

## *Introduction*

### *Approaching ritual alliance*

This book studies one of the most versatile concepts in Roman society, the ritual event that concluded an alliance, a *foedus*. The third declension neuter noun *foedus*, *foederis* covers an impressive semantic range. The entry in the *Oxford Latin Dictionary* and Vollmer's thoughtful lexicographical study in the *Thesaurus Linguae Latinae* show that *foedus* spans the political, social, and natural worlds.<sup>1</sup> It signifies the bonds between nations, men, men and women, friends, humans and gods, gods and goddesses, and the mass of matter that gives shape to the universe. The lexical entries point out that in Roman society, from private and civic life to cosmology, Roman authors, time and time again, utilized the idea of ritual alliance to construct their narratives about Rome.

Alliances in Rome were religious events. Priests, prayers, oaths, sacrifices, and rituals were characteristic traits of *foedera*. A *foedus* sanctioned an agreement and concretized the abstracted *fides* (loyalty, faith, trust, belief) between parties, and in the performance of ritualizing inter-group and interpersonal relationships these various types of alliances became narrated. Unlike other religious rituals in Rome, which were celebrated at regular intervals of time in specific locations in space, *foedera* were

<sup>1</sup> The *OLD* shows (1) Political: league, treaty, compact; (2) Transfer, beyond the political sphere: compact, covenant, agreement, stipulation, bargain, marriage, marriage contract. Poetry, of animate and abstract things: a law. Vollmer's entry is, to date, the best analysis of the complexity of *foedera*. His entry defines *foedus* as (1) *inter homines*: A. *publicum*, *inter patres et plebem*, *inter alias gentes vel indefinitely*; B. *privatum*: *generaliter post litem, ad aliquod agendum* (*societas, coniunctio, consensus, concordia*), *in amore vel in matrimonio, parentatus, amicitiae, hospitii, collegii, societatis sim.*, *liberius* (*praeceptum, lex*), *apud Christianos*; (2) *inter res*: *naturale sive inter naturam et res, sive inter res varias, de rebus arte factis* (1) among men: A. in public, among fathers and commoners, among other peoples or indefinitely; B. in private: generally after a lawsuit, for something that must be done (a union, oath, consensus, agreement), in love or in marriage, to sacrifice/appease, of friendship, hospitality, company, union, and so on, more freely (precept, law) among Christians; (2) among states: natural whether among nature and states, or among various states, concerning things done with art. A cursory glance over the entry accentuates the profound diversity in which *foedera* might characterize relationships.

performed according to the political, social, and personal exigencies that arose during the course of Roman imperial expansion or of an individual's life or within the complex matrices of universal order. At every level of interaction of a Roman's experiential domain the ritual event of the *foedus* was fundamental. To put it succinctly, Roman civilization in its broadest terms was conditioned on *foedera*. The literary evidence over the last century before the Common Era suggests that *foedera* could define all relationships Romans might experience, whether political, civil, international, amicable, amorous, or cosmological.

This ritualization of relationships in private and public spheres can usefully be read as a script, which we might call a script of alliance. These scripts move along the binary between narratives of unification, cooperation, and harmony and of disintegration, hostility, and discord. Robert Kaster, in particular, points the way to future approaches to lexicography and meaning.<sup>2</sup> Like Kaster's exploration of *fastidium*, *vercundia*, and *pudor* in Roman society, the meaning of *foedus* in its many occurrences throughout Latin literature confronts the same fundamental problem of definition as Kaster's evaluation of Roman emotions. "Alliance" or "treaty" or "compact" do not quite capture *in toto* the cluster of social, religious, political, and interpersonal elements encompassed by the term. Kaster rightly proposes a dynamic approach to understanding Roman emotions, which can be applied to a broad range of Latin words:

The emotion properly understood, however, is the whole process and all its constituent elements, the little narrative and dramatic script that is acted out from the evaluative perception at its beginning to the various possible responses at the end. Subtract any element of the script and the experience is fundamentally altered ...<sup>3</sup>

Unlike Kaster's scripts, which move from extrinsic social pressures to individual emotive and cognitive responses to these pressures, narratives or scripts of alliance develop according to an entirely different type of personal and social exigencies and their outcomes. There are three possible starting points for every script of alliance: a *foedus* generally requires two parties who choose (1) to resolve a conflict, (2) to obviate a potential conflict, or (3) to unite in some common cause against a third party. Regardless of the whos, whats, whens, wheres, whys, and hows, every script of alliance bottlenecks at the ritual performance of a *foedus*. Once

<sup>2</sup> Kaster 2005.

<sup>3</sup> Kaster 2005: 8. Kaster's entire discussion for accessing and assessing Roman emotions has impacted this study profoundly.

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the *foedus* is struck the narrative options become very restricted. Either the *foedus* holds in perpetuity or it is ruptured. If it is ruptured, conflict ensues with the outcome being either the striking of a new agreement or the complete annihilation or subsumation of the rival party.

While *foedera* follow clear narrative lines, the reasons, catalysts, and causes for the striking of *foedera* are boundless. Within the three overarching narrative types for *foedera* are such notable scripts of alliance as the love story of Aeneas and Dido; the profound *hospitium* between Evander and Aeneas; the early international relations between Aeneas and Latinus, Rome and the Sabines, Rome and Alba Longa, Rome and the Samnites, Rome and the Carthaginians; and the civic *foedera* between the patricians and plebs in the creation of the tribunate, and between Catiline and his conspirators; the triumvirate of Octavian, Antony, and Lepidus at Brundisium; the affair of Catullus and Lesbia; *natura's* atoms; and the constellations of the universe, to give a sweeping gesture to the variety of alliances found in the primary sources. Each narrative reveals valuable information about the nature of Roman alliance and the cultural and social forces that cohere *foedera* into such an adaptable script for Roman authors.

It is not an oversimplification to say that the ritual sacrifice of a *porcus* (piglet) and the shaking of right hands (*iunctio dextrarum*), two ways to cement a *foedus*, formalized the spread of Roman power and culture. Yet scholars have not considered the implications of Roman *foedera* within Roman society and literature. There is a smattering of articles on the term's force in Roman elegy,<sup>4</sup> a few discussions of the term in Roman hexameter poetry,<sup>5</sup> and a number of articles by historians.<sup>6</sup> Linguists have also mined the word's depths, but even here the word is bound by its letters and sound laws, never reintegrated into the complex social system in which it participates.<sup>7</sup> In the following pages I reconstruct the ritual event of a *foedus* and analyze the political and cultural underpinnings of *foedera*. The themes and findings are then applied to the formulation of the concept in Roman poetry. These various analyses and case

<sup>4</sup> See Copley 1949: 22–40, McGushin 1967: 85–93, Konstan 1972: 102–6, Baker 1973: 286–9, Dyson 1973: 127–43, Reitzenstein 1975: 153–80, and Freyburger 1980: 105–16.

<sup>5</sup> See Long 1977: 63–88, Cabisius 1985: 109–20, Minyard 1985, Fowler 1989: 120–50 and Fowler 2002, Hickson-Hahn 1999: 22–38, and Campbell 2003.

<sup>6</sup> Murley 1926: 300, Crawford 1973: 1–7, Ziegler 1972: 68–114, Sherwin-White 1980: 1979–95 and Sherwin-White 2000, Braund 1984, Gruen 1984, Penella 1987: 233–7, Wiedemann 1986: 478–90, Watson 1965, Rich 2008: 51–75, and Burton 2011.

<sup>7</sup> See Benveniste 1973, Sihler 1995, and Cor de Vaan 2008.

studies all approach the central argument of the book; scripts of alliance interrogate the fragility and failure of human institutions as the Romans conceptualized them.

Three typologies encompass most every script of alliance: *foedera humana*, *foedera civilia*, and *foedera naturae/mundi* (human *foedera*, political *foedera*, and *foedera* of nature/the world). Each type reveals something about how Romans viewed their world and the process by which it came into being and operated. Let me begin with *foedera humana*. In 428 BCE the Roman colony Fidenae revolted against its metropolis. The leaders of the revolution betrayed the city to Lars Tolumnius, the Etruscan king of Veii, a town a short 15 kilometers north of Rome. Livy relates that Rome sent legates to Fidenae to discover why the colony had allied itself with Tolumnius. As the Roman legates and citizens of Fidenae publicly address their grievances, Tolumnius stands off to the side of the forum playing dice with some of his creatures. During one of his successful throws Tolumnius shouts out some ambiguous noise that sounds like “kill’em” (*in tesserarum prospero iactu vocem eius ambiguam, ut occidi iussisse videretur*) “with the lucky toss of the dice his shout was ambiguous, so that he appeared to have ordered the slaughter of the legates,” 4.17).<sup>8</sup> The Fidenates slaughter the legates, which Livy calls *caedes ruptura ius gentium* “a slaughter that would violate the law of nations” (4.17.6). In retaliation, Rome attacks Fidenae under the leadership of the consul Cossus. During the battle Cossus sees that the Roman squadrons buckle wherever Tolumnius leads an attack. Upon spotting the tyrant flitting about the line of battle in his regal attire the consul shouts, *hicine est ruptor foederis humani violator gentium iuris* “isn’t this the breaker of the *foedus humanum*, the violator of the law of nations” (4.19.3). Cossus wastes no time killing Tolumnius in single combat and dedicates for the second time in Roman history the *spolia opima* to Jupiter Feretrius on the Capitoline Hill.

The narrative is a bizarre mix of military history, religious ritual, and ancient attitudes of acceptable diplomatic behavior. Particularly striking is the superimposing of Tolumnius’ gambling upon the slaughter of legates, which motivates Cossus’ calling the Etruscan king a *ruptor foederis humani violatorque gentium iuris*. The topography in which the narrative unfolds (Fidenae) merges with a violation of internationally respected *fides* (*foedus*). Even the dedication of the *spolia opima* to Jupiter Feretrius is particularly apt, since this particular incarnation of Jupiter oversaw the striking of international *foedera* (1.24). Cossus essentially aligns himself

<sup>8</sup> See Ogilvie 1970a: 557–64.

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with the divine punisher of violators of *foedera* in dedicating the *spolia* to Feretrius. In this particular instance, he exacts his punishment on an individual who violated a *foedus humanum*. But what was Tolumnius' exact offense against the *foedus humanum*, given that the killing of legates is always a transgression of the *ius gentium* (law of nations) in Livy?<sup>9</sup>

The phrase *foedus humanum* is a rare collocation in Latin literature, used only two other times. Seneca, *De Ira* 2.5.3 and Livy 3.47–59 provide important evidence to contextualize Tolumnius' behavior. Seneca is discussing men such as Apollodorus, the third-century BCE tyrant of Cassandreia, and Phalaris, the sixth-century BCE tyrant of Acragas, famed for his brazen bull and fake letters. The tyrants are preeminent in their *ferocitas* (fierceness). They are driven by deep-seated sadomasochistic desires that satiate a peculiar kind of *voluptas* (pleasure), one they experience upon performing acts of violence against others and themselves. Seneca sketches out the personality type that is motivated by this sort of *ferocitas*:

quid ergo? origo huius mali ab ira est, quae ubi frequenti exercitatione et satietate in obliuionem clementiae uenit et omne foedus humanum eiecit animo, nouissime in crudelitatem transit. rident itaque gaudentque et uoluptate multa perfruuntur plurimumque ab iratorum uultu absunt, per otium saeui.

What is this? The origin of this evil is found in anger, which finds its final resting place at cruelty, since with frequent practice and fulfillment it results in the oblivion of forgiveness, while it expunges from the mind every form of human bond (*omne foedus humanum*). So these men laugh and delight in cruelty, enjoying it with immense pleasure (*voluptas*), and for the most part they show none of the facial expressions of angry men, since savagery is their state of leisure (*otium*).

For these personality types savagery and cruelty become pastimes, objects of leisure, which result in masking any overt signs of the normative psychological impressions of *ira*. Seneca continues, producing the ultimate *raptor foederum*, to borrow Livy's phrase (21.40), the Carthaginian general Hannibal, as he feasts on the sight of human blood:

<sup>9</sup> *Ius gentium* is always used in Livy in the context of the behavior of legates (4.17.4, 4.32.5, 5.36.6, 6.1.6, 8.6.7, 9.10.10, 21.10.6, and 40.27.9). At *Institutiones* 1.1 Gaius (130–80 CE) states that a *ius gentium* (law of nations) is so called because it is a law used by all nations (*iure omnes gentes utuntur*). Justinian (482–565 CE) at *Digesta* 1.1.4 contrasts *ius gentium* with *ius naturale* (natural law). We should not assume that Gaius' and Justinian's comments reflect Republican or early Imperial legal thought, but they are useful nonetheless.

Hannibalem aiunt dixisse, cum fossam sanguine humano plenam uidisset, “o formosum spectaculum!” Quanto pulchrius illi uisum esset, si flumen aliquod lacumque compleret!

They say that Hannibal offered this quip when he saw a trench brimming with human blood, “O beautiful sight to behold!” How much more beautiful to him would this sight have appeared had he filled some river or lake!

For Hannibal human blood transforms the landscape into a *locus amoenus*. Apollodorus, Phalaris, and Hannibal are the archetypal psychopaths, whose pleasure in beholding the disintegration of human bodies defines the very parameters of humanity. Humanity is stripped down to just flesh, blood, and pleasure.

The phrase *omne foedus humanum* covers the unwritten social systems and codes of human behavior that fix and delimit the moral and behavioral foundation of society and culture. These constraints silently outlaw the *ferocitas* and *crudelitas* that would erase the line between human beings and animals, as Phalaris’ brazen bull so gruesomely symbolizes. The delight in violating a person’s bodily integrity, turning it into dehumanized flesh, is a sign that one stands outside the *foedus humanum*. When we read Seneca back into Livy’s Tolumnius, a character sketch takes shape in which the slaughter of legates is treated with the same reverence and concern as a pair of snake eyes. On the international scale, Tolumnius violates the *ius gentium*, but on the scale established by the standards and practices that construct the category of humanity, Tolumnius’ behavior transgresses the *foedus humanum*.

In 450 BCE the notoriously brutal *decemvir* Appius became unlawfully enamored with a married woman named Verginia. Appius concocted an oddly Plautine ruse to have his henchman Claudius argue at Appius’ own tribunal that Verginia had been a slave, stolen from his house years before she became Verginius’ “daughter.” Claudius argued that Verginius was only pretending to be the girl’s father, and as planned Appius judged that Verginia was in fact the legal slave of Claudius. Before she could be taken to Appius’ house where he could satiate his lust, Verginius tragically stabs his daughter to death, thereby preserving her chastity. Like the suicide of Lucretia and the expulsion of the Tarquins, the death of Verginia catalyzes the arrest and exile of the *decemviri*. Appius commits suicide in prison while awaiting his trial.

In the course of the narrative Verginius calls Appius *expers et civilis et humani foederis* (devoid of the civil and human *foedus*), a phrase that suggests that social and political institutions are loosely based on civic

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and human *foedera*. Appius' sexual compulsion and his abuse of authority to slake his body's thirst with intercourse is so transgressive that, like Tolumnius' violating the *ius gentium*, he subverts the rights and obligations afforded to him through *foedera civilia* in his capacity as *decemvir*. In response, Verginius exerts his own authority as *pater familias*, reestablishing order in the state through the death of his daughter. Verginius' statement suggests that Appius violated the body of unwritten codes that construct humanity.

Through the phrases *foedera humana* and *civilia* a Roman could succinctly and powerfully refer to the entire complex of social and political interactions that define not only the essence of human beings, but also the development of governments and states. The internal logic and social meaning in these phrases, however, is not expanded upon by Seneca or Livy. They are merely pithy rebukes against particularly destructive leaders whose very existence threatens the communities they inhabit and govern. The authors assume that their reader can make the necessary assumptions to understand these important yet opaque phrases.

While Seneca and Livy provide a loose schema with which to evaluate how a Roman might have interpreted *foedera humana* and *civilia*, Lucretius more systematically utilizes *foedera* to construct humanity from the ground up in *De Rerum Natura* (DRN) 5. His grand narrative on the origins and progress of humankind highlights in important ways that *foedera* extend beyond the idea of "treaties" to include fundamental human and social compacts. For Lucretius *foedera* change how people organize, connect, and relate to one another.

Lucretius' description of early humankind characterizes society in terms of extreme self-preservation without any kind of *foedera*, negating any possibility for more dynamic and stable social unions.<sup>10</sup> There are no households, cities, nations, or empires. Instead of founding cities they establish (*condebant*) their squalid limbs among fruit trees like beasts (*more ferarum*, 5.932), hoping this will protect their bodies from harsh wind (5.956–7). Each body is its own city state, with its skin acting as walls and borders. These early humans are unable to conceptualize or delineate acts of *ferocitas* and *crudelitas*. There are no social, moral, or ethical boundaries that could preserve the *commune bonum* (5.958–9).

After learning how to hunt animals with weapons, human beings discover shelter, clothing, and fire. Concomitant with these discoveries is the acquisition of more sophisticated interpersonal relationships in the

<sup>10</sup> See Schiesaro 2007a: 41–58, Campbell 2003, Blickman 1989: 157–91, and Kenney 1972: 12–24.



ritualization of sex and childbirth through marriage (5.1011–12).<sup>11</sup> At the moment when individuals become members of family units, *foedera humana* transform these singular households into a community:

et Venus inminuit viris, puerique parentum  
 blanditiis facile ingenium fregere superbum.  
 tunc et amicitiam coeperunt iungere aventes  
 finitimi inter se nec laedere nec violari  
 et pueros commandarunt muliebreque saeculum  
 vocibus et gestu cum balbe significarent  
 imbecillorum esse aequum miserier omnis.  
 nec tamen omnimodis poterat concordia gigni,  
 sed bona magnaue pars servabat foedera caste;  
 aut genus humanum iam tum foret omne peremptum,  
 nec potuisset adhuc perducere saecula propago.

(5.1017–27)

And Venus diminished their physical prowess, and children easily broke the haughty nature of their parents with cooing blandishments. Then neighbors eagerly began to join together and they agreed not to harm or violate children and the womanly breed, since they were communicating with gesticulations and noises in their stammering way that it was just to pity everyone. Nevertheless concord was not able to be produced in all circumstances, but the good part of the majority piously preserved the *foedera*; had they not, the human race at that time would have been completely destroyed and the human race would not have been able to carry on generation after generation.

In the story of the development of human beings from beastly squatters to domesticated members of a community, *foedera* serve to restrain humans from killing one another. The *finitimi* (neighbors) willingly join in relationships of *amicities* (friendship), which prohibits harming and violating one another (*nec laedere nec violari*).<sup>12</sup> Furthermore, using a simple form of communication to articulate that it is just to pity the weak, they agree to protect children and women. Lucretius then reclassifies *amicities* and the principles of its agreement as *foedera*. In Lucretius' script the mass of relationships formed through the concordant force of *amicities* move through *foedera humana*. From the point of view of Lucretius' *foedera humana*, the real danger of the likes of a Tolumnius, a Phalaris, a Hannibal, and an Appius is that their *ferocitas* and *crudelitas* unravel human society from

<sup>11</sup> There is a lacuna at 5.1012, the very point when humans begin to marry. Lucretius perhaps described the union between man and woman as a *foedus*, although it seems best to follow Campbell 2003: 265 and replace *cognita sunt* with *conubium* (Lachmann's conjecture), which precludes the need for an extra line. See Bailey 1947.

<sup>12</sup> See Campbell 2002: 9. On friendship more generally see Campbell 2003: 252–83.



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the inside out, turning family, friends, citizens, and enemies into cooked meat, pools of blood, and vessels for semen. Every text considered in this book one way or another responds to the potentialities of the complete breakdown of *foedera humana*.

Once motivated by Venus to form more intimate unions, human beings begin to establish a broader network of bonds that result in communities becoming *aequum* (just). The establishment of and adherence to *foedera humana* is the turning point in the transition from animalistic behavior for self-preservation to mutual preservation through interpersonal relationships. It has been argued that Lucretius' *amicities* illustrates Epicurean friendship.<sup>13</sup> This is partly true. But it is important to recognize that by using the term *foedus* Lucretius has set the idea of Epicurean friendship within a broader argument about the origin of human society and Roman conceptualizations of this process. In fact, it is more likely that Lucretius is making a completely independent argument about human development, one that situates his own text at the center of his thought.

After discussing speech acquisition and more refined uses for fire, the poet describes an urban environment in which alpha males (*ingenio qui praestabant et corde vigeant* / “men who were preeminent in character and thrived in their intellect”) implement *novae res*, kingship and cities (*condere coeperunt urbis arcemque locare* / “they began to build cities and establish citadels,” 5.1108). Social status then shifts from meritocracy to plutocracy. The assignation of rewards and political power becomes dependent on material wealth, where conspicuous consumption creates symbolic capital.<sup>14</sup> The kings become more competitive and eventually this type of *civitas* is challenged by the *turba* (crowd). A new state follows, based on magistracies, *iura*, and *leges* (5.1143–4). *Respublica* comes into being.

Like *amicities* above, *iura* and *leges* are similarly redefined:

circumretit enim vis atque iniuria quemque,  
atque, unde exortast, ad eum plerumque revertit  
nec facilest placidam ac pacatam degere vitam  
qui violat factis communia foedera pacis.

(5.1152–5)

Each man who performs physical violence and injury is captured like quarry, and from the place it arose, generally it wheels back to him, nor is it easy

<sup>13</sup> See Konstan 1997: III.    <sup>14</sup> Schiesaro 2007a: 44.

to lead a placid and peace-filled life for the man who violates the common *foedera* of peace by his actions.

*Vis* (force) and *iniuria* (injury) wheel back against those who violate the *communia foedera pacis*, which must include both the *foedera humana* and the institutions that comprise the *respublica* itself.

In Lucretius' conceptualization of human social and political development the establishment of a *foedus* reorients society, but paradoxically this reorientation produces new social ills. *Foedera humana* allow humans to live in homes in amicable relations with their neighbors, but these more complex social networks give rise to kingship, urbanization, and wealth without any laws or limits placed upon the leaders. Then *foedera civilia* reorganize society according to *leges*, *iura*, and magistracies under a stable and lasting peace.<sup>15</sup> But *foedera civilia* also result in cities branching out through trade, which brings with it the desire to satiate its want for new luxuries through violence and warfare.

At 5.1435 Lucretius states that desire for what is new led mankind into the depths of the sea and the plight of oversea wars. As was the case in pre-domesticated and pre-Republican humankind, the fashioning of *foedera* allows for a new social and political reality at the moment when states become members of a “globalized” community:

tum mare velivolis florebat navibus altum,  
auxilia ac socios iam pacto foedere habebant,  
carminibus cum res gestas coepere poetae  
tradere; nec multo prius sunt elementa reperta.

(5.1442–5)

Not only was the deep sea blossoming with wind-winged ships and men had military contingents and allies because a *foedus* was struck, but poets began to hand down historical events in songs; not much earlier had the alphabet been discovered.

*Foedera* result in communities forming alliances based on *auxilia* (military aid) and *societas* (alliance), in essence becoming *foederati*, “allies.” *Foedera* allowed *finitimi* (neighbors) to live together, then *communia foedera pacis* (common *foedera* of peace) resulted in the preservation of *urbes* (cities), and now *urbes* form stable unions with other *urbes* through *foedus pactum* (negotiated *foedus*). The *figura etymologica* between *pactum* and *pax* highlights the teleological aim of these *foedera*.

<sup>15</sup> Momigliano 1941: 157.