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## TABLETS AND TEMPLES: DOCUMENTS IN REPUBLICAN ROME

Phyllis Culham

It has long been taken for granted that the Roman Republic, just like the elective governments of today, placed state papers in a repository to preserve them for consultation. This is assumed both in undergraduate textbooks in Roman history and in the most respected reference works used by specialists in the field.<sup>2</sup> Neither the basic texts nor the standard references hesitate to use the term archive in describing this repository. That term, in fact, is Greek and was never used by the classical Romans to describe any of their own institutions. The anachronistic use of the word in reference to Roman practices has, perhaps, been responsible for much of the current misinterpretation of the significance of some of the political institutions of Republican Rome.

The prevailing conception of the Roman state archive can be found in its pure form in Posner's Ancient Archives.<sup>3</sup> The conventional wisdom has it that a treasury building called the aerarium Saturni, on the Capitoline Hill in the heart of Rome, served as the central documents repository of Republican Rome. In 79 B.C. a new building, constructed just to be a repository, had to be built. This building was the tabularium, built as part of the effort to renovate the Capitoline Hill after the fire of 83. In the discussion which follows reference will be to the aerarium, without trying to distinguish it from the later tabularium; no Roman literary source ever referred to the tabularium; the building can be named and identified only by two inscriptions (see n. 35). In this standard account, then, state documents were filed in the aerarium or tabularium so that forgeries or alterations of the text could be detected by reference to a certified document on file and so that a clear text of the document would be available for consultation by magistrates seeking guidance or precedents or in a

legal or political dispute.

Posner, following Cencetti, lists seventeen major "record groups" which would have been kept in the archives for consultation,<sup>4</sup> especially after outlying records, as they assume, were gradually centralized into the new tabularium. Posner summarizes, "Appraised from the point of view of modern archives administration, Rome's achievements during the Republican era were by no means inconspicuous. For the first time in the history of mankind, a monumental and fire resistive structure for housing the state's archives was erected; there was a definite trend towards absorbing into the state archives the records of various agencies and institutions of the government and thus developing the Tabularium into a general archives of the Republic; and there was provision, though obviously not satisfactory, for servicing records to magistrates and individuals."<sup>5</sup>

This picture of the aerarium and its operations, unfortunately, is inspired less by the ancient evidence than by the notoriously legalistic and oversystematizing German scholarship,<sup>6</sup> which often creates order rather than discovers it, and by Italian wishful thinking.<sup>7</sup> It is comforting for scholars who specialize in these documents to imagine scribes carefully locating and transmitting the text of a verified master copy,<sup>8</sup> and it is comforting for the modern historian to imagine an ancient counterpart, more diligent and clever than his predecessors and competitors, going to the archives in an attempt to<sup>9</sup> achieve precision on issues which others had blurred.

The reality was very different. If one refers to table 1, the summary of record groups and their locations during the Republic, some things are immediately apparent. First, many records of various sorts were clustered around the temple of Capitoline Jupiter. The aerarium itself was adjacent. The temples of Fides and Juno Moneta were also on the Capitoline hill. Among the records assigned to the keeping of Capitoline Jupiter were the Sibylline Books, very old sets of oracles, perhaps older than the Republic itself. Those were meant to be consulted, not just preserved; and they were not placed in the aerarium.

This treatment of the Sibylline books evokes two

key questions: (1) where were the oldest Republican records kept (i.e., was the aerarium originally conceived of as a state repository) and (2) where did the Republic keep those documents it needed to consult as opposed to those of interest only to antiquarians? (see table 1).

The very oldest Republican documents of which anyone explicitly claims to have seen the originals were treaties. These, as table 1 shows, could be routinely posted at sacred sites other than the aerarium. Just one author mentions treaties at the aerarium at all, and that is Polybius in a much discussed passage which is the locus classicus for those who wish to think of hard working historians visiting the archives and filling out call slips.<sup>10</sup> Table 2 at the bottom adopts another interpretation of that passage, which has often been mistranslated owing to a modern preconception that documents belong in archives, not on them. Polybius is saying quite clearly that the bronze inscriptions he saw were on the aerarium on the side towards the precinct of Jupiter.<sup>11</sup>

The other truly archaic Roman records were those of the pontifex maximus. It is not an exaggeration to say that all of Roman historiography adopted its annalistic pattern from these priestly records, in whatever versions they were known to the individual authors.<sup>12</sup> The priestly annals, so called because they were annually inscribed, named the year's magistrates and then listed important events. Some events would have been not only occasions for ritual responses such as expiation but also would have had major political consequences.<sup>13</sup> As the definitive work on these pontifical annals notes, "...the tabula of the pontifex maximus could have had virtually epistemological significance; a prodigy became a prodigy because it was recognized by the pontifex maximus as such."<sup>14</sup> As previous years' records needed to be moved into storage, they were kept in the custody of the pontifex and not moved into the aerarium.<sup>15</sup>

The earliest documents, then, which later historians claimed to have seen or to have used, treaties and the pontifical annals, were both publically posted. There is no clear evidence for the often repeated belief that the Romans normally made a copy in bronze and deposited an original in an

archive. There is, in fact, every reason to believe that the posted document was thought of as the master text. Suetonius Vespasian 8.5 records the efforts of Vespasian to repair the damage from fires which swept Rome during the civil war of 69-70 A.D. Three thousand bronze tablets were destroyed by fire on the Capitoline alone; they included laws, decrees of the senate, treaties, and grants of privilege. Vespasian had to hunt high and low for other copies so that he could undertake restoration.<sup>16</sup>

There is, furthermore, no evidence that the early Republic had any idea of storing a document in the aerarium with the idea of consulting it later. Those documents to which one might actually wish to refer either in settling a dispute with another state, or in proving oneself right in such a dispute to the satisfaction of one's own gods,<sup>17</sup> or in propitiating the gods, were posted, and kept in their own series in the custody of a priesthood for use by that priesthood.

Posting, as opposed to placing the document in an archive, seems, in fact, to have been the way in which any document was kept available for consultation. The praetor's edict, for example, was a document vital to any Roman trying to secure his rights.<sup>18</sup> Clearly, the Romans did not assume that easy retrieval of public records could be relied upon to settle disputes over status and privilege.<sup>19</sup>

But if the documents which might be needed for consultation were posted, not sent to a central archive, what was done with the documents which were used in the daily operation of the state? The answer, actually, is that they were kept many places besides in the aerarium. The all-important censorial documents were essential to the very life of the state in that they were the basis of tax collection and the military draft. They were also used to determine citizenship and thereby eligibility for voting.<sup>20</sup> They were kept in the Atrium of Libertas and the Shrine of the Nymphs and were normally open to the public (Livy 43.16.13; 45.15.5). There is no ancient evidence to support the later theories that these were ever moved or consolidated into the new tabularium.<sup>21</sup> There is also considerable evidence that the bulk of the raw records, as opposed to summaries, were kept locally in the Italian municipia and that that became

increasingly true in the late Republic, i.e., that the opposite of centralization occurred.<sup>22</sup>

It is reasonable to ask what documents were kept in the aerarium. Some of the simplest working documents were kept on hand there; see table 2. That list is much shorter than those of Posner or Cencetti because Cencetti thought that all information entered in tabulae publicae (records of public transactions) was sent to the tabularium and he, therefore, listed all records of all public transactions in which any magistrate was involved.<sup>23</sup> The Latin does not require that tabulae publicae be public possessions or available to the public; it only means that they recorded transactions by public officials in the course of public business. Cicero Sull. 15.42 demonstrates that tabulae publicae of that sort were not expected to be retained in any government office even during the late Republic, and that, in fact, extraordinary measures had to be taken to turn some sorts of information over to public custody.<sup>24</sup> In any case, the three other sorts of documents kept in the aerarium, the books on debts owed to and by the state, the contracts for public work, and the registry of foreign embassies, actually form a set. The roster of the embassies was a financial document like the others and not a political one. It provided for the disbursement of funds in entertaining these visiting dignitaries.<sup>25</sup>

In all three specific instances, the aerarium was not functioning like a central archive, but as the state treasury maintaining such records as it needed to operate. The treatment of those records was simply parallel to the treatment of the censorial lists, the "record group" was left in the charge of the office which had to use it. Indeed, the treatment of the censorial documents is striking in that regard. The censors generated both contracts for public works housed in the aerarium and the census and property registers kept elsewhere. That is a clear case of functionalism overcoming any tendency to centralization; not only were the censorial documents not sent to a central repository, they were not even kept together.

It was the presences of the two great sets of documents, the laws and the decrees of the senate, which, probably, led to the belief that the aerarium

served as an archive at all. It is true that both of these sorts of documents had to be logged in at the aerarium to be considered valid.<sup>26</sup> It can be argued that not only were they not consulted, but that they were not placed in the aerarium in the expectation that they could be consulted.

One does not have to know about the political history of the early Republic to know about the Twelve Tables of Roman Law. Later Roman historians certainly believed that the demand for written, codified laws made consistently available for public viewing created one of the most hotly fought issues in the "struggle of the orders" between patricians and plebians.<sup>27</sup> That was not the only contest to focus on a similar issue. Many of the struggles for admission to the priesthoods seem to have centered upon the question of access to documents containing powerful legal and religious formulae. In many cases publication of a document by a plebian or a sympathizer was perceived as a nearly revolutionary act.<sup>28</sup> The anecdotal material, in short, shows an unmistakable and consistent reluctance on the part of the patricians at the heart of the early Roman oligarchy to share their power or, therefore, access to information. It seems nearly impossible to reconcile this mass of circumstantial evidence with the belief that that very same group built a government edifice intended to serve as both treasury and archive and to provide for orderly storage and ready retrievability of state records. The patrician families could reasonably have expected that all of their own administrative needs would be served easily by their own household archives.<sup>29</sup>

This jealous guarding of information explains why, as table 1 shows, plebiscites, laws, and senatus consulta were also stored at the temple of Ceres. Modern historians have accused the ancient sources of error, have claimed that this set of documents must have been consolidated into the holdings of the aerarium, especially after the building of the tabularium, and, in general, have tried to explain the evidence away.<sup>30</sup> There is no good reason to discount a story which fits in so well with the rest of the tradition. Livy says that the plebians began to keep their own copies of laws and consulta at the Temple of Ceres, because the other side was producing doctored items from its holdings.

Given the political context, that story seems more plausible than the anachronistic, modern conception of a state archive. It may also be significant that the only records actually needed for day-to-day administration which were ever placed in the aerarium, that is, the treasury, were the financial documents, while finance was the exclusive and jealously guarded purview of the senate.<sup>31</sup>

It is ironic that some of the best evidence that the aerarium was essentially unable to function as an archive comes from the very late Republic, when a new interest in antiquarianism was leading some prominent senators to want to be able to consult the holdings of the aerarium and tabularium.<sup>32</sup> It is possible that such an antiquarian interest led to the building of the tabularium in 79 B.C., although a cynic might suggest that it is perhaps just as likely to have been the result of a desire to move old record sets out of working spaces in the aerarium and into even deeper storage.<sup>33</sup> Cicero and Cato the Younger are the only two people known from the five centuries of the Roman Republic who are explicitly attested as having tried to consult documents in the aerarium collection. These anecdotes do not illustrate, as has been claimed, that these documents were routinely consulted, in spite of difficulties created by the absence of a staff of professional archivists.<sup>34</sup> Quite the contrary, they demonstrate that consulting the archives was extremely difficult even for a powerful senator with the best possible connections.

The case of Cato is interesting. As a young quaestor, Cato was the official in charge of the day-to-day operations of the aerarium. He found the staff unhelpful and unmanageable; his experiences fully support Cicero's famous testimony that consultation of documents was nearly impossible and that the permanent staff were obstacles to retrieval, not aids.<sup>35</sup> While still in that office Cato paid five talents for a compilation of state revenue from all sources and of all state expenditures for the period since the retirement of Sulla in 79 B.C.<sup>36</sup>

This anecdote has a number of features worthy of comment. First, the compilation dealt with only a generation or so worth of data. Second, the compilation would have used only the financial documents in the aerarium, the treasury records themselves. In fact, the whole account of Cato's



frustrating quaestorship concerns itself, with only one exception, with his problems in getting a handle just on the financial documents. Yet, if any record group in the aerarium should have been maintained in a first-rate state, those should have been. Third, Cato was not the average patron> He was the head of the operation and had great political influence. Fourth, five talents was nearly enough to keep one Roman legion in the field for four months, paying all salaries.<sup>37</sup> It is significantly more than many entire apartment buildings in Rome brought in as rent in a year.<sup>38</sup> In short, it is as though an archivist of the United States, who was also a rising statesman from one of the great political families, paid a quarter of a million dollars or more to have research assistants assemble the figures for the national budget and revenues since Eisenhower.

The analogy is defective on the one hand, since the Romans of the Republic never compiled a unitary national budget for themselves, so that Cato was asking for a novelty; but on the other hand, the National Archives, obviously, is not primarily a financial institution needing to keep the books for its own use; on balance, the analogy is excessively kind to the Romans. In any case, one would not consider such an incident evidence that the archives was open to serious scholars and had utility for them.

The other person attested as trying to obtain data from the aerarium was Cicero. In 45 B.C. Cicero wrote from Tusculum to his friend Atticus asking that he search out somewhere the names of ten commissioners sent out in 146. In yet another letter, Cicero explicitly asked Atticus to have someone check the codex for the appropriate consular year (Each consular year probably began a new codex, or bound set of wooden tablets.) One cannot tell, incidentally, from Cicero's side of the correspondence, whether the names were actually obtained from the aerarium. It is, however, clear from the whole transaction that even the wealthy Atticus could not simply have a scribe run over to the aerarium and consult the annual codex for 146; the implication of the exchange is that that was a measure<sup>39</sup> to which one might be driven if all else failed.

One might reasonably ask at this point how the

Roman Republic functioned for those five centuries. One should not be surprised to find that the answer lay in the great, private households of the Republic's nobility. So many functions which are formalized and public today were personalized and private for the Romans of the Republic. Old census statistics could be consulted in these private archives.<sup>40</sup> Private citizens compiled acta senatus, containing minutes, consulta,<sup>41</sup> etc., and circulated them to amici abroad. And, of course, private citizens compiled and circulated accounts they called annals.

Some questions remain. If the aerarium was not a functioning state archive, and had not been intended to be one, one may reasonably ask why it was built and why it accrued so many documents that the tabularium had to be built as its annex. It has often been noted that the name is transparent: an aerarium was a place for keeping aes, bronze. Aes, in Latin, was often used metaphorically to mean coined money.<sup>42</sup> The Aerarium Saturni, to use its proper name, was primarily a treasury; temples usually functioned as the treasuries in the ancient world. That, in fact, explains its acquisition of some early public documents; it would be an obvious enough move to put documents on bronze on the aerarium, if not in it. The significant fact in the famous passage in Polybius is not that the documents were treaties, but that they were on bronze.

It still remains to explain why these documents should have been registered in a temple at all in the absence of any original intent to provide for consulting them. Like so many measures in the early Republic, registry in the aerarium may have been a compromise between two conflicting interests: First, the plebians' hope that required redaction and a written text, even without publication or circulation, would deter both purely arbitrary action by magistrates and, second, as happened in so many cases, the oligarchy's attempt<sup>43</sup> to limit the actual effects of any apparent reform.

It is also possible that at least part of the motivation was religious. There may well have been an archaic notion that depositing a document in the shrine of a deity somehow contributed to its efficacy or potency. Appian BC 1.31 noted that oaths were administered to magistrates at the aerarium. As Max

Weber pointed out, the oath is the nexus between the legal and the religious; a sacral sanction is one means of compelling compliance in the absence of legal constraints.<sup>44</sup> There were certainly few constraints on a magistrate with imperium, and fewer which worked to the advantage of the plebs. The Twelve Tables themselves illustrate this principle. They are gnomic in the fashion of oracles and "anathematize" offenders.<sup>45</sup> The very word for religion,<sup>46</sup> religio, refers to the act of binding. But the binding of humans was not religion's most important function; there was a strong desire to preserve ephemeral human actions by attaching them to the gods, and that leads to the concept<sup>47</sup> of fides, faith, sticking to one's word.

It is clear why items would be deposited with Jupiter Capitolinus, the patron of the Roman state, but there are also documents placed with Dius Fidius, a sort of amalgam of Jupiter and Fides.<sup>48</sup> There is even a good explanation for the placing of a set of fasti or lists of Roman magistrates, on linen scrolls at the temple of Juno Moneta. That epithet probably means Juno Who Records, not Juno Who Warns.<sup>49</sup> The temple of Diana on the Aventine was a site of great symbolic importance for the Latin peoples, not just the Romans; and its posted regulations were models for many others.<sup>50</sup> The plebs may have decided to keep their documents on the Aventine also, because the site was not only prominent but outside of the original bounds of Rome and less subject to the control of patrician magistrates. Saturn himself may have been a sort of divine bookkeeper, given his association with the division of spoils (where else would a stockpile of metal in the early Republic have come from?) and his consort Ops (Resources).<sup>51</sup>

The conclusions, finally and unfortunately, are altogether negative: the aerarium cannot be called a state archive or central archive without deceptive implications to the modern reader; it could not easily be consulted by anyone; it contributed nothing to the writing of history in Rome. That, obviously, has interesting implications for the study of Roman historiography, but that is a different topic and must be reserved for another occasion.

TABLE 1  
ROMAN REPUBLICAN DOCUMENTS AT SITES OTHER THAN THE  
AERARIUM/TABULARIUM

<u>item</u>	<u>site</u>	<u>selected references</u>
<b>A. <u>Associated with the temple of Jupiter Capitolinus</u></b>		
instructions for marking years	shrine to Minerva on outside of temple	Liv. 7.3. 5-8
a <u>decretum</u>	temple	Cic. <u>Phil.</u> 2.37
Sibylline books	temple, later moved to temple of Apollo	Tac. <u>Ann.</u> 6.12.3 Suet. <u>Aug.</u> 31
military diploma	base of statue in temple	Dio 44.7.1, maybe Livy 40.51.3
<u>senatus consultum</u>	base of main cult statue	Dio 44.7.1
treaty	temple	Livy. 26.24.14
<b>B. <u>Other religious sites</u></b>		
laws on bronze	temple of Fides on Capitoline	Cic. <u>Div.</u> 2.2. 47;1.12.19; <u>Cat.</u> 3.8.19
treaty	temple of Dius Fidius	Dion. Hal.4.58.4
censorial records	Atrium of Libertas/ Shrine of the Nymphs	Cic. <u>Leg.</u> 3.3.7 <u>Mil.</u> 27.73
fasti	temple of Hercules	Charisius 138K
roll of citizens	temple of Castor	Liv. 8.11.16
<u>tabulae dealbatae</u>	<u>domus publica</u> of pontifex maximus	Cic. <u>Orat.</u> 2. 52-53
fetial laws	in custody of fetials	Liv. 1.32
<u>libri lintei</u>	temple of Juno Moneta	Liv.4.7.12;Dion. Hal.11.62.3
<u>Lex Julia de Aventino</u>	temple of Diana on Aventine	Dion.Hal.10.32.4
<u>plebiscites, senatus consulta</u>	temple of Ceres on Aventine	Liv.3.55.13
<b>C. <u>Other public sites</u></b>		
? <u>commentarii</u> of Clodius	?posted on Capitoline	Dio.39.21;Plut. <u>Cat.Min.</u> 40. 1;Plut. <u>Cic.</u> 34
treaty	bronze pillar in forum	Cic. <u>Balb.</u> 23.53; Livy.2.3.9;Dion. Hal.6.95
12 Tables	bronze tablets in forum	Liv.3.57.10; Dion.Hal.10.57
religious regulations	Comitium	Macrobian. <u>Sat.</u> 1. 13.21

TABLE 2  
ROMAN REPUBLICAN DOCUMENTS AT THE AERARIUM/TABULARIUM

TYPE OF DOCUMENT	SELECTED REFERENCES
laws ( <u>leges</u> )	Liv.39.48; Sisenna <u>HRR</u> 117; Suet. <u>Jul.</u> 28; Cic. <u>Fam.</u> 12.1.1; <u>Serv. ad.Aen.</u> 8.322
<u>senatus consulta</u>	<u>Serv. ad. Aen.</u> 8.322, <u>Geor.</u> 2.502; Cic. <u>Leg.</u> 3.20.46; Plut. <u>Cat. Min.</u> 17
registry of foreign embassies	Plut. <u>Quaes. Rom.</u> 43= <u>Mor.</u> 275C
contracts for public works	Plut. <u>Quaes. Rom.</u> 42= <u>Mor.</u> 275A
books on state debts owed and fines owed the state	Plut. <u>Cat. Min.</u> 17.2
<u>ON THE OUTSIDE OF THE AERARIUM</u>	
laws	Dio 55.17.3, Varro <u>Ling. Lat.</u> 5.42
treaties	Polybius 3.22

## NOTES

<sup>1</sup>Namely, the standard H.H. Scullard, A History of Rome, 3d ed. (New York: St. Martin's, 1975), 58.

<sup>2</sup>Namely, Paulys Real Encyclopadie, s.v. "Aerarium," "Archiv," "Tabularium"; T. Mommsen, Romisches Staatsrecht, 3 vols., 3d ed. (Leipzig: S. Hirzel, 1887), 2, pt.1: 547-59 and passim; Oxford Classical Dictionary, s.v. "Archives."

<sup>3</sup>E. Posner, Archives in the Ancient World (Cambridge, Mass.: Harvard University Press, 1972), 160-85. For a more closely documented and realistic treatment see F. Millar, "The Aerarium and Its Officials under the Empire," Journal of Roman Studies 54 (1964): 33-40 (Millar reviews the evidence for the Republic).

<sup>4</sup>G. Cencetti, "Gli Archivi dell'Antica Roma nell'Eta Repubblicana," Archivi: Archivi d'Italia e Rassegna Internazionale degli Archivi 18 (1940): 34-37; Posner, Archives, 183.

<sup>5</sup>Posner, Archives, 184-85.

<sup>6</sup>Even Mommsen's Staatsrecht can err in this direction; see also L. Wenger, Die Quellen des Romischen Rechts, Osterreichische Akademie der Wissenschaften, Denkschriften der Gesamtkademie, 2 (Vienna: A. Holzhausen, 1953): 55-59 and 65-74. See also F.F. von Schwind, Zur Frage der Publikation im Romischen Recht, Munchner Beitrage zur Papyrusforschung und Antiken Rechtsgeschichte, 31 (Munich: C.H. Beck, 1940). Von Schwind, however, is much less subject to this sort of error. Posner, Archives, would have been better off to rely more on von Schwind (one minor citation) and less on Cencetti's "comprehensive and authoritative article" (p. 258; five citations in the chapter on the Roman Republic in addition to references in the text).

<sup>7</sup>Cencetti, "Archivi," is the outstanding example on this topic. Another example is M. Puma, La Conservazione dei Documenti Giuridici nell'Antica Roma (Palermo: La Tradizione, 1935).

<sup>8</sup>A good example is the influential and often cited discussion in the basic reference work R.K. Sherk, Roman Documents from the Greek East (Baltimore: The Johns Hopkins Press, 1969), 4-13 and 18-19.

<sup>9</sup>As Sherk, Documents, 6; and, among other deservedly well known books, P.G. Walsh, Livy: His Historical Aims and Methods (Cambridge: Cambridge University Press, 1963), 112; cf. C.W. Fornara, The Nature of History in Ancient Greece and Rome (Berkeley: University of California Press, 1983), 56, "The new situation enormously simplified the difficulties of research...information both public and secret was easily obtained."

<sup>10</sup>Namely, Walsh, Livy, 112; Sherk, Documents, 6.

<sup>11</sup>Polybius 3.22; Walbank, Polybius, 1: 353-354.

<sup>12</sup>There is much debate on the questions of the survival of these records after the sack by the Gauls, the form in which data from past years was stored, and the date of, reason for, and reliability of the manuscript editions used by many Roman historians.

<sup>13</sup>See B.W. Frier, Libri Annales Pontificum Maximorum: The Origins of the Annalistic Tradition, Papers and Monographs of the American Academy in Rome, v.27, (Rome: American Academy in Rome, 1979): 88-91.

<sup>14</sup>Ibid., 95.

<sup>15</sup>Ibid., 100-101.

<sup>16</sup>Cf. unpublished paper by G. Houston, "Administrative Records in the Roman Empire," presented 1 September 1984, at the Annual Meeting of the Society of American Archivists.

<sup>17</sup>Cf. W.V. Harris, War and Imperialism in Republican Rome (Oxford: Clarendon Press, 1979), 170-75.

<sup>18</sup>On the edict in the Republican period see von Schwind, Publikation, 49-53.

<sup>19</sup>There were alba senatorium, equitum, iudicum, pontificum, veteranorum and collegii.

<sup>20</sup>The best account of the Roman census lists is P. A. Brunt, Italian Manpower 225 B.C.-A.D. 14. (Oxford: Clarendon Press, 19071), 15-17, 26.

<sup>21</sup>Cf. Posner, Archives, 183, relying again upon Cencetti, "Archivi," 34-35, and Puma, Conservazione, 42.

<sup>22</sup>Brunt, Manpower, 38-43 and 536-37.

<sup>23</sup>Cencetti, "Archivi," 12-20.

<sup>24</sup>The later curatores tabularum publicarum assigned to the aerarium (Dio 57.16.2) are irrelevant to the question of Republican usage; Liv. 6.27.6 demonstrates that the census records were also tabulae publicae.

<sup>25</sup>Plut. Quaes. Rom. 43= Mor. 275C.

<sup>26</sup>Cic. ad.Att. 2.9.1; 4.16.5; in Vat. 14.33; Phil. 5.3.8.

<sup>27</sup>Livy 3.32-38; Dion. Hal. 10.57-58.

<sup>28</sup>Cf. in Livy 9.46 the publication controversy of (?)304.

<sup>29</sup>Each great household would have had a tablinum, or special room just for this purpose, cf. Plin. HN. 35.7, Fest. pag. 356.

<sup>30</sup>Cf., for instance, Puma, Conservazione, 12, n.2 and 36-39; Walsh, Livy, 112; and Posner, Archives, 169-70.

<sup>31</sup>Mommsen, Staatsrecht, 2, pt.1: 149-89.

<sup>32</sup>The best recent discussion of this interesting antiquarian movement is E. Rawson, "Cicero the



Historian and Cicero the Antiquarian," Journal of Roman Studies 62 (1972): 33-45.

<sup>33</sup>Two inscriptions attest the actual building of the aerarium, CIL 6.1314 and 1315= ILS 35 and 59. It is not clear from published accounts how much light there would have been in the interior of the building, nor how work space could have been arranged for hypothetical patrons. The fullest account of the building is still, in spite of the new work in the late 1930s, R. Delbruck, Hellenistische Bauten in Latium, vol. 1 (Strasbourg: Karl J. Trubner, 1907), 23-46 and Taf. III-IX.

<sup>34</sup>Cf. Posner, Archives, 182.

<sup>35</sup>Cicero De Leg. 3.20.36.

<sup>36</sup>Plutarch Cato Minor 16.

<sup>37</sup>T. Frank, The Economy of Ancient Rome, 6 vols. (Baltimore: The Johns Hopkins University Press, 1933), 1: 327-328.

<sup>38</sup>Ibid., 371.

<sup>39</sup>See D.R. Shackleton Bailey, Cicero's Letters to Atticus, 7 vols. (Cambridge: Cambridge University Press, 1966), 5: letters 303, 305, 309, 312, 310, 311 (=traditional 13.30; 13.32; 13.33; 13.5; 13.6; 13.4).

<sup>40</sup>Dion. Hal. 13.22.4

<sup>41</sup>Cic. Fam. 8.1.1 and 8.2.11.

<sup>42</sup>Oxford Latin Dictionary, s.v. "aes."

<sup>43</sup>Frier, Annales, 98, 129-30. See P. Boyance, "Fides et le serment," Hommages a Albert Grenier, M. Renard, ed., 3 vols. (Bruxelles: Latomus, 1962), 1: 339 on belief in codification as magic and in the magic of preserving on stone.

<sup>44</sup>M. Weber, Law in Economy and Society (Cambridge, Mass.: Harvard University Press, 1954)(=Wirtschaft und Gesellschaft, 2d ed., 1925), 233.

<sup>45</sup>Ibid., 270.

<sup>46</sup>J. Bayet, La Religion Romaine: Histoire Politique et Psychologique (Paris: Petite Bibliotheque Payot, 1969), 58-59.

<sup>47</sup>Ibid., 141-142; J. Imbert, "De la Sociologie au Droit: la "Fides" Romaine," Droits de l'Antiquite et Sociologie Juridique. Melanges Henri Levy-Bruhl, Publications de l'Institut de Droit Romain de l'Universite de Paris, vol. 17, (Paris: Sirey, 1959), 407-415; Boyance, ibid., 332-333 on the relationship among fides-foedus-fetiales.

<sup>48</sup>Boyance, ibid. ., 338 on the association of fides and Jupiter.

<sup>49</sup>R.E.A. Palmer, Roman Religion and Roman Empire (Philadelphia: University of Pennsylvania Press, 1974), 30 and 98-99.

<sup>50</sup>On the significance of both the text and the temple see A. Alföldi, Early Rome and the Latins (Ann Arbor: University of Michigan Press, 1963), 85-89.

<sup>51</sup>G. Wissowa, Religion und Kultus der Romer. Handbuch der Klassischen Altertumswissenschaft, vol. 5, pt. 4, 2d ed., (Munchen: C.H. Beck, 1917), 208.

