

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)

## *General introduction*

The *gens*, of all Roman institutions, is the one most alluded to and least explained. Only the absolute power of a father over his son has had such influence in subsequent philosophical and political thought.<sup>1</sup> Historians have made the *gens* the key to Roman politics, archaeologists have sought the *gens* on the ground, and both have described as ‘gentilicial’ a huge array of activities and traces of social behaviour. Early modern thinkers found the justification for their definitions of contemporary nobility in the concept of *gentilitas*. Social anthropologists have used the *gens* as a model to help them understand societies as distant as Africa and native America. Engels developed Marx’s belief that the Roman *gens* helped to explain the origin of private property. One of the most profound divisions in twentieth-century Italian jurisprudence has been between those who thought the *gens* (embodied by family) predated the state, and those who saw it as the product of the state. This debate is not only still ongoing, but also shadows a much wider, and much deeper, concern in modern thought about the nature of identity, as a real ethnic, biological fact, or a fictitious, political fig leaf concealing darker motives and deeper fears.

Yet there has been no substantial treatment of the *gens* in English for nearly a century, and none that I know of in any language which sets out to establish both the reality of the institution, and the myriad interpretations that have been laid upon it. This book is therefore at its heart the history of a debate which began in antiquity, and which, in unexpected ways and along surprising paths, continues to be relevant to this day.

The history of the Roman *gens* has fascinated scholars for centuries, and the obscurity of the institution has not prevented imaginative if unfounded reconstruction. This book has two themes, an attempt to state as clearly as possible the evidence for the role of the *gens* in early Roman history,

<sup>1</sup> For a powerful attempt to demonstrate that the power of life and death held by a Roman *paterfamilias* was a myth, but one deeply embedded in the Roman self-image, see Shaw (2001).

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)

and an account of the use which scholars have made of the *gens* from the early modern period onwards. The reason for this twofold purpose is simple. My argument is that we have largely misunderstood the nature of the Roman *gens* because we have brought to it preconceptions which derive from the way the *gens* has been presented in other disciplines such as social anthropology. For the *gens*, of all Roman institutions, has been unusually significant outside the ancient historical discourse.

The word itself is very difficult to translate without importing meanings from other contexts. ‘Clan’ has been popular, though ‘House’ has had its champions, especially in the early translations of Niebuhr and Mommsen. Modern anthropologists distinguish ‘lineage’ from clan through the accuracy of genealogical knowledge; a lineage traces descent from a common ancestor through known links, and a clan is a group where the genealogical links are not all known. This definition of a clan would actually fit the *gens* well, since, as we shall see, the relationship between members was based on a largely fictive kinship.<sup>2</sup> In some parts of the study of kinship, ‘gens’ is used itself as a technical term. On the whole I have tried to avoid translation, but where appropriate I have tended to use ‘clan’, and for one important reason, which is that this most aptly indicates the way that the concept has travelled far beyond its own time and place. The translation is intended more as a signifier of the dangers of the cross-cultural comparison.<sup>3</sup>

Paradoxically, this book will argue that both in its own time and subsequently, the Roman *gens* has been more important as part of an argument than as a social institution. Most Romans did not regularly and explicitly refer to their *gens* as their core self-definition, but it represented aspects of aristocratic behaviour which were important, and were disputed and contested. Much of this work will focus on the debates about the community at Rome in the fifth and fourth centuries BC, a period characterised by the sources as one of violent and bitter antipathy between patricians and plebeians.

At the same time, the book will demonstrate that, consciously and unconsciously, scholars from Vico to Morgan and Maine used the perception of the *gens* to reinforce their vision of the world. The disjunction between the Roman reality and the presentation in later writers is

<sup>2</sup> In an influential account, Finley (1983) 45 rejected the concept of the clan, and insisted on lineage. He was denying the importance of any form of kinship as a basis of power. Finley stated that the *gens* unlike the *genos* was a lineage, and nothing like a clan or tribe, but it is not clear to me that Finley’s usage is exactly the same as modern anthropologists’ usage, and it makes assumptions about the ancestry of these lineages which are difficult. Nevertheless, Finley was correct in his observation that one cannot find either a tribal or a feudal system behind the *gens*.

<sup>3</sup> For definitions of clans and lineages, see Stone (1997) 62–6; Parkin (1997) 17–18.

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)*General introduction*

3

sometimes very sharp, and has led to the confusing use of a concept of a 'gentilicial' society in archaic central Italy which actually has very little relationship to the social institution from which the adjective is derived. This argument has profound consequences for archaeological research in particular.

In seeking a new understanding of the Roman *gens*, our argument flows naturally into many areas of early Roman history at least as obscure as, and if anything more controversial than, the *gens* itself. The connection between the *gentes* and the Roman patriciate (a hereditary nobility) is undeniable, though the extent to which the connection was exclusive is one of the most difficult of issues. It is impossible to understand the *gens* without looking at Roman society as a whole, and this book will lay unusual emphasis on the importance of the citizen community in the early Republic. To this end, we shall discuss in detail both the patriciate and the assemblies of the people, most particularly the curiate assembly, which has received a great deal of rather eccentric analysis over the past thirty or so years. Much of this has been dismissed, and the institution has consequently been rather underestimated in standard accounts. These are not digressions, however, but form part of a vision of the early Republic which stresses the wider social context, and which finds a role for the *gens* within that community. On this argument, the *gens* was not an obscure archaic survival, which was symptomatic of aristocratic disdain for community, but a form of organisation which reveals the tense and difficult negotiation of power between aristocracy and people.

This argument is itself not without consequences for the way we see the Struggle of the Orders, a modern phrase describing the rivalry between patricians and plebeians which emerges clearly from the sources, and was an aspect of Roman history of intense interest to the early modern period. Since this book is neither a history of Rome at that time, nor an account of the influence of the Roman narrative on later periods (both of which would be valuable nonetheless), it is at times much more cursory than the subject matter deserves, but it is my hope that it will contribute to the debate on both topics.

What underlies this account as a whole is a belief first that Roman history has been and continues to be of central importance in political discourse, and second that Roman politics was neither without ideological argument, nor alien to ideas of democracy. No apologist can make an Athens out of Rome, but at the same time, far too little is made of the important debate, which I believe was perennial at Rome, over the nature of community, the proper roles and duties of its citizens, and the interlocking of the various

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)

institutions of the city state. There is a temptation to see regal and early Republican Rome merely as a kind of idea-free bloodbath, a militaristic machine run by selfish aristocrats, and tergiversant demagogues only too willing to pull the ladder of political advantage up after themselves. Readers will find a different early Rome here.

Every argument about early Rome is also an argument about sources, and indeed has been ever since de Beaufort set out to demonstrate the unreliability of the tradition in the eighteenth century. The problem is easily stated: none of our sources were remotely contemporary with events (the first Roman historian wrote at the end of the third century BC), and they are themselves pessimistic about the quality of the information which they had to go on. Yet write they did, and demonstrably with the concerns and the political language of their own day. What evidence exists for the nature and functions of the *gens*, how reliable is it, and can we reconstruct a reliable picture of the role of the *gens* in early Rome?

Chapter 1 sets out all the evidence which can be used in the process of defining the *gens*. It is varied in nature; we have legal definitions, some of considerable antiquity, others much later, some stories in historians or antiquarian writers, etymologies, and snippets of information about customs and practices. None of this can be overlooked, but equally, it may not all be of the same value. We must not underestimate the difficulty late Republican and early imperial writers had in discovering about their more distant past, or the extent to which they could resort to weak arguments and invention to supplement the facts as they saw them. In chapter 2, I will argue that preconceptions and methodologies can influence conclusions; the same was true of ancient writers.

The additional important source we have is the names of magistrates from the beginning of the Republic. This is far from uncontroversial, and we shall have to address it in detail, but readers should be aware of my position from the outset. We can produce a list of magistrates from a variety of sources that survive to us: the historians, primarily Livy, Dionysius of Halicarnassus and Diodorus Siculus, and the inscribed list of magistrates on the Capitol, known as the Capitoline Fasti, which is also Augustan in date. There are problems and discrepancies; some versions have additional years, and there are disputes over some names, and more particularly over the inclusion of the *cognomina* of early magistrates. (These are the names that are added after the *nomen*, often thought to indicate families within *gentes*, although some are nicknames or markers of a particular success, and they may have been added later.) That said, there is a striking degree of uniformity which suggests a single source, and we know that the names

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)*General introduction*

5

of consuls and magistrates, along with significant events, were inscribed in the pontifical tables, a record kept on an annual basis.<sup>4</sup>

This is not unimpeachable evidence. Livy himself claims that the records were mostly destroyed in the Gallic sack. There are uncertainties in the earlier parts of the lists, to be sure, and the list creates a picture of a rather smooth transition from kingship to Republic that may conceal a more troubled period. However, complete scepticism is, to my mind, unjustified. The sequence of magistrates is, at a broad level, reliable, both in indicating the existence of constitutional magistracies, and in demonstrating a pattern of office-holding which will become an important element in our understanding of the *gens*.

Some scholars have called for a methodology to sift the good evidence from the bad.<sup>5</sup> The extent to which this can be successful depends on the degree of control we have over the accuracy of the sources. It is not possible to prove that Livy was telling an accurate story, and even the recovery of all the fragmentary historians who preceded him would only help us piece together how the story was built up, and not whether it was true, at any philosophical or historiographical level. It would be much more useful if we knew what sources the earliest historians used (and it is important to note in this context that Cato the Elder, who wrote a history of Rome in the second century BC, makes reference to the pontifical tables). When we come to sources which are not telling a narrative, the problems grow. Lawyers' definitions are not necessarily a guide to past practice so much as a way of tidying up present reality; antiquarian information may look archaic, but that is simply a modern perception. The absence of evidence does not provide an argument in the context of early Rome, since so much evidence is missing.

The view taken here is that it was possible for information and knowledge about both events and structures to have been transmitted from early times to the time when history was being constructed, and in a number of different ways, not simply through the lists of magistrates. A whole range of media were available, from inscriptions and monuments to stories, oral tradition, family archives, and the simple continuance of some practices and features of archaic Rome down into the Republic and beyond. If one accepts the possibility that Romans could know about their past, as I do, then the questions become ones of reliability, and the general approach taken here is that whilst the ancient sources are capable of misunderstandings and

<sup>4</sup> Frier (1979); more generally on the *Fasti*, see Oakley (1997) 21–109.

<sup>5</sup> There are several such statements in Raafaub (1986b), but little agreement nonetheless.

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)

mistakes, they are rarely setting out to mislead. Moreover, contradictions and confusions may be a more accurate reflection of a contradictory and confusing reality than a picture produced by a rational preference of one source over another.

Given these deep-seated problems, it is tempting to look for assistance from other kinds of evidence. Archaeology is helpful for much Roman history, especially the development of the early city, but it is much less helpful in the context of a political argument. As we shall see, one major problem is the influence of preconceived notions of the *gens* on archaeological descriptions. It has been common to describe evidence of gentilicial activity in the archaeology of central Italy, but this is not the same as finding the *gens* on the ground. Comparative history and social anthropology have their part to play, but one has to start from some perception of what Rome was like in order to choose the comparandum, or apply the model. One can use the same sources to describe Rome in the fifth century BC as a society of feuding *condottieri* with local powerbases, or a society collectively developing complex and sophisticated, and dare one say rational, responses to the problems of maintaining a civic community.

We can give as an example an event in fifth-century history, directly relevant to the history of the *gens*, and to which we will return at length later. Early in the fifth century, Rome was at war on several fronts, and under pressure. One of the best known patrician *gentes*, the Fabii, offered to undertake the war against Veii themselves, and they marched out as a kind of state-sanctioned private army and formed a garrison on the Cremera river. They were successful for some time, before being ambushed, and killed almost to a man. Did this event really happen? We do not know for sure; presumably the Fabii claimed it did, but the sources give quite different versions, from the numbers involved, to the reasons for the disastrous denouement, and careful source criticism can reveal putative reasons for all the variants. Part of the importance of the episode lies in what it might or might not tell us about early Rome. Was this how all Roman warfare was conducted at that time, or was it the last gasp of an antiquated tribal mode or do we have the embellishment of a local brawl? We do not know, and all three interpretations (and several others too) are, strictly speaking, possible. In order to resolve this one way or the other we have to refer to the nature of the Roman army, the reconstruction of which is, in the first place, controversial in the extreme, in the second place, often predicated on our response to the prior question about the Fabii, and in the third place actually capable of supporting any answer about the Fabii. One might argue that the Roman army had achieved a measure of uniformity which shows

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)*General introduction*

7

just how out of date the Fabii were, but it is not incontrovertible, nor is it impossible to believe that Romans sometimes conducted warfare for communal purposes, and sometimes for local purposes.

This is not meant to be a criticism of the tremendous efforts of many scholars to establish more clearly the nature of Roman history and the historical record; nor is it a denial of the necessity for careful analysis of every source on every point. It simply reflects a conviction that Roman history is not a problem which can be cracked if only one applies the right method, nor is it a jigsaw which only admits of one solution. Much of the history of early Rome was approached through debate in antiquity, and we see the traces of later arguments. One may think, for instance, of the origins of the Republic itself. There were a number of stories which were told, and a number of different ways of thinking about why and how (and when) the Romans expelled their last king and established a Republic. Which version is 'true' is not the only, and not necessarily the most interesting, question.<sup>6</sup>

This does not mean that we cannot write early Roman history, or that we must disbelieve everything we read in the sources. It does however render it a peculiarly difficult task. The first part of this book, which takes a rather sceptical line towards many current reconstructions of the *gens*, indicates a number of pitfalls, and makes the second part, where I attempt my own account of what the *gens* was and how it operated, vulnerable to similar criticism. This is all the more the case because of my belief that an understanding of this social institution can be arrived at only through an effort to understand those institutions which made up the contemporary political and military structures, all of which are themselves the subject of much dispute. Others will judge if the picture which emerges reflects the sources we have, and is coherent in its own terms, but the book will have achieved one of my major aims if it provides a basis for further debate.

<sup>6</sup> Wiseman (1998b).

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)

## PART I

*The evidence for the gens*

The first part of this book focuses on the range of evidence which can be and has been brought to bear on the problem of the *gens*. We begin with the ancient evidence itself. What we know about the *gens* is actually confined to a few areas: inheritance, and various markers of identity such as burial grounds, legendary genealogies and religious rituals. One problem is that it is very difficult to find specific aspects of the *gens* which are not shared with many other social groups, so that what makes the *gens* different is elusive. The absence of a political dimension is also striking. The sources do not describe the *gens* as a political unit, though it is clear that members of *gentes* participate in political life in various ways; this will be the focus of the second part of this book. What is important here is to note that one source, Livy, indicates that an argument could be made that the *gens* was an institution which was possessed only by patricians. At the same time, our analysis of the evidence indicates the difficulty of making that argument with any cogent force, and indicates equally the existence of clear counter-indications, including evidence for non-patrician *gentes*, and definitions which are at variance with a patrician monopoly. The evidence does not give a single, straightforward picture, and my argument will be that this reflects ancient realities.

The second chapter considers how the concept of the *gens* has been treated by historians from the early modern period to the present day. It should be noted that many of the early figures are somewhat isolated. Renaissance thought, represented here by Carlo Sigonio, had already developed important arguments about the *gens* and the patriciate. These had their own context in contemporary debates about the definition of nobility. Although Sigonio was an enormously significant figure in the development of the discipline, his importance was rather overlooked in the nineteenth century, yet his approach was far more analytical than that of our next key thinker,

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)

the early eighteenth-century scholar Giambattista Vico. Vico's approach is confused and inaccurate, and to a large extent fantastic; moreover, it had practically no influence whatsoever on the nineteenth-century German development of the discipline of ancient history. Vico became important once more through quite different channels, particularly in France where he was championed by Michelet, an important influence on Fustel de Coulanges, and in early twentieth-century Italy, where he was taken up by Croce. German scholarship developed in a different direction, but the conclusions of Niebuhr especially were identified as the factual basis from which scholars outside the discipline would work. The *gens* became a crucial part of the development of the discourse on kinship invented by Lewis Henry Morgan and Henry Sumner Maine amongst others. The conclusions of the former were taken up by Marx and Engels, and have been influential ever since, but our investigation shows how Morgan's creative misrepresentation of the Roman *gens* led to the development of a model of gentilicial society that was in fact radically different from the evidence which the sources give us. This chapter concludes with a brief statement of the key modern theories, and an indication of their intellectual inheritance.

Study of the Roman *gens* has not proceeded with the same degree of methodological sophistication as research into the Athenian *genos*. The *genos* has always been the obvious parallel institution for the *gens*, but the radical re-evaluation of the Greek evidence has not been systematically juxtaposed with the Roman evidence. The purpose of the third chapter is to do exactly that, and I have therefore developed in some detail the Greek parallels. Since these owe much, consciously and unconsciously, to the development of social anthropology subsequent to Morgan, this chapter also continues one aspect of the interaction between ancient evidence and modern interpretation. Whilst the *gens* and the *genos* appear far more dissimilar now than they used to, the kinds of interpretation which have been applied to the *genos* will be useful for our own final attempts to explain the *gens*.

One area where modern theory and ancient evidence have been most closely connected with regard to the *gens* is archaeology. In the fourth chapter, I consider some of the most relevant archaeological evidence, and show the way that preconceptions drawn from the social anthropological models outlined in chapter 2 have directed archaeological identifications of material remains with an ancient social institution. This connection raises serious problems of interpretation, whilst remaining an extremely

Cambridge University Press

0521856922 - The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology

C. J. Smith

Excerpt

[More information](#)*The evidence for the gens*

II

exciting and productive area. The problems are at their most acute when one extends the field of investigation into central Italy more generally, and Etruria in particular. These considerations bring us directly to the problem of the historical context of the alleged gentilicial structures in the sixth to fourth centuries BC, which is the subject of the second part of the book.