, and yet they everywhere find their counterpart where a body of -metoeci- has arisen alongside of a body of burgesses. As a matter of course, chance also plays in such cases its provoking game.

in the soul. Those old tillers of the ground, when the clouds were driving along the sky, probably expressed to themselves the phenomenon by saying that the hound of the gods was driving together the startled cows of the herd. The Greek forgot that the cows were really the clouds, and converted the son of the hound of the gods—a form devised merely for the particular purposes of that conception—into the adroit messenger of the gods ready for every service. When the thunder rolled among the mountains, he saw Zeus brandishing his bolts on Olympus; when the blue sky again smiled upon him, he gazed into the bright eye of Athenaea, the daughter of Zeus; and so powerful over him was the influence of the forms which he had thus created, that he soon saw nothing in them but human beings invested and illumined with the splendour of nature's power, and freely formed and transformed them according to the laws of beauty. It was in another fashion, but not less strongly, that the deeply implanted religious feeling of the Italian race manifested itself; it held firmly by the idea and did not suffer the form to obscure it. As the Greek, when he sacrificed, raised his eyes to heaven, so the Roman veiled his head; for the prayer of the former was contemplation, that of the latter reflection. Throughout the whole of nature he adored the spiritual and the universal. To everything existing, to the man and to the tree, to the state and to the store-room, was assigned a spirit which came into being with it and perished along with it, the counterpart of the natural phenomenon in the spiritual domain; to the man the male Genius,

to the woman the female Juno, to the boundary Terminus, to the forest Silvanus, to the circling year Vertumnus, and so on to every object after its kind. In occupations the very steps of the process were spiritualized: thus, for example, in the prayer for the husbandman there was invoked the spirit of fallowing, of ploughing, of furrowing, sowing, covering-in, harrowing, and so forth down to that of the in-bringing, up-storing, and opening of the granaries. In like manner marriage, birth, and every other natural event were endowed with a sacred life. The larger the sphere embraced in the abstraction, the higher rose the god and the reverence paid by man. Thus Jupiter and Juno are the abstractions of manhood and womanhood; Dea Dia or Ceres, the creative power; Minerva, the power of memory; Dea Bona, or among the Samnites Dea Cupra, the good deity. While to the Greek everything assumed a concrete and corporeal shape, the Roman could only make use of abstract, completely transparent formulae; and while the Greek for the most part threw aside the old legendary treasures of primitive times, because they embodied the idea in too transparent a form, the Roman could still less retain them, because the sacred conceptions seemed to him dimmed even by the lightest veil of allegory. Not a trace has been preserved among the Romans even of the oldest and most generally diffused myths, such as that current among the Indians, the Greeks, and even the Semites, regarding a great flood and its survivor, the common ancestor of the present human race. Their gods could not marry and beget children, like those of

the Hellenes; they did not walk about unseen among mortals; and they needed no nectar. But that they, nevertheless, in their spirituality—which only appears tame to dull apprehension—gained a powerful hold on men's minds, a hold more powerful perhaps than that of the gods of Hellas created after the image of man, would be attested, even if history were silent on the subject, by the Roman designation of faith (the word and the idea alike foreign to the Hellenes), -Religlo-, that is to say, "that which binds." As India and Iran developed from one and the same inherited store, the former, the richly varied forms of its sacred epics, the latter, the abstractions of the Zend-Avesta; so in the Greek mythology the person is predominant, in the Roman the idea, in the former freedom, in the latter necessity.

Art

Lastly, what holds good of real life is true also of its counterfeit in jest and play, which everywhere, and especially in the earliest period of full and simple existence, do not exclude the serious, but veil it. The simplest elements of art are in Latium and Hellas quite the same; the decorous armed dance, the "leap" (-triumpus-, —thriambos—, —di-thyrambos—); the masquerade of the "full people" (—satyroi—, -satura-), who, wrapped in the skins of sheep and goats, wound up the festival with their jokes; lastly, the pipe, which with suitable strains accompanied and regulated the solemn as well as the merry dance. Nowhere, perhaps, does the especially close relationship of the Hellenes and Italians come to light so clearly as here; and

yet in no other direction did the two nations manifest greater divergence as they became developed. The training of youth remained in Latium strictly confined to the narrow limits of domestic education; in Greece the yearning after a varied yet harmonious training of mind and body created the sciences of Gymnastics and Paideia, which were cherished by the nation and by individuals as their highest good. Latium in the poverty of its artistic development stands almost on a level with uncivilized peoples; Hellas developed with incredible rapidity out of its religious conceptions the myth and the worshipped idol, and out of these that marvellous world of poetry and sculpture, the like of which history has not again to show. In Latium no other influences were powerful in public and private life but prudence, riches, and strength; it was reserved for the Hellenes to feel the blissful ascendency of beauty, to minister to the fair boy-friend with an enthusiasm half sensuous, half ideal, and to reanimate their lost courage with the war-songs of the divine singer.

Thus the two nations in which the civilization of antiquity culminated stand side by side, as different in development as they were in origin identical. The points in which the Hellenes excel the Italians are more universally intelligible and reflect a more brilliant lustre; but the deep feeling in each individual that he was only a part of the community, a rare devotedness and power of self-sacrifice for the common weal, an earnest faith in its own gods, form the rich treasure of the Italian nation. Both nations underwent a one-sided, and therefore each a complete,

development; it is only a pitiful narrow-mindedness that will object to the Athenian that he did not know how to mould his state like the Fabii and the Valerii, or to the Roman that he did not learn to carve like Pheidias and to write like Aristophanes. It was in fact the most peculiar and the best feature in the character of the Greek people, that rendered it impossible for them to advance from national to political unity without at the same time exchanging their polity for despotism. The ideal world of beauty was all in all to the Greeks, and compensated them to some extent for what they wanted in reality. Wherever in Hellas a tendency towards national union appeared, it was based not on elements directly political, but on games and art: the contests at Olympia, the poems of Homer, the tragedies of Euripides, were the only bonds that held Hellas together. Resolutely, on the other hand, the Italian surrendered his own personal will for the sake of freedom, and learned to obey his father that he might know how to obey the state. Amidst this subjection individual development might be marred, and the germs of fairest promise in man might be arrested in the bud; the Italian gained in their stead a feeling of fatherland and of patriotism such as the Greek never knew, and alone among all the civilized nations of antiquity succeeded in working out national unity in connection with a constitution based on self-government—a national unity, which at last placed in his hands the mastery not only over the divided Hellenic stock, but over the whole known world.

CHAPTER III
The Settlements of the Latins

Indo-Germanic Migrations

The home of the Indo-Germanic stock lay in the western portion of central Asia; from this it spread partly in a south-eastern direction over India, partly in a northwestern over Europe. It is difficult to determine the primitive seat of the Indo-Germans more precisely: it must, however, at any rate have been inland and remote from the sea, as there is no name for the sea common to the Asiatic and European branches. Many indications point more particularly to the regions of the Euphrates; so that, singularly enough, the primitive seats of the two most important civilized stocks, —the Indo-Germanic and the Aramaean,— almost coincide as regards locality. This circumstance gives support to the hypothesis that these races also were originally connected, although, if there was such a connection, it certainly must have been anterior to all traceable development of culture and language. We cannot define more exactly their original locality, nor are we able to accompany the individual stocks in the course of their migrations. The European branch probably lingered in Persia and Armenia for some considerable time after the departure of the Indians; for, according to all appearance, that region has been the cradle of agriculture and of the culture of the

vine. Barley, spelt, and wheat are indigenous in Mesopotamia, and the vine tothe south of the Caucasus and of the Caspian Sea: there too the plum, the walnut, and others of the more easily transplanted fruit trees are native. It is worthy of notice that the name for the sea is common to most of the European stocks —Latins, Celts, Germans, and Slavonians; they must probably therefore before their separation have reached the coast of the Black Sea or of the Caspian. By what route from those regions the Italians reached the chain of the Alps, and where in particular they were settled while still united with the Hellenes alone, are questions that can only be answered when the problem is solved by what route—whether from Asia Minor or from the regions of the Danube—the Hellenes arrived in Greece. It may at all events be regarded as certain that the Italians, like the Indians, migrated into their peninsula from the north.[14]

The advance of the Umbro-Sabellian stock along the central mountain-ridge of Italy, in a direction from north to south, can still be clearly traced; indeed its last phases belong to purely historical times. Less is known regarding the route which the Latin migration followed. Probably it proceeded in a similar direction along the west coast, long, in all likelihood, before the first Sabellian stocks began to move. The stream only overflows the heights when the lower grounds are already occupied; and only through the supposition that there were Latin stocks already settled on the coast are we able to explain

[14] I. II. Italians

why the Sabellians should have contented themselves with the rougher mountain districts, from which they afterwards issued and intruded, wherever it was possible, between the Latin tribes.

Extension of the Latins in Italy

It is well known that a Latin stock inhabited the country from the left bank of the Tiber to the Volscian mountains; but these mountains themselves, which appear to have been neglected on occasion of the first immigration when the plains of Latium and Campania still lay open to the settlers, were, as the Volscian inscriptions show, occupied by a stock more nearly related to the Sabellians than to the Latins. On the other hand, Latins probably dwelt in Campania before the Greek and Samnite immigrations; for the Italian names Novla or Nola (newtown), Campani Capua, Volturnus (from -volvere-, like -Iuturna- from -iuvare-), Opsci (labourers), are demonstrably older than the Samnite invasion, and show that, at the time when Cumae was founded by the Greeks, an Italian and probably Latin stock, the Ausones, were in possession of Campania. The primitive inhabitants of the districts which the Lucani and Bruttii subsequently occupied, the Itali proper (inhabitants of the land of oxen), are associated by the best observers not with the Iapygian, but with the Italian stock; and there is nothing to hinder our regarding them as belonging to its Latin branch, although the Hellenizing of these districts which took place even before the commencement of the political development of Italy, and their subsequent inundation by Samnite hordes, have in this instance totally obliterated the

traces of the older nationality. Very ancient legends bring the similarly extinct stock of the Siculi into relation with Rome. For instance, the earliest historian of Italy Antiochus of Syracuse tells us that a man named Sikelos came a fugitive from Rome to Morges king of Italia (i. e. the Bruttian peninsula). Such stories appear to be founded on the identity of race recognized by the narrators as subsisting between the Siculi (of whom there were some still in Italy in the time of Thucydides) and the Latins. The striking affinity of certain dialectic peculiarities of Sicilian Greek with the Latin is probably to be explained rather by the old commercial connections subsisting between Rome and the Sicilian Greeks, than by the ancient identity of the languages of the Siculi and the Romans. According to all indications, however, not only Latium, but probably also the Campanian and Lucanian districts, the Italia proper between the gulfs of Tarentum and Laus, and the eastern half of Sicily were in primitive times inhabited by different branches of the Latin nation.

Destinies very dissimilar awaited these different branches. Those settled in Sicily, Magna Graecia, and Campania came into contact with the Greeks at a period when they were unable to offer resistance to their civilization, and were either completely Hellenized, as in the case of Sicily, or at any rate so weakened that they succumbed without marked resistance to the fresh energy of the Sabine tribes. In this way the Siculi, the Itali and Morgetes, and the Ausonians never came to play an active part in the history of the peninsula. It was otherwise with Latium, where

no Greek colonies were founded, and the inhabitants after hard struggles were successful in maintaining their ground against the Sabines as well as against their northern neighbours. Let us cast a glance at this district, which was destined more than any other to influence the fortunes of the ancient world.

Latium

The plain of Latium must have been in primeval times the scene of the grandest conflicts of nature, while the slowly formative agency of water deposited, and the eruptions of mighty volcanoes upheaved, the successive strata of that soil on which was to be decided the question to what people the sovereignty of the world should belong. Latium is bounded on the east by the mountains of the Sabines and Aequi which form part of the Apennines; and on the south by the Volscian range rising to the height of 4000 feet, which is separated from the main chain of the Apennines by the ancient territory of the Hernici, the tableland of the Sacco (Trerus, a tributary of the Liris), and stretching in a westerly direction terminates in the promontory of Terracina. On the west its boundary is the sea, which on this part of the coast forms but few and indifferent harbours. On the north it imperceptibly merges into the broad hill-land of Etruria. The region thus enclosed forms a magnificent plain traversed by the Tiber, the "mountain-stream" which issues from the Umbrian, and by the Anio, which rises in the Sabine mountains. Hills here and there emerge, like islands, from the plain; some of them steep limestone cliffs, such as that of Soracte in the north-east, and

that of the Circeian promontory on the south-west, as well as the similar though lower height of the Janiculum near Rome; others volcanic elevations, whose extinct craters had become converted into lakes which in some cases still exist; the most important of these is the Alban range, which, free on every side, stands forth from the plain between the Volscian chain and the river Tiber.

Here settled the stock which is known to history under the name of the Latins, or, as they were subsequently called by way of distinction from the Latin communities beyond the bounds of Latium, the "Old Latins" (-prisci Latini-). But the territory occupied by them, the district of Latium, was only a small portion of the central plain of Italy. All the country north of the Tiber was to the Latins a foreign and even hostile domain, with whose inhabitants no lasting alliance, no public peace, was possible, and such armistices as were concluded appear always to have been for a limited period. The Tiber formed the northern boundary from early times; and neither in history nor in the more reliable traditions has any reminiscence been preserved as to the period or occasion of the establishment of a frontier line so important in its results. We find, at the time when our history begins, the flat and marshy tracts to the south of the Alban range in the hands of Umbro-Sabellian stocks, the Rutuli and Volsci; Ardea and Velitrae are no longer in the number of originally Latin towns. Only the central portion of that region between the Tiber, the spurs of the Apennines, the Alban Mount, and the sea—a district of about 700 square miles, not much

larger than the present canton of Zurich—was Latium proper, the "plain,"[15] as it appears to the eye of the observer from the heights of Monte Cavo. Though the country is a plain, it is not monotonously flat. With the exception of the sea-beach which is sandy and formed in part by the accumulations of the Tiber, the level is everywhere broken by hills of tufa moderate in height though often somewhat steep, and by deep fissures of the ground. These alternating elevations and depressions of the surface lead to the formation of lakes in winter; and the exhalations proceeding in the heat of summer from the putrescent organic substances which they contain engender that noxious fever-laden atmosphere, which in ancient times tainted the district as it taints it at the present day. It is a mistake to suppose that these miasmata were first occasioned by the neglect of cultivation, which was the result of the misgovernment in the last century of the Republic and under the Papacy. Their cause lies rather in the want of natural outlets for the water; and it operates now as it operated thousands of years ago. It is true, however, that the malaria may to a certain extent be banished by thoroughness of tillage—a fact which has not yet received its full explanation, but may be partly accounted for by the circumstance that the working of the surface accelerates the drying up of the stagnant waters. It must always remain a

[15] Like -latus- (side) and —platus— (flat); it denotes therefore the flat country in contrast to the Sabine mountain-land, just as Campania, the "plain," forms the contrast to Samnium. Latus, formerly -stlatus-, has no connection with Latium.

remarkable phenomenon, that a dense agricultural population should have arisen in regions where no healthy population can at present subsist, and where the traveller is unwilling to tarry even for a single night, such as the plain of Latium and the lowlands of Sybaris and Metapontum. We must bear in mind that man in a low stage of civilization has generally a quicker perception of what nature demands, and a greater readiness in conforming to her requirements; perhaps, also, a more elastic physical constitution, which accommodates itself more readily to the conditions of the soil where he dwells. In Sardinia agriculture is prosecuted under physical conditions precisely similar even at the present day; the pestilential atmosphere exists, but the peasant avoids its injurious effects by caution in reference to clothing, food, and the choice of his hours of labour. In fact, nothing is so certain a protection against the "aria cattiva" as wearing the fleece of animals and keeping a blazing fire; which explains why the Roman countryman went constantly clothed in heavy woollen stuffs, and never allowed the fire on his hearth to be extinguished. In other respects the district must have appeared attractive to an immigrant agricultural people: the soil is easily laboured with mattock and hoe and is productive even without being manured, although, tried by an Italian standard, it does not yield any extraordinary return: wheat yields on an average about five-fold.[16] Good water is not abundant; the higher and

[16] A French statist, Dureau de la Malle (-Econ. Pol. des Romains-, ii. 226), compares with the Roman Campagna the district of Limagne in Auvergne, which is likewise

more sacred on that account was the esteem in which every fresh spring was held by the inhabitants.

Latin Settlements

No accounts have been preserved of the mode in which the settlements of the Latins took place in the district which has since borne their name; and we are left to gather what we can almost exclusively from a posteriori inference regarding them. Some knowledge may, however, in this way be gained, or at any rate some conjectures that wear an aspect of probability.

Clan-Villages

The Roman territory was divided in the earliest times into a number of clan-districts, which were subsequently employed in the formation of the earliest "rural wards" (-tribus rusticae-). Tradition informs us as to the -tribus Claudia-, that it originated from the settlement of the Claudian clansmen on the Anio; and

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a wide, much intersected, and uneven plain, with a superficial soil of decomposed lava and ashes—the remains of extinct volcanoes. The population, at least 2500 to the square league, is one of the densest to be found in purely agricultural districts: property is subdivided to an extraordinary extent. Tillage is carried on almost entirely by manual labour, with spade, hoe, or mattock; only in exceptional cases a light plough is substituted drawn by two cows, the wife of the peasant not unfrequently taking the place of one of them in the yoke. The team serves at once to furnish milk and to till the land. They have two harvests in the year, corn and vegetables; there is no fallow. The average yearly rent for an arpent of arable land is 100 francs. If instead Of such an arrangement this same land were to be divided among six or seven large landholders, and a system of management by stewards and day labourers were to supersede the husbandry of the small proprietors, in a hundred years the Limagne would doubtless be as waste, forsaken, and miserable as the Campagna di Roma is at the present day.

that the other districts of the earliest division originated in a similar manner is indicated quite as certainly by their names. These names are not, like those of the districts added at a later period, derived from the localities, but are formed without exception from the names of clans; and the clans who thus gave their names to the wards of the original Roman territory are, so far as they have not become entirely extinct (as is the case with the -Camilii-, -Galerii-, -Lemonii-, -Pollii-, -Pupinii-, -Voltinii-), the very oldest patrician families of Rome, the -Aemilii-, -Cornelii-, -Fabii-, -Horatii-, -Menenii-, -Papirii-, -Romilii-, -Sergii-, -Voturii-. It is worthy of remark, that not one of these clans can be shown to have taken up its settlement in Rome only at a later epoch. Every Italian, and doubtless also every Hellenic, canton must, like the Roman, have been divided into a number of groups associated at once by locality and by clanship; such a clan-settlement is the "house" (—oikia—) of the Greeks, from which very frequently the —komai— and —demoi— originated among them, like the tribus in Rome. The corresponding Italian terms "house" -vicus-or "district" (-pagus-, from -pangere-) indicate, in like manner, the joint settlement of the members of a clan, and thence come by an easily understood transition to signify in common use hamlet or village. As each household had its own portion of land, so the clan-household or village had a clan-land belonging to it, which, as will afterwards be shown, was managed up to a comparatively late period after the analogy of household—land, that is, on

the system of joint-possession. Whether it was in Latium itself that the clan-households became developed into clan-villages, or whether the Latins were already associated in clans when they immigrated into Latium, are questions which we are just as little able to answer as we are to determine what was the form assumed by the management on joint account, which such an arrangement required,[17] or how far, in addition to the original ground of common ancestry, the clan may have been based on the incorporation or co-ordination from without of individuals not related to it by blood.

Cantons

These clanships, however, were from the beginning regarded not as independent societies, but as the integral parts of a political community (-civitas-, -populus-). This first presents itself as an aggregate of a number of clan-villages of the same stock, language, and manners, bound to mutual observance of law and mutual legal redress and to united action in aggression and defence. A fixed local centre was quite as necessary in the case

[17] In Slavonia, where the patriarchal economy is retained up to the present day, the whole family, often to the number of fifty or even a hundred persons, remains together in the same house under the orders of the house-father (Goszpodar) chosen by the whole family for life. The property of the household, which consists chiefly in cattle, is administered by the house-father; the surplus is distributed according to the family-branches. Private acquisitions by industry and trade remain separate property. Instances of quitting the household occur, in the case even of men, e. g. by marrying into a stranger household (Csaplovies, -Slavonien-, i. 106, 179). —Under such circumstances, which are probably not very widely different from the earliest Roman conditions, the household approximates in character to the community.

of such a canton as in that of a clanship; but as the members of the clan, or in other words the constituent elements of the canton, dwelt in their villages, the centre of the canton cannot have been a place of joint settlement in the strict sense—a town. It must, on the contrary, have been simply a place of common assembly, containing the seat of justice and the common sanctuary of the canton, where the members of the canton met every eighth day for purposes of intercourse and amusement, and where, in case of war, they obtained for themselves and their cattle a safer shelter from the invading enemy than in the villages: in ordinary circumstances this place of meeting was not at all or but scantily inhabited. Ancient places of refuge, of a kind quite similar, may still be recognized at the present day on the tops of several of the hills in the highlands of east Switzerland. Such a place was called in Italy "height" (-capitolium-, like —akra—, the mountain-top), or "stronghold" (-arx-, from -arcere-); it was not a town at first, but it became the nucleus of one, as houses naturally gathered round the stronghold and were afterwards surrounded with the "ring" (-urbs-, connected with -urvus-, -rurvus-, perhaps also with -orbis-). The stronghold and town were visibly distinguished from each other by the number of gates, of which the stronghold has as few as possible, and the town many, the former ordinarily but one, the latter at least three. Such fortresses were the bases of that cantonal constitution which prevailed in Italy anterior to the existence of towns: a constitution, the nature of which may still be recognized with some degree of clearness in those provinces

of Italy which did not until a late period reach, and in some cases have not yet fully reached, the stage of aggregation in towns, such as the land of the Marsi and the small cantons of the Abruzzi. The country if the Aequiculi, who even in the imperial period dwelt not in towns, but in numerous open hamlets, presents a number of ancient ring-walls, which, regarded as "deserted towns" with their solitary temples, excited the astonishment of the Roman as well as of modern archaeologists, who have fancied that they could find accommodation there, the former for their "primitive inhabitants" (-aborigines-), the latter for their Pelasgians. We shall certainly be nearer the truth in recognizing these structures not as walled towns, but as places of refuge for the inhabitants of the district, such as were doubtless found in more ancient times over all Italy, although constructed in less artistic style. It was natural that at the period when the stocks that had made the transition to urban life were surrounding their towns with stone walls, those districts whose inhabitants continued to dwell in open hamlets should replace the earthen ramparts and palisades of their strongholds with buildings of stone. When peace came to be securely established throughout the land and such fortresses were no longer needed, these places of refuge were abandoned and soon became a riddle to after generations.

Localities of the Oldest Cantons

These cantons accordingly, having their rendezvous in some stronghold, and including a certain number of clanships, form the primitive political unities with which Italian history begins.

At what period, and to what extent, such cantons were formed in Latium, cannot be determined with precision; nor is it a matter of special historical interest The isolated Alban range, that natural stronghold of Latium, which offered to settlers the most wholesome air, the freshest springs, and the most secure position, would doubtless be first occupied by the new comers.

Alba

Here accordingly, along the narrow plateau above Palazzuola, between the Alban lake (-Lago di Castello-) and the Alban mount (-Monte Cavo-), extended the town of Alba, which was universally regarded as the primitive seat of the Latin stock, and the mother-city of Rome as well as of all the other Old Latin communities; here, too, on the slopes lay the very ancient Latin canton-centres of Lanuvium, Aricia, and Tusculum. Here are found some of those primitive works of masonry, which usually mark the beginnings of civilization and seem to stand as a witness to posterity that in reality Pallas Athena when she does appear, comes into the world full grown. Such is the escarpment of the wall of rock below Alba in the direction of Palazzuola, whereby the place, which is rendered naturally inaccessible by the steep declivities of Monte Cavo on the south, is rendered equally unapproachable on the north, and only the two narrow approaches on the east and west, which are capable of being easily defended, are left open for traffic. Such, above all, is the large subterranean tunnel cut—so that a man can stand upright within it—through the hard wall of lava, 6000 feet thick, by

which the waters of the lake formed in the old crater of the Alban Mount were reduced to their present level and a considerable space was gained for tillage on the mountain itself.

The summits of the last offshoots of the Sabine range form natural fastnesses of the Latin plain; and the canton-strongholds there gave rise at a later period to the considerable towns of Tibur and Praeneste. Labici too, Gabii, and Nomentum in the plain between the Alban and Sabine hills and the Tiber, Rome on the Tiber, Laurentum and Lavinium on the coast, were all more or less ancient centres of Latin colonization, not to speak of many others less famous and in some cases almost forgotten.

The Latin League

All these cantons were in primitive times politically sovereign, and each of them was governed by its prince with the co-operation of the council of elders and the assembly of warriors. Nevertheless the feeling of fellowship based on community of descent and of language not only pervaded the whole of them, but manifested itself in an important religious and political institution—the perpetual league of the collective Latin cantons. The presidency belonged originally, according to the universal Italian as well as Hellenic usage, to that canton within whose bounds lay the meeting-place of the league; in this case it was the canton of Alba, which, as we have said, was generally regarded as the oldest and most eminent of the Latin cantons. The communities entitled to participate in the league were in the beginning thirty—a number which we find occurring with

singular frequency as the sum of the constituent parts of a commonwealth in Greece and Italy. What cantons originally made up the number of the thirty old Latin communities or, as with reference to the metropolitan rights of Alba they are also called, the thirty Alban colonies, tradition has not recorded, and we can no longer ascertain. The rendezvous of this union was, like the Pamboeotia and the Panionia among the similar confederacies of the Greeks, the "Latin festival" (-feriae Latinae-), at which, on the "Mount of Alba" (-Mons Albanus-, -Monte Cavo-), upon a day annually appointed by the chief magistrate for the purpose, an ox was offered in sacrifice by the assembled Latin stock to the "Latin god" (-Jupiter Latiaris-). Each community taking part in the ceremony had to contribute to the sacrificial feast its fixed proportion of cattle, milk, and cheese, and to receive in return a portion of the roasted victim. These usages continued down to a late period, and are well known: respecting the more important legal bearings of this association we can do little else than institute conjectures.

From the most ancient times there were held, in connection with the religious festival on the Mount of Alba, assemblies of the representatives of the several communities at the neighbouring Latin seat of justice at the source of the Ferentina (near Marino). Indeed such a confederacy cannot be conceived to exist without having a certain power of superintendence over the associated body, and without possessing a system of law binding on all. Tradition records, and we may well believe, that the league

exercised jurisdiction in reference to violations of federal law, and that it could in such cases pronounce even sentence of death. The later communion of legal rights and, in some sense, of marriage that subsisted among the Latin communities may perhaps be regarded as an integral part of the primitive law of the league, so that any Latin man could beget lawful children with any Latin woman and acquire landed property and carry on trade in any part of Latium. The league may have also provided a federal tribunal of arbitration for the mutual disputes of the cantons; on the other hand, there is no proof that the league imposed any limitation on the sovereign right of each community to make peace or war. In like manner there can be no doubt that the constitution of the league implied the possibility of its waging defensive or even aggressive war in its own name; in which case, of course, it would be necessary to have a federal commander-in-chief. But we have no reason to suppose that in such an event each community was compelled by law to furnish a contingent for the army, or that, conversely, any one was interdicted from undertaking a war on its own account even against a member of the league. There are, however, indications that during the Latin festival, just as was the case during the festivals of the Hellenic leagues, "a truce of God" was observed throughout all Latium;[18] and probably on that occasion even tribes at feud granted safe-

[18] The Latin festival is expressly called "armistice" (-indutiae-, Macrob. Sat. i. 16; —ekecheipiai—, Dionys. iv. 49); and a war was not allowed to be begun during its continuance (Macrob. l. c.)

conducts to each other.

It is still less in our power to define the range of the privileges of the presiding canton; only we may safely affirm that there is no reason for recognizing in the Alban presidency a real political hegemony over Latium, and that possibly, nay probably, it had no more significance in Latium than the honorary presidency of Elis had in Greece.[19] On the whole it is probable that the extent of this Latin league, and the amount of its jurisdiction, were somewhat unsettled and fluctuating; yet it remained throughout not an accidental aggregate of various communities more or less alien to each other, but the just and necessary expression of the relationship of the Latin stock. The Latin league may not have at all times included all Latin communities, but it never at any rate granted the privilege of membership to any that were not Latin. Its counterpart in Greece was not the Delphic Amphictyony, but the Boeotian or Aetolian confederacy.

These very general outlines must suffice: any attempt to

[19] The assertion often made in ancient and modern times, that Alba once ruled over Latium under the forms of a symmachy, nowhere finds on closer investigation sufficient support. All history begins not with the union, but with the disunion of a nation; and it is very improbable that the problem of the union of Latium, which Rome finally solved after some centuries of conflict, should have been already solved at an earlier period by Alba. It deserves to be remarked too that Rome never asserted in the capacity of heiress of Alba any claims of sovereignty proper over the Latin communities, but contented herself with an honorary presidency; which no doubt, when it became combined with material power, afforded a handle for her pretensions of hegemony. Testimonies, strictly so called, can scarcely be adduced on such a question; and least of all do such passages as Festus -v. praetor-, p. 241, and Dionys. iii. 10, suffice to stamp Alba as a Latin Athens.

draw the lines more sharply would only falsify the picture. The manifold play of mutual attraction and repulsion among those earliest political atoms, the cantons, passed away in Latium without witnesses competent to tell the tale. We must now be content to realise the one great abiding fact that they possessed a common centre, to which they did not sacrifice their individual independence, but by means of which they cherished and increased the feeling of their belonging collectively to the same nation. By such a common possession the way was prepared for their advance from that cantonal individuality, with which the history of every people necessarily begins, to the national union with which the history of every people ends or at any rate ought to end.

CHAPTER IV
The Beginnings of Rome

Ramnes

About fourteen miles up from the mouth of the river Tiber hills of moderate elevation rise on both banks of the stream, higher on the right, lower on the left bank. With the latter group there has been closely associated for at least two thousand five hundred years the name of the Romans. We are unable, of course, to tell how or when that name arose; this much only is certain, that in the oldest form of it known to us the inhabitants of the canton are called not Romans, but Ramnians (Ramnes); and this shifting of sound, which frequently occurs in the older period of a language, but fell very early into abeyance in Latin,[20] is an expressive testimony to the immemorial antiquity of the name. Its derivation cannot be given with certainty; possibly "Ramnes" may mean "the people on the stream."

Tities, Luceres

But they were not the only dwellers on the hills by the bank of the Tiber. In the earliest division of the burgesses of Rome a trace has been preserved of the fact that that body arose out of the

[20] A similar change of sound is exhibited in the case of the following formations, all of them of a very ancient kind: -pars—portio-, -Mars- -Mors-, -farreum- ancient form for -horreum-, -Fabii- -Fovii-, -Valerius- -Volesus-, -vacuus- -vacivus-.

amalgamation of three cantons once probably independent, the Ramnians, Tities, and Luceres, into a single commonwealth—in other words, out of such a —synoikismos— as that from which Athens arose in Attica.[21] The great antiquity of this threefold division of the community[22] is perhaps best evinced by the fact that the Romans, in matters especially of constitutional law, regularly used the forms -tribuere- ("to divide into three") and -tribus- ("a third") in the general sense of "to divide" and "a part," and the latter expression (-tribus-), like our "quarter," early lost its original signification of number. After the union each of these three communities—once separate, but now forming subdivisions of a single community—still possessed its third of the common domain, and had its proportional representation in the burgess-force and in the council of the elders. In ritual also, the number divisible by three of the members of almost all the oldest colleges—of the Vestal Virgins, the Salii, the Arval

[21] The —synoikismos— did not necessarily involve an actual settlement together at one spot; but while each resided as formerly on his own land, there was thenceforth only one council-hall and court-house for the whole (Thucyd. ii. 15; Herodot. i. 170).

[22] We might even, looking to the Attic —trittus— and the Umbrian -trifo-, raise the question whether a triple division of the community was not a fundamental principle of the Graeco-Italians: in that case the triple division of the Roman community would not be referable to the amalgamation of several once independent tribes. But, in order to the establishment of a hypothesis so much at variance with tradition, such a threefold division would require to present itself more generally throughout the Graeco-Italian field than seems to be the case, and to appear uniformly everywhere as the ground-scheme. The Umbrians may possibly have adopted the word -tribus- only when they came under the influence of Roman rule; it cannot with certainty be traced in Oscan.

Brethren, the Luperci, the Augurs— probably had reference to that three-fold partition. These three elements into which the primitive body of burgesses in Rome was divided have had theories of the most extravagant absurdity engrafted upon them. The irrational opinion that the Roman nation was a mongrel people finds its support in that division, and its advocates have striven by various means to represent the three great Italian races as elements entering into the composition of the primitive Rome, and to transform a people which has exhibited in language, polity, and religion, a pure and national development such as few have equalled, into a confused aggregate of Etruscan and Sabine, Hellenic and, forsooth! even Pelasgian fragments.

Setting aside self-contradictory and unfounded hypotheses, we may sum up in a few words all that can be said respecting the nationality of the component elements of the primitive Roman commonwealth. That the Ramnians were a Latin stock cannot be doubted, for they gave their name to the new Roman commonwealth and therefore must have substantially determined the nationality of the united community. Respecting the origin of the Luceres nothing can be affirmed, except that there is no difficulty in the way of our assigning them, like the Ramnians, to the Latin stock. The second of these communities, on the other hand, is with one consent derived from Sabina; and this view can at least be traced to a tradition preserved in the Titian brotherhood, which represented that priestly college as having been instituted, on occasion of the Tities being admitted

into the collective community, for the preservation of their distinctive Sabine ritual. It may be, therefore, that at a period very remote, when the Latin and Sabellian stocks were beyond question far less sharply contrasted in language, manners, and customs than were the Roman and the Samnite of a later age, a Sabellian community entered into a Latin canton-union; and, as in the older and more credible traditions without exception the Tities take precedence of the Ramnians, it is probable that the intruding Tities compelled the older Ramnians to accept the —synoikismos—. A mixture of different nationalities certainly therefore took place; but it hardly exercised an influence greater than the migration, for example, which occurred some centuries afterwards of the Sabine Attus Clauzus or Appius Claudius and his clansmen and clients to Rome. The earlier admission of the Tities among the Ramnians does not entitle us to class the community among mongrel peoples any more than does that subsequent reception of the Claudii among the Romans. With the exception, perhaps, of isolated national institutions handed down in connection with ritual, the existence of Sabellian elements can nowhere be pointed out in Rome; and the Latin language in particular furnishes absolutely no support to any such hypothesis.[23] It would in fact be more than surprising, if the

[23] Although the older opinion, that Latin is to be viewed as a mixed language made up of Greek and non-Greek elements, has been now abandoned on all sides, judicious inquirers even (e. g. Schwegler, R. G. i. 184, 193) still seek to discover in Latin a mixture of two nearly related Italian dialects. But we ask in vain for the linguistic or historical facts which render such an hypothesis necessary. When a language presents

Latin nation should have had its nationality in any sensible degree affected by the insertion of a single community from a stock so very closely related to it; and, besides, it must not be forgotten that at the time when the Tides settled beside the Ramnians, Latin nationality rested on Latium as its basis, and not on Rome. The new tripartite Roman commonwealth was, notwithstanding some incidental elements which were originally Sabellian, just what the community of the Ramnians had previously been—a portion of the Latin nation.

Rome the Emporium of Latium

Long, in all probability, before an urban settlement arose on the Tiber, these Ramnians, Tities, and Luceres, at first separate, afterwards united, had their stronghold on the Roman hills, and tilled their fields from the surrounding villages. The "wolf-festival" (Lupercalia) which the gens of the Quinctii celebrated on the Palatine hill, was probably a tradition from these primitive times—a festival of husbandmen and shepherds, which more than any other preserved the homely pastimes of patriarchal simplicity, and, singularly enough, maintained itself longer than all the other heathen festivals in Christian Rome,

Character of Its Site

From these settlements the later Rome arose. The founding of

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the appearance of being an intermediate link between two others, every philologist knows that the phenomenon may quite as probably depend, and more frequently does depend, on organic development than on external intermixture.

a city in the strict sense, such as the legend assumes, is of course to be reckoned altogether out of the question: Rome was not built in a day. But the serious consideration of the historian may well be directed to the inquiry, in what way Rome can have so early attained the prominent political position which it held in Latium —so different from what the physical character of the locality would have led us to anticipate. The site of Rome is less healthy and less fertile than that of most of the old Latin towns. Neither the vine nor the fig succeed well in the immediate environs, and there is a want of springs yielding a good supply of water; for neither the otherwise excellent fountain of the Camenae before the Porta Capena, nor the Capitoline well, afterwards enclosed within the Tullianum, furnish it in any abundance. Another disadvantage arises from the frequency with which the river overflows its banks. Its very slight fall renders it unable to carry off the water, which during the rainy season descends in large quantities from the mountains, with sufficient rapidity to the sea, and in consequence it floods the low-lying lands and the valleys that open between the hills, and converts them into swamps. For a settler the locality was anything but attractive. In antiquity itself an opinion was expressed that the first body of immigrant cultivators could scarce have spontaneously resorted in search of a suitable settlement to that unhealthy and unfruitful spot in a region otherwise so highly favoured, and that it must have been necessity, or rather some special motive, which led to the establishment of a city there. Even the legend betrays its

sense of the strangeness of the fact: the story of the foundation of Rome by refugees from Alba under the leadership of the sons of an Alban prince, Romulus and Remus, is nothing but a naive attempt of primitive quasi-history to explain the singular circumstance of the place having arisen on a site so unfavourable, and to connect at the same time the origin of Rome with the general metropolis of Latium. Such tales, which profess to be historical but are merely improvised explanations of no very ingenious character, it is the first duty of history to dismiss; but it may perhaps be allowed to go a step further, and after weighing the special relations of the locality to propose a positive conjecture not regarding the way in which the place originated, but regarding the circumstances which occasioned its rapid and surprising prosperity and led to its occupying its peculiar position in Latium.

Earliest Limits of the Roman Territory

Let us notice first of all the earliest boundaries of the Roman territory. Towards the east the towns of Antemnae, Fidenae, Caenina, and Gabii lie in the immediate neighbourhood, some of them not five miles distant from the Servian ring-wall; and the boundary of the canton must have been in the close vicinity of the city gates. On the south we find at a distance of fourteen miles the powerful communities of Tusculum and Alba; and the Roman territory appears not to have extended in this direction beyond the -Fossa Cluilia-, five miles from Rome. In like manner, towards the south-west, the boundary

betwixt Rome and Lavinium was at the sixth milestone. While in a landward direction the Roman canton was thus everywhere confined within the narrowest possible limits, from the earliest times, on the other hand, it extended without hindrance on both banks of the Tiber towards the sea. Between Rome and the coast there occurs no locality that is mentioned as an ancient canton-centre, and no trace of any ancient canton-boundary. The legend indeed, which has its definite explanation of the origin of everything, professes to tell us that the Roman possessions on the right bank of the Tiber, the "seven hamlets" (-septem pagi-), and the important salt-works at its mouth, were taken by king Romulus from the Veientes, and that king Ancus fortified on the right bank the -tete de pont-, the "mount of Janus" (-Janiculum-), and founded on the left the Roman Peiraeus, the seaport at the river's "mouth" (-Ostia-). But in fact we have evidence more trustworthy than that of legend, that the possessions on the Etruscan bank of the Tiber must have belonged to the original territory of Rome; for in this very quarter, at the fourth milestone on the later road to the port, lay the grove of the creative goddess (-Dea Dia-), the primitive chief seat of the Arval festival and Arval brotherhood of Rome. Indeed from time immemorial the clan of the Romilii, once the chief probably of all the Roman clans, was settled in this very quarter; the Janiculum formed a part of the city itself, and Ostia was a burgess colony or, in other words, a suburb.

The Tiber and Its Traffic

This cannot have been the result of mere accident. The Tiber was the natural highway for the traffic of Latium; and its mouth, on a coast scantily provided with harbours, became necessarily the anchorage of seafarers. Moreover, the Tiber formed from very ancient times the frontier defence of the Latin stock against their northern neighbours. There was no place better fitted for an emporium of the Latin river and sea traffic, and for a maritime frontier fortress of Latium, than Rome. It combined the advantages of a strong position and of immediate vicinity to the river; it commanded both banks of the stream down to its mouth; it was so situated as to be equally convenient for the river navigator descending the Tiber or the Anio, and for the seafarer with vessels of so moderate a size as those which were then used; and it afforded greater protection from pirates than places situated immediately on the coast. That Rome was indebted, if not for its origin, at any rate for its importance, to these commercial and strategical advantages of its position, there are accordingly numerous further indications, which are of very different weight from the statements of quasi-historical romances. Thence arose its very ancient relations with Caere, which was to Etruria what Rome was to Latium, and accordingly became Rome's most intimate neighbour and commercial ally. Thence arose the unusual importance of the bridge over the Tiber, and of bridge-building generally in the Roman commonwealth. Thence came the galley in the city arms; thence, too, the very ancient Roman port-duties on the exports

and imports of Ostia, which were from the first levied only on what was to be exposed for sale (-promercale-), not on what was for the shipper's own use (-usuarium-), and which were therefore in reality a tax upon commerce. Thence, to anticipate, the comparatively early occurrence in Rome of coined money, and of commercial treaties with transmarine states. In this sense, then, certainly Rome may have been, as the legend assumes, a creation rather than a growth, and the youngest rather than the oldest among the Latin cities. Beyond doubt the country was already in some degree cultivated, and the Alban range as well as various other heights of the Campagna were occupied by strongholds, when the Latin frontier emporium arose on the Tiber. Whether it was a resolution of the Latin confederacy, or the clear-sighted genius of some unknown founder, or the natural development of traffic, that called the city of Rome into being, it is vain even to surmise.

Early Urban Character of Rome

But in connection with this view of the position of Rome as the emporium of Latium another observation suggests itself. At the time when history begins to dawn on us, Rome appears, in contradistinction to the league of the Latin communities, as a compact urban unity. The Latin habit of dwelling in open villages, and of using the common stronghold only for festivals and assemblies or in case of special need, was subjected to restriction at a far earlier period, probably, in the canton of Rome than anywhere else in Latium. The Roman did not cease

to manage his farm in person, or to regard it as his proper home; but the unwholesome atmosphere of the Campagna could not but induce him to take up his abode as much as possible on the more airy and salubrious city hills; and by the side of the cultivators of the soil there must have been a numerous non-agricultural population, partly foreigners, partly native, settled there from very early times. This to some extent accounts for the dense population of the old Roman territory, which may be estimated at the utmost at 115 square miles, partly of marshy or sandy soil, and which, even under the earliest constitution of the city, furnished a force of 3300 freemen; so that it must have numbered at least 10,000 free inhabitants. But further, every one acquainted with the Romans and their history is aware that it is their urban and mercantile character which forms the basis of whatever is peculiar in their public and private life, and that the distinction between them and the other Latins and Italians in general is pre-eminently the distinction between citizen and rustic. Rome, indeed, was not a mercantile city like Corinth or Carthage; for Latium was an essentially agricultural region, and Rome was in the first instance, and continued to be, pre-eminently a Latin city. But the distinction between Rome and the mass of the other Latin towns must certainly be traced back to its commercial position, and to the type of character produced by that position in its citizens. If Rome was the emporium of the Latin districts, we can readily understand how, along with and in addition to Latin husbandry, an urban life should have

attained vigorous and rapid development there and thus have laid the foundation for its distinctive career.

It is far more important and more practicable to follow out the course of this mercantile and strategical growth of the city of Rome, than to attempt the useless task of chemically analysing the insignificant and but little diversified communities of primitive times. This urban development may still be so far recognized in the traditions regarding the successive circumvallations and fortifications of Rome, the formation of which necessarily kept pace with the growth of the Roman commonwealth in importance as a city.

The Palatine City

The town, which in the course of centuries grew up as Rome, in its original form embraced according to trustworthy testimony only the Palatine, or "square Rome" (-Roma quadrata-), as it was called in later times from the irregularly quadrangular form of the Palatine hill. The gates and walls that enclosed this original city remained visible down to the period of the empire: the sites of two of the former, the Porta Romana near S. Giorgio in Velabro, and the Porta Mugionis at the Arch of Titus, are still known to us, and the Palatine ring-wall is described by Tacitus from his own observation at least on the sides looking towards the Aventine and Caelian. Many traces indicate that this was the centre and original seat of the urban settlement. On the Palatine was to be found the sacred symbol of that settlement, the "outfit-vault" (-mundus-) as it was called, in which the first settlers deposited a

sufficiency of everything necessary for a household and added a clod of their dear native earth. There, too, was situated the building in which all the curies assembled for religious and other purposes, each at its own hearth (-curiae veteres-). There stood the meetinghouse of the "Leapers" (-curia Saliorum-) in which also the sacred shields of Mars were preserved, the sanctuary of the "Wolves" (-Lupercal-), and the dwelling of the priest of Jupiter. On and near this hill the legend of the founding of the city placed the scenes of its leading incidents, and the straw-covered house of Romulus, the shepherd's hut of his foster-father Faustulus, the sacred fig-tree towards which the cradle with the twins had floated, the cornelian cherry-tree that sprang from the shaft of the spear which the founder of the city had hurled from the Aventine over the valley of the Circus into this enclosure, and other such sacred relics were pointed out to the believer. Temples in the proper sense of the term were still at this time unknown, and accordingly the Palatine has nothing of that sort to show belonging to the primitive age. The public assemblies of the community were early transferred to another locality, so that their original site is unknown; only it may be conjectured that the free space round the -mundus-, afterwards called the -area Apollinis-, was the primitive place of assembly for the burgesses and the senate, and the stage erected over the -mundus- itself the primitive seat of justice of the Roman community.

The Seven Mounts

The "festival of the Seven Mounts" (-septimontium-), again,

has preserved the memory of the more extended settlement which gradually formed round the Palatine. Suburbs grew up one after another, each protected by its own separate though weaker circumvallation and joined to the original ring-wall of the Palatine, as in fen districts the outer dikes are joined on to the main dike. The "Seven Rings" were, the Palatine itself; the Cermalus, the slope of the Palatine in the direction of the morass that extended between it and the Capitol towards the river (-velabrum-); the Velia, the ridge which connected the Palatine with the Esquiline, but in subsequent times was almost wholly obliterated by the buildings of the empire; the Fagutal, the Oppius, and the Cispius, the three summits of the Esquiline; lastly, the Sucusa, or Subura, a fortress constructed outside of the earthen rampart which protected the new town on the Carinae, in the depression between the Esquiline and the Quirinal beneath S. Pietro in Vincoli. These additions, manifestly the results of a gradual growth, clearly reveal to a certain extent the earliest history of the Palatine Rome, especially when we compare with them the Servian arrangement of districts which was afterwards formed on the basis of this earliest division.

Oldest Settlements in the Palatine and Suburan Regions

The Palatine was the original seat of the Roman community, the oldest and originally the only ring-wall. The urban settlement, however, began at Rome as well as elsewhere not within, but under the protection of, the stronghold; and the oldest settlements with which we are acquainted, and which afterwards formed the

first and second regions in the Servian division of the city, lay in a circle round the Palatine. These included the settlement on the declivity of the Cermalus with the "street of the Tuscans"—a name in which there may have been preserved a reminiscence of the commercial intercourse between the Caerites and Romans already perhaps carried on with vigour in the Palatine city—and the settlement on the Velia; both of which subsequently along with the stronghold-hill itself constituted one region in the Servian city. Further, there were the component elements of the subsequent second region—the suburb on the Caelian, which probably embraced only its extreme point above the Colosseum; that on the Carinae, the spur which projects from the Esquiline towards the Palatine; and, lastly, the valley and outwork of the Subura, from which the whole region received its name. These two regions jointly constituted the incipient city; and the Suburan district of it, which extended at the base of the stronghold, nearly from the Arch of Constantine to S. Pietro in Vincoli, and over the valley beneath, appears to have been more considerable and perhaps older than the settlements incorporated by the Servian arrangement in the Palatine district, because in the order of the regions the former takes precedence of the latter. A remarkable memorial of the distinction between these two portions of the city was preserved in one of the oldest sacred customs of the later Rome, the sacrifice of the October horse yearly offered in the -Campus Martius-: down to a late period a struggle took place at this festival for the horse's head between the men of the Subura

and those of the Via Sacra, and according as victory lay with the former or with the latter, the head was nailed either to the Mamilian Tower (site unknown) in the Subura, or to the king's palace under the Palatine. It was the two halves of the old city that thus competed with each other on equal terms. At that time, accordingly, the Esquiliae (which name strictly used is exclusive of the Carinae) were in reality what they were called, the "outer buildings" (-exquiliae-, like -inquilinus-, from -colere-) or suburb: this became the third region in the later city division, and it was always held in inferior consideration as compared with the Suburan and Palatine regions. Other neighbouring heights also, such as the Capitol and the Aventine, may probably have been occupied by the community of the Seven Mounts; the "bridge of piles" in particular (-pons sublicius-), thrown over the natural pier of the island in the Tiber, must have existed even then —the pontifical college alone is sufficient evidence of this— and the -tete de pont- on the Etruscan bank, the height of the Janiculum, would not be left unoccupied; but the community had not as yet brought either within the circuit of its fortifications. The regulation which was adhered to as a ritual rule down to the latest times, that the bridge should be composed simply of wood without iron, manifestly shows that in its original practical use it was to be merely a flying bridge, which must be capable of being easily at any time broken off or burnt. We recognize in this circumstance how insecure for a long time and liable to interruption was the command of the passage of the river on the

part of the Roman community.

No relation is discoverable between the urban settlements thus gradually formed and the three communities into which from an immemorially early period the Roman commonwealth was in political law divided. As the Ramnes, Tities, and Luceres appear to have been communities originally independent, they must have had their settlements originally apart; but they certainly did not dwell in separate circumvallations on the Seven Hills, and all fictions to this effect in ancient or modern times must be consigned by the intelligent inquirer to the same fate with the charming tale of Tarpeia and the battle of the Palatine. On the contrary each of the three tribes of Ramnes, Tities, and Luceres must have been distributed throughout the two regions of the oldest city, the Subura and Palatine, and the suburban region as well: with this may be connected the fact, that afterwards not only in the Suburan and Palatine, but in each of the regions subsequently added to the city, there were three pairs of Argean chapels. The Palatine city of the Seven Mounts may have had a history of its own; no other tradition of it has survived than simply that of its having once existed. But as the leaves of the forest make room for the new growth of spring, although they fall unseen by human eyes, so has this unknown city of the Seven Mounts made room for the Rome of history.

The Hill-Romans on the Quirinal

But the Palatine city was not the only one that in ancient times existed within the circle afterwards enclosed by the Servian

walls; opposite to it, in its immediate vicinity, there lay a second city on the Quirinal. The "old stronghold" (-Capitolium vetus-) with a sanctuary of Jupiter, Juno, and Minerva, and a temple of the goddess of Fidelity in which state treaties were publicly deposited, forms the evident counterpart of the later Capitol with its temple to Jupiter, Juno, and Minerva, and with its shrine of Fides Romana likewise destined as it were for a repository of international law, and furnishes a sure proof that the Quirinal also was once the centre of an independent commonwealth. The same fact may be inferred from the double worship of Mars on the Palatine and the Quirinal; for Mars was the type of the warrior and the oldest chief divinity of the burgess communities of Italy. With this is connected the further circumstance that his ministers, the two primitive colleges of the "Leapers" (-Salii-) and of the "Wolves" (-Luperci-) existed in the later Rome in duplicate: by the side of the Salii of the Palatine there were also Salii of the Quirinal; by the side of the Quinctian Luperci of the Palatine there was a Fabian guild of Luperci, which in all probability had their sanctuary on the Quirinal.[24]

[24] That the Quinctian Luperci had precedence in rank over the Fabian is evident from the circumstance that the fabulists attribute the Quinctii to Romulus, the Fabii to Remus (Ovid, Fast. ii. 373 seq.; Vict. De Orig. 22). That the Fabii belonged to the Hill-Romans is shown by the sacrifice of their -gens- on the Quirinal (Liv. v. 46, 52), whether that sacrifice may or may not have been connected with the Lupercalia.Moreover, the Lupercus of the former college is called in inscriptions (Orelli, 2253) -Lupercus Quinctialis vetus-; and the -praenomen-Kaeso, which was most probably connected with the Lupercal worship (see Rom. Forschungen, i. 17), is found exclusively among the Quinctii and Fabii: the form commonly occurring

All these indications, which even in themselves are of great weight, become more significant when we recollect that the accurately known circuit of the Palatine city of the Seven Mounts excluded the Quirinal, and that afterwards in the Servian Rome, while the first three regions corresponded to the former Palatine city, a fourth region was formed out of the Quirinal along with the neighbouring Viminal. Thus, too, we discover an explanation of the reason why the strong outwork of the Subura was constructed beyond the city wall in the valley between the Esquiline and Quirinal; it was at that point, in fact, that the two territories came into contact, and the Palatine Romans, after having taken possession of the low ground, were under the necessity of constructing a stronghold for protection against those of the Quirinal.

Lastly, even the name has not been lost by which the men of the Quirinal distinguished themselves from their Palatine neighbours. As the Palatine city took the name of "the Seven Mounts," its citizens called themselves the "mount-men" (-montani-), and the term "mount," while applied to the other heights belonging to the city, was above all associated with the Palatine; so the Quirinal height—although not lower, but on the contrary somewhat higher, than the former—as well as

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in authors, -Lupercus Quinctilius- and -Quinctilianus-, is therefore a misnomer, and the college belonged not to the comparatively recent Quinctilii, but to the far older Quinctii. When, again, the Quinctii (Liv. i. 30), or Quinctilii (Dion. iii. 29), are named among the Alban clans, the latter reading is here to be preferred, and the Quinctii are to be regarded rather as an old Roman -gens-.

the adjacent Viminal never in the strict use of the language received any other name than "hill" (collis). In the ritual records, indeed, the Quirinal was not unfrequently designated as the "hill" without further addition. In like manner the gate leading out from this height was usually called the "hill-gate" (-porta collina-); the priests of Mars settled there were called those "of the hill" (-Salii collini-) in contrast to those of the Palatium (-Salii Palatini-) and the fourth Servian region formed out of this district was termed the hill-region (-tribus collina-)[25] The name of Romans primarily associated with the locality was probably appropriated by these "Hill-men" as well as by those of the "Mounts;" and the former perhaps designated themselves as "Romans of the Hill" (-Romani collini-). That a diversity of race may have lain at the foundation of this distinction between

[25] Although the name "Hill of Quirinus" was afterwards ordinarily used to designate the height where the Hill-Romans had their abode, we need not at all on that account regard the name "Quirites" as having been originally reserved for the burgesses on the Quirinal. For, as has been shown, all the earliest indications point, as regards these, to the name -Collini-; while it is indisputably certain that the name Quirites denoted from the first, as well as subsequently, simply the full burgess, and had no connection with the distinction between montani and collini (comp. chap. v. infra). The later designation of the Quirinal rests on the circumstance that, while the -Mars quirinus-, the spear-bearing god of Death, was originally worshipped as well on the Palatine as on the Quirinal—as indeed the oldest inscriptions found at what was afterwards called the Temple of Quirinus designate this divinity simply as Mars,—at a later period for the sake of distinction the god of the Mount-Romans more especially was called Mars, the god of the Hill Romans more especially Quirinus.When the Quirinal is called -collis agonalis-, "hill of sacrifice," it is so designated merely as the centre of the religious rites of the Hill-Romans.

the two neighbouring cities is possible; but evidence sufficient to warrant our pronouncing a community established on Latin soil to be of alien lineage is, in the case of the Quirinal community, totally wanting.[26]

Relations between the Palatine and Quirinal Communities

Thus the site of the Roman commonwealth was still at this period occupied by the Mount-Romans of the Palatine and the Hill-Romans of the Quirinal as two separate communities confronting each other and doubtless in many respects at feud, in

[26] The evidence alleged for this (comp. e. g. Schwegler, S. G. i. 480) mainly rests on an etymologico-historical hypothesis started by Varro and as usual unanimously echoed by later writers, that the Latin -quiris- and -quirinus- are akin to the name of the Sabine town -Cures-, and that the Quirinal hill accordingly had been peopled from -Cures-. Even if the linguistic affinity of these words were more assured, there would be little warrant for deducing from it such a historical inference. That the old sanctuaries on this eminence (where, besides, there was also a "Collis Latiaris") were Sabine, has been asserted, but has not been proved. Mars quirinus, Sol, Salus, Flora, Semo Sancus or Deus fidius were doubtless Sabine, but they were also Latin, divinities, formed evidently during the epoch when Latins and Sabines still lived undivided. If a name like that of Semo Sancus (which moreover occurs in connection with the Tiber-island) is especially associated with the sacred places of the Quirinal which afterwards diminished in its importance (comp. the Porta Sanqualis deriving its name therefrom), every unbiassed inquirer will recognize in such a circumstance only a proof of the high antiquity of that worship, not a proof of its derivation from a neighbouring land. In so speaking we do not mean to deny that it is possible that old distinctions of race may have co-operated in producing this state of things; but if such was the case, they have, so far as we are concerned, totally disappeared, and the views current among our contemporaries as to the Sabine element in the constitution of Rome are only fitted seriously to warn us against such baseless speculations leading to no result.

some degree resembling the Montigiani and the Trasteverini in modern Rome. That the community of the Seven Mounts early attained a great preponderance over that of the Quirinal may with certainty be inferred both from the greater extent of its newer portions and suburbs, and from the position of inferiority in which the former Hill-Romans were obliged to acquiesce under the later Servian arrangement. But even within the Palatine city there was hardly a true and complete amalgamation of the different constituent elements of the settlement. We have already mentioned how the Subura and the Palatine annually contended for the horse's head; the several Mounts also, and even the several curies (there was as yet no common hearth for the city, but the various hearths of the curies subsisted side by side, although in the same locality) probably felt themselves to be as yet more separated than united; and Rome as a whole was probably rather an aggregate of urban settlements than a single city. It appears from many indications that the houses of the old and powerful families were constructed somewhat after the manner of fortresses and were rendered capable of defence —a precaution, it may be presumed, not unnecessary. It was the magnificent structure ascribed to king Servius Tullius that first surrounded not merely those two cities of the Palatine and Quirinal, but also the heights of the Capitol and the Aventine which were not comprehended within their enclosure, with a single great ring-wall, and thereby created the new Rome—the Rome of history. But ere this mighty work was undertaken, the

relations of Rome to the surrounding country had beyond doubt undergone a complete revolution. As the period, during which the husbandman guided his plough on the seven hills of Rome just as on the other hills of Latium, and the usually unoccupied places of refuge on particular summits alone presented the germs of a more permanent settlement, corresponds to the earliest epoch of the Latin stock without trace of traffic or achievement; as thereafter the flourishing settlement on the Palatine and in the "Seven Rings" was coincident with the occupation of the mouths of the Tiber by the Roman community, and with the progress of the Latins to a more stirring and freer intercourse, to an urban civilization in Rome more especially, and perhaps also to a more consolidated political union in the individual states as well as in the confederacy; so the Servian wall, which was the foundation of a single great city, was connected with the epoch at which the city of Rome was able to contend for, and at length to achieve, the sovereignty of the Latin league.

CHAPTER V
The Original Constitution of Rome

The Roman House

Father and mother, sons and daughters, home and homestead, servants and chattels—such are the natural elements constituting the household in all cases, where polygamy has not obliterated the distinctive position of the mother. But the nations that have been most susceptible of culture have diverged widely from each other in their conception and treatment of the natural distinctions which the household thus presents. By some they have been apprehended and wrought out more profoundly, by others more superficially; by some more under their moral, by others more under their legal aspects. None has equalled the Roman in the simple but inexorable embodiment in law of the principles pointed out by nature herself.

The House-father and His Household

The family formed an unity. It consisted of the free man who upon his father's death had become his own master, and the spouse whom the priests by the ceremony of the sacred salted cake (-confarreatio-) had solemnly wedded to share with him water and fire, with their son and sons' sons and the lawful wives of these, and their unmarried daughters and sons' daughters, along with all goods and substance pertaining to any of its

members. The children of daughters on the other hand were excluded, because, if born in wedlock, they belonged to the family of the husband; and if begotten out of wedlock, they had no place in a family at all. To the Roman citizen a house of his own and the blessing of children appeared the end and essence of life. The death of the individual was not an evil, for it was a matter of necessity; but the extinction of a household or of a clan was injurious to the community itself, which in the earliest times therefore opened up to the childless the means of avoiding such a fatality by their adopting the children of others as their own.

The Roman family from the first contained within it the conditions of a higher culture in the moral adjustment of the mutual relations of its members. Man alone could be head of a family. Woman did not indeed occupy a position inferior to man in the acquiring of property and money; on the contrary the daughter inherited an equal share with her brother, and the mother an equal share with her children. But woman always and necessarily belonged to the household, not to the community; and in the household itself she necessarily held a position of domestic subjection—the daughter to her father, the wife to her husband,[27]

[27] This was not merely the case under the old religious marriage (-matrimonium confarreatione-); the civil marriage also (-matrimonium consensu-), although not in itself giving to the husband proprietary power over his wife, opened up the way for his acquiring this proprietary power, inasmuch as the legal ideas of "formal delivery" (-coemptio-), and "prescription" (-usus-), were applied without ceremony to such a marriage. Till he acquired it, and in particular therefore during the period which elapsed before the completion of the prescription, the wife was (just as in the later marriage by -causae probatio-, until that took place), not -uxor-, but -pro uxore-. Down

the fatherless unmarried woman to her nearest male relatives; it was by these, and not by the king, that in case of need woman was called to account. Within the house, however, woman was not servant but mistress. Exempted from the tasks of corn-grinding and cooking which according to Roman ideas belonged to the menials, the Roman housewife devoted herself in the main to the superintendence of her maid-servants, and to the accompanying labours of the distaff, which was to woman what the plough was to man.[28] In like manner, the moral obligations of parents towards their children were fully and deeply felt by the Roman nation; and it was reckoned a heinous offence if a father neglected or corrupted his child, or if he even squandered his property to his child's disadvantage.

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to the period when Roman jurisprudence became a completed system the principle maintained its ground, that the wife who was not in her husband's power was not a married wife, but only passed as such (-uxor tantummodo habetur-. Cicero, Top. 3, 14).

[28] The following epitaph, although belonging to a much later period, is not unworthy to have a place here. It is the stone that speaks:——Hospes, quod deico, paullum est. Asta ac pellige. Heic est sepulcrum haud pulcrum pulcrai feminae, Nomen parentes nominarunt Claudiam, Suom mareitum corde dilexit sovo, Gnatos duos creavit, horunc alterum In terra linquit, alium sub terra locat; Sermone lepido, tum autem incessu commodo, Domum servavit, lanam fecit. Dixi. Abei.-(Corp. Inscr. Lat. 1007.)Still more characteristic, perhaps, is the introduction of wool-spinning among purely moral qualities; which is no very unusual occurrence in Roman epitaphs. Orelli, 4639: -optima et pulcherrima, lanifica pia pudica frugi casta domiseda-. Orelli, 4861: -modestia probitate pudicitia obsequio lanificio diligentia fide par similisque cetereis probeis femina fuit-. Epitaph of Turia, i. 30: domestica bona pudicitiae, opsequi, comitatis, facilitatis, lanificiis [tuis adsiduitatis, religionis] sine superstitione, ornatus non conspiciendi, cultus modici.

In a legal point of view, however, the family was absolutely guided and governed by the single all-powerful will of the "father of the household" (-pater familias-). In relation to him all in the household were destitute of legal rights—the wife and the child no less than the bullock or the slave. As the virgin became by the free choice of her husband his wedded wife, so it rested with his own free will to rear or not to rear the child which she bore to him. This maxim was not suggested by indifference to the possession of a family; on the contrary, the conviction that the founding of a house and the begetting of children were a moral necessity and a public duty had a deep and earnest hold of the Roman mind. Perhaps the only instance of support accorded on the part of the community in Rome is the enactment that aid should be given to the father who had three children presented to him at a birth; while their ideas regarding exposure are indicated by the prohibition of it so far as concerned all the sons—deformed births excepted—and at least the first daughter. Injurious, however, to the public weal as exposure might appear, the prohibition of it soon changed its form from that of legal punishment into that of religious curse; for the father was, above all, thoroughly and absolutely master in his household. The father of the household not only maintained the strictest discipline over its members, but he had the right and duty of exercising judicial authority over them and of punishing them as he deemed fit in life and limb. The grown-up son might establish a separate household or, as the Romans expressed it, maintain his "own

cattle" (-peculium-) assigned to him by his father; but in law all that the son acquired, whether by his own labour or by gift from a stranger, whether in his father's household or in his own, remained the father's property. So long as the father lived, the persons legally subject to him could never hold property of their own, and therefore could not alienate unless by him so empowered, or yet bequeath. In this respect wife and child stood quite on the same level with the slave, who was not unfrequently allowed to manage a household of his own, and who was likewise entitled to alienate when commissioned by his master. Indeed a father might convey his son as well as his slave in property to a third person: if the purchaser was a foreigner, the son became his slave; if he was a Roman, the son, while as a Roman he could not become a Roman's slave, stood at least to his purchaser in a slave's stead (-in mancipii causa-). The paternal and marital power was subject to a legal restriction, besides the one already mentioned on the right Of exposure, only in so far as some of the worst abuses were visited by legal punishment as well as by religious curse. Thus these penalties fell upon the man who sold his wife or married son; and it was a matter of family usage that in the exercise of domestic jurisdiction the father, and still more the husband, should not pronounce sentence on child or wife without having previously consulted the nearest blood-relatives, his wife's as well as his own. But the latter arrangement involved no legal diminution of power, for the blood-relatives called in to the domestic judgment had not to judge, but simply to advise the

father of the household in judging.

But not only was the power of the master of the house substantially unlimited and responsible to no one on earth; it was also, as long as he lived, unchangeable and indestructible. According to the Greek as well as Germanic laws the grown-up son, who was practically independent of his father, was also independent legally; but the power of the Roman father could not be dissolved during his life either by age or by insanity, or even by his own free will, excepting only that the person of the holder of the power might change, for the child might certainly pass by way of adoption into the power of another father, and the daughter might pass by a lawful marriage out of the hand of her father into the hand of her husband and, leaving her own -gens- and the protection of her own god to enter into the -gens- of her husband and the protection of his god, became thenceforth subject to him as she had hitherto been to her father. According to Roman law it was made easier for the slave to obtain release from his master than for the son to obtain release from his father; the manumission of the former was permitted at an early period, and by simple forms; the release of the latter was only rendered possible at a much later date, and by very circuitous means. Indeed, if a master sold his slave and a father his son and the purchaser released both, the slave obtained his freedom, but the son by the release simply reverted into his father's power as before. Thus the inexorable consistency with which the Romans carried out their conception of the paternal and marital power

converted it into a real right of property.

Closely, however, as the power of the master of the household over wife and child approximated to his proprietary power over slaves and cattle, the members of the family were nevertheless separated by a broad line of distinction, not merely in fact but in law, from the family property. The power of the house-master —even apart from the fact that it appeared in operation only within the house—was of a transient, and in some degree of a representative, character. Wife and child did not exist merely for the house-father's sake in the sense in which property exists only for the proprietor, or in which the subjects of an absolute state exist only for the king; they were the objects indeed of a legal right on his part, but they had at the same time capacities of right of their own; they were not things, but persons. Their rights were dormant in respect of exercise, simply because the unity of the household demanded that it should be governed by a single representative; but when the master of the household died, his sons at once came forward as its masters and now obtained on their own account over the women and children and property the rights hitherto exercised over these by the father. On the other hand the death of the master occasioned no change in the legal position of the slave.

Family and Clan (-Gens-)

So strongly was the unity of the family realized, that even the death of the master of the house did not entirely dissolve it. The descendants, who were rendered by that occurrence independent,

regarded themselves as still in many respects an unity; a principle which was made use of in arranging the succession of heirs and in many other relations, but especially in regulating the position of the widow and unmarried daughters. As according to the older Roman view a woman was not capable of having power either over others or over herself, the power over her, or, as it was in this case more mildly expressed, the "guardianship" (-tutela-) remained with the house to which she belonged, and was now exercised in the room of the deceased house-master by the whole of the nearest male members of the family; ordinarily, therefore, by sons over their mother and by brothers over their sisters. In this sense the family, once founded, endured unchanged till the male stock of its founder died out; only the bond of connection must of course have become practically more lax from generation to generation, until at length it became impossible to prove the original unity. On this, and on this alone, rested the distinction between family and clan, or, according to the Roman expression, between -agnati- and -gentiles-. Both denoted the male stock; but the family embraced only those individuals who, mounting up from generation to generation, were able to set forth the successive steps of their descent from a common progenitor; the clan (-gens-) on the other hand comprehended also those who were merely able to lay claim to such descent from a common ancestor, but could no longer point out fully the intermediate links so as to establish the degree of their relationship. This is very clearly expressed in the Roman names: when they speak

of "Quintus, son of Quintus, grandson of Quintus and so on, the Quintian," the family reaches as far as the ascendants are designated individually, and where the family terminates the clan is introduced supplementary, indicating derivation from the common ancestor who has bequeathed to all his descendants the name of the "children of Quintus."

Dependents of the Household

To these strictly closed unities—the family or household united under the control of a living master, and the clan which originated out of the breaking-up of such households—there further belonged the dependents or "listeners" (-clientes-, from -cluere-). This term denoted not the guests, that is, the members of other similar circles who were temporarily sojourning in another household than their own, and as little the slaves, who were looked upon in law as the property of the household and not as members of it, but those individuals who, while they were not free burgesses of any commonwealth, yet lived within one in a condition of protected freedom. These included refugees who had found a reception with a foreign protector, and those slaves in respect of whom their master had for the time being waived the exercise of his rights, and so conferred on them practical freedom. This relation had not the distinctive character of a strict relation -de jure-, like that of a man to his guest: the client remained a man non-free, in whose case good faith and use and wont alleviated the condition of non-freedom. Hence the "listeners" of the household (-clientes-) together with

the slaves strictly so called formed the "body of servants" (-familia-) dependent on the will of the "burgess" (-patronus-, like -patricius-). Hence according to original right the burgess was entitled partially or wholly to resume the property of the client, to reduce him on emergency once more to the state of slavery, to inflict even capital punishment on him; and it was simply in virtue of a distinction -de facto-, that these patrimonial rights were not asserted with the same rigour against the client as against the actual slave, and that on the other hand the moral obligation of the master to provide for his own people and to protect them acquired a greater importance in the case of the client, who was practically in a more free position, than in the case of the slave. Especially must the -de facto- freedom of the client have approximated to freedom -de jure- in those cases where the relation had subsisted for several generations: when the releaser and the released had themselves died, the -dominium- over the descendants of the released person could not be without flagrant impiety claimed by the heirs at law of the releaser; and thus there was gradually formed within the household itself a class of persons in dependent freedom, who were different alike from the slaves and from the members of the -gens- entitled in the eye of the law to full and equal rights.

The Roman Community

On this Roman household was based the Roman state, as respected both its constituent elements and its form. The community of the Roman people arose out of the junction (in

whatever way brought about) of such ancient clanships as the Romilii, Voltinii, Fabii, etc.; the Roman domain comprehended the united lands of those clans.[29] Whoever belonged to one of these clans was a burgess of Rome. Every marriage concluded in the usual forms within this circle was valid as a true Roman marriage, and conferred burgess-rights on the children begotten of it. Whoever was begotten in an illegal marriage, or out of marriage, was excluded from the membership of the community. On this account the Roman burgesses assumed the name of the "father's children" (-patricii-), inasmuch as they alone in the eye of the law had a father. The clans with all the families that they contained were incorporated with the state just as they stood. The spheres of the household and the clan continued to subsist within the state; but the position which a man held in these did not affect his relations towards the state. The son was subject to the father within the household, but in political duties and rights he stood on a footing of equality. The position of the protected dependents was naturally so far changed that the freedmen and clients of every patron received on his account toleration in the community at large; they continued indeed to be immediately dependent on the protection of the family to which they belonged, but the very nature of the case implied that the clients of members of the community could not be wholly excluded from its worship and its festivals, although, of course, they were not capable of the proper rights or liable to the proper duties of burgesses. This

[29] I. III. Clan-villages

remark applies still more to the case of the protected dependents of the community at large. The state thus consisted, like the household, of persons properly belonging to it and of dependents —of "burgesses" and of "inmates" or —metoeci—.

The King

As the clans resting upon a family basis were the constituent elements of the state, so the form of the body-politic was modelled after the family both generally and in detail. The household was provided by nature herself with a head in the person of the father with whom it originated, and with whom it perished. But in the community of the people, which was designed to be imperishable, there was no natural master; not at least in that of Rome, which was composed of free and equal husbandmen and could not boast of a nobility by the grace of God. Accordingly one from its own ranks became its "leader" (-rex-) and lord in the household of the Roman community; as indeed at a later period there were to be found in or near to his dwelling the always blazing hearth and the well-barred store-chamber of the community, the Roman Vestas and the Roman Penates—indications of the visible unity of that supreme household which included all Rome. The regal office began at once and by right, when the position had become vacant and the successor had been designated; but the community did not owe full obedience to the king until he had convoked the assembly of freemen capable of bearing arms and had formally challenged its allegiance. Then he possessed in its entireness

that power over the community which belonged to the house-father in his household; and, like him, he ruled for life. He held intercourse with the gods of the community, whom he consulted and appeased (-auspicia publica-), and he nominated all the priests and priestesses. The agreements which he concluded in name of the community with foreigners were binding upon the whole people; although in other instances no member of the community was bound by an agreement with a non-member. His "command" (-imperium-) was all-powerful in peace and in war, on which account "messengers" (-lictores-, from -licere-, to summon) preceded him with axes and rods on all occasions when he appeared officially. He alone had the right of publicly addressing the burgesses, and it was he who kept the keys of the public treasury. He had the same right as a father had to exercise discipline and jurisdiction. He inflicted penalties for breaches of order, and, in particular, flogging for military offences. He sat in judgment in all private and in all criminal processes, and decided absolutely regarding life and death as well as regarding freedom; he might hand over one burgess to fill the place of a slave to another; he might even order a burgess to be sold into actual slavery or, in other words, into banishment. When he had pronounced sentence of death, he was entitled, but not obliged, to allow an appeal to the people for pardon. He called out the people for service in war and commanded the army; but with these high functions he was no less bound, when an alarm of fire was raised, to appear in person at the scene of the burning.

Конец ознакомительного фрагмента.