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C L A U D I A I N S O N S

W h y w a s a f i n e i m p o s e d
o n C l a u d i a A p . f . i n 2 4 6 B C ?

J a a k k o S u o l a h t i

Valerius Maximus relates (8,1 damn. 4) that a consul's sister, Claudia by name, was punished because, when returning in a crowd from an entertainment, she expressed the wish that her brother were still alive to suffer another defeat at sea, so that crowds in the city should be reduced. The same case is recounted in the Periochae of Livy (19), by Suetonius in his Tiberius biography (2,3) and by Aulus Gellius in his Noctes Atticae (10,6,2).

The accounts are consistent to the extent that they are obviously based on the same source or sources. Yet they contain divergent features which can hardly be considered due to a wish on the writers' part to colour their narratives, nor to differences of function. In the parallel presentation of the texts which follows, common features are shown in spaced type.

Liv. perioch. 19.

C l a u d i a, soror *P. Claudi*,
qui contemptis auspiciis
male pugnaverat,

a l u d i s r e v e r t e n s
(*r. divertens*) cum *t u r b a*
p r e m e r e t u r,
dixit: *u t i n a m f r a t e r*
m e u s

v i v e r e t;

iterum classem duceret.

O b e a m c a u s a m
m u l t a

e i d i c t a e s t

Val. Max. 8,1, damn. 4

*Nunc, quo aequiore animo ancipites
iudiciorum motus tolerantur, re-
cordemur invidia laborantes quibus
de causis aut absoluti sint aut
dannati.*

Adiciatur his C l a u d i a, quam
insontem crimine, quo
accusabatur,

votum impium subvertit,

quia, cum a l u d i s d o m u m
r e d i e n s t u r b a e l i -
d e r e t u r,

optaverat u t f r a t e r
s u u s,

*maritimarum virium nostrarum prae-
cipua iactura,*

r e v i v i s c e r e t
saepiusque consul factus

i n f e l i c i d u c t u n i m i s
magnam u r b i s f r e q u e n -
t i a m m i n u e r e t

Suet. Tib. 2,3

*Extant et feminarum
exempla diversa - -*

*et quae novo more iudicium
maiestatis apud populum
mulier subiit,*

*quod in conferta multitu-
dine aegre procedente car-
pento palam optaverat, ut*

*f r a t e r s u u s
P u l c h e r
r e v i v i s c e r e t*

*atque iterum classem amit-
teret quo minor
t u r b a R o m a e
f o r e t*

Gell. 10,6,2

*Non in facta modo, sed in voces
etiam, petulantiores publice vindi-
catum est: ita enim debere esse visa
est Romanae disciplinae dignitas
inviolabilis.*

*Appi namque illius Caeci filia
a l u d i s, quos spectaverat,
e x i e n s t u r b a undique con-
fluentis fluctuantisque populi
i a c t a t a e s t. Atque inde
egressa, cum se male habitam doleret
"quid me nunc factum esset", inquit,
"quantoque artius pressiusque con-
flictata essem, si P. Claudius, f r a -
t e r m e u s, navali proelio
c l a s s e m navium cum ingenti civium
numero non p e r d i d i s s e t ?
Certe quidem maiore nunc copia populi
oppressa intercidissem. Sed ut i-
n a m", inquit, "r e v i v i s c a t
f r a t e r a l i a m q u e c l a s -
s e m in Siciliam ducat atque istam
multitudinem perditum eat, quae me
nunc male miseram convexavit." O b
h a e c mulieris v e r b a tam
improba ac tam incivilia C. Fundanius
et Ti. Sempronius, aediles plebei,
m u l t a m d i x e r u n t ei
aeris gravis vigintiinquemilia. Id
factum esse dicit Capito Ateius in
commentario De Iudiciis publicis bel-
lo Poenico Primo Fabio Licinio et Ota-
cilio Crasso consulibus.*

In attempting a comparison one should bear in mind differences of intention. Livy, who died in 17 AD, wrote a patriotic history which was annalistic in arrangement and intended for a wide circle of readers. That part of it which deals with the period 292-219, when the case occurred, survives only in the form of a concise summary of late antiquity. The description by Suetonius is from the early second century AD at the opening of his biography of the Emperor Tiberius, which tells of the Emperor's ancestors, the Claudii, and their characteristics. *Dicta ac facta memorabilia* by Valerius Maximus in the early half of the first century and *Noctes* by Aulus Gellius halfway through the second century are popular collections of anecdotes which were composed and read for entertainment and instruction. Although the writers differ somewhat in their aims, all have certain features which are typical of ancient historical description: concentration on the persons described and their characters, which are illustrated by appropriate, colourful tales.

All four sources are unanimous that the main person in the case was Claudia (RE No. 382) and that she was sister to the consul P. Claudius Pulcher. All except Gellius have related a little earlier that the same consul defied the omens, lost a sea battle and was condemned to pay fines in Rome. Obviously the two events are so connected in the sources that the second presupposes the first. At least the anecdote concerning the consul contains a core of truth. P. Clodius Pulcher (RE No. 304) was consul in 249 BC. Through carelessness he suffered crushing defeat in sea battle before Drepana,

Sicily, losing about 100 ships.¹ He was called back to Rome, where the tribunes put him on trial for high treason (*perduellio*), and when the trial was interrupted by a sudden rainfall he was fined 120 000 asses.²

Before this he had been urged to choose a dictator to conduct elections of officials. When Claudius chose M. Claudius Glicia (RE No. 166), his client of low birth, the Senate in annoyance compelled the latter to resign and caused a new dictator to be elected.³ Some scholars surmise that Claudius committed suicide like his fellow-consul L. Junius Pullus (RE No. 133).⁴ In any case all four sources relating to his sister presume his death before 246.

Further, our four sources⁵ are unanimous that Claudia found herself in a crowd when returning from an entertainment, and in anger uttered the incautious words for which the plebeian aediles fined her. Gellius mentions, though no other source confirms, that the jurist Ateius Capito referred to the case in his book *De iudiciis publicis*, which dealt with famous public trials. Capito was interested in historic trials,⁶ and drew his examples mainly from the works of Varro, where the story of Claudia may have originated.⁷ The work of Ateius Capito survives only in quotations.⁸

1 Polyb. 1,49-51; Münzer, RE III 2857f.; Broughton, MRR I 214; De Sanctis, Storia III 169-178.

2 Cf. page 148; Siber, Analogie 17f.; Bleicken, Volkstribunat 36.

3 Münzer, RE III 2858, 2724; Broughton, I 215; De Sanctis, III 177f.

4 Münzer, RE III 2858.

5 Suet. Tib. 2 only: *conferta multitudine aegre procedente carpento*.

6 Jörs, RE II 1904-1910; Ritschl, I 373.

7 Jörs, RE II 1909.

8 Bremer, *Iurisprudentiae antehadrianae*, 1908, 261-278.

It is obvious that Gellius, in the manner of the ancients, has recast his text in a far more rhetorical form. Strictly speaking, he says only that Ateius Capito has mentioned the precise time of the case. It is possible that he took from the jurist's account of the case mainly the time of its occurrence and the parts dealing with the punishment, using another source for more precise elucidation of the case itself. A jurist's account would have suited his literary purposes far less well than the anecdote - reverting perhaps to Varro - which had already assumed an established form. Here and there, at least, his account follows the *Periochae* of Livy, Valerius Maximus and Suetonius in its form of words, so that all must have had a common model or stories reverting to one. This could hardly have been Ateius Capito, whom Livy could not have used.

Possibly it was Varro or another of the collections of anecdotes which are suspected to have been among the sources of Valerius Maximus and others.⁹ Or our writers came to know the tradition in various forms or used other sources in addition. Suetonius and Valerius Maximus, who used the account to exemplify, respectively, the good and bad deeds of the Claudii toward the State and the effect of hostility on legal judgements, add a form of introduction to their anecdotes; such was the practice of Gellius also. Verbally, too, the descriptions of Suetonius and Valerius are closest to each other.¹⁰ In content, moreover, they only differ with regard to the punishment, as will appear later.¹¹ I think it possible, therefore,

9 C. Bosch, *Die Quellen des Valerius Maximus*, Stuttgart 1929, 109ff.

10 Cf. page 142.

11 Cf. page 139.

that they used a different version of the tradition or an additional source.

Each writer, too, has added features or adapted his depiction merely to suit his purposes: because Suetonius wished to include the Claudia anecdote as proof of arrogant behaviour toward the common people by ancestors male and female of Tiberius, he stressed the unique character of the case¹² but reduced his actual description of it to a minimum. Aulus Gellius inflates and colours his description without producing anything new apart from the names of the aediles who imposed the fine and the exact time of the occurrence, which he obviously obtained from Ateius Capito.

II

The sources differ especially on the subject of Claudia's punishment. The law historian's task of interpretation is bedevilled by the question of why they often discussed and quoted the Claudia anecdote.¹³ The Livy Epitome and Aulus Gellius relate that she was fined, while Valerius Maximus contents himself with noting that she was charged although innocent (*insons*). Finally Suetonius contends that she received a new form of judgement for treason. The jurist Ateius Capito, who was the source of Gellius, even knows the names of the aediles who imposed the fine, also its amount - 25 000 *aeris gravis*.

¹² *et quae novo more iudicium maiestatis mulier subiit.*

¹³ Mommsen, RStR II³ 492 n. 4; Id., Strafr. 53 n. 1; Lange, Alterthümer II, 1879, 135, 585; Siber 5-6, 41; Bleicken 36 n. 1; Kempf 606f.; Kübler, Maiestas, RE XIV (1928) 542-559, 545; Brecht 297f. n. 4.

Ateius Capito's knowledge of the punishment can at once be accepted as the most reliable, for he was well acquainted with the history of law and with public law, which were his main subjects of discussion.¹⁴ On the other hand Suetonius, as an imperial secretary, had a good knowledge of the administration of his time, but not of the history of law. As, moreover, his main purpose early in his biography of Tiberius was to illustrate the arrogance of certain of the Claudii (*Multa multorum Claudiorum egregia merita, multa etiam sequius admissa in rem publicam extant*),¹⁵ information gathered from him is less reliable: he paid no heed to the juridical accuracy of his piquant anecdotes, but to their narrative effect. Thus it is understandable that he said nothing of the fines imposed by the aediles, but confined himself to the novelty of the judgement.

Because treason was a common and notorious charge in the last years of Tiberius it is understandable that Suetonius, whether accidentally or on purpose - the latter is more likely - should relate that Claudia was charged with treason (*laesae maiestatis*), evidently against the Roman people, although such a crime did not exist before Augustus.¹⁶

The aediles fined Claudia in their capacity as magistrates because she uttered abusive words in a public place, the street. This was the opposite of good conduct and might also cause unrest among the mass of the people. Formally, therefore, the fines could have been based on a breach of public order and on morally unsuitable

14 F. Bremer 261-287; Jörs, RE II(1896)1904-1910; cf. page 137.

15 B. Mochova, Studien zu Kaiserbiographien Suetons, Praha 1968, 19f., 80.

16 Siber 25 n. 2, 41; Brecht 297.

conduct. In reality, of course, a strong political motive lay behind them.¹⁷

Because the fines exceeded the limit of 3020 asses Claudia could have appealed against them through her guardian to the popular assembly.¹⁸ This did not necessarily happen, as Claudia in her family pride would hardly appeal to the populace, whom she knew to be deeply unfriendly to herself and her deceased brother. Payment of a fine amounting to 25 000 heavy asses would hardly have caused her difficulty, because the value of money had fallen substantially since the imposition of an upper limit for fines in 430 BC. The charge mentioned by Suetonius and Valerius Maximus certainly points to a lawsuit, i.e. *provocatio*, which was possible for a woman,¹⁹ but they were merely able to conclude from the size of the fines that such had happened; it added colour to their anecdote.

The Livy Epitome and Gellius say nothing of a trial, but of fining. In Valerius Maximus the case is linked to several others (8.1 abs.).²⁰ The three examples he mentions are actual legal proceedings. To these (8.1.1-3 damn.) he links the case of Claudia as a fourth, stating that she was innocent of the charge brought against her.²¹

Insons, the word used by Valerius or his source, means in the first place innocent, blameless of the crime accused of or condemn-

17 Kunkel, Untersuchungen 34; Lange II 584.

18 Lange II 583; Siber 3 n. 2.

19 Lange II 585; cf. Siber 1-2.

20 *Nunc quo aequiore animo ancipites iudiciorum motus tolerantur, recordemur invidia laborantes, quibus de causis aut absoluti sint aut damnati - -. Percurremus nunc eos, quibus in causae dictione magis quae extra quaestionem erant nocuerunt quam sua innocentia opem tulit.*

21 *Adiciatur his (L. Scipio, P. Furius, Sex. Titius) Claudia quam insontem crimine, quo accusabatur, - - .*

ed for.²² On the face of it the words of Valerius presuppose that Claudia actually was accused of some crime. But they find a natural explanation in the context of the anecdote. Valerius relates it as one of the cases in which external circumstances affect the decision more than the innocence of the person concerned. He mentions the further examples of L. Scipio (RE No. 337), who was accused *de peculatu*, C. Appuleius (RE No. 121) and Sex. Titius (RE No. 23), accused *de maiestate*; all were innocent.²³ Claudia too was innocent, but her impious wish influenced the decision. *Insons* was a suitable term for Claudia, moreover, because her punishment was influenced mainly by factors having no connection with the charge.

Valerius Maximus assumes, then, that Claudia was actually charged with something of which she was innocent. Suetonius, whose description is linguistically closest to the narration of Valerius Maximus, speaks of *iudicium maiestatis*, and it is therefore possible that Valerius too thought of this indictment. His previous example Sex. Titius (RE No. 23) was in fact condemned *de maiestate*.²⁴ It is possible, of course, that Claudia was actually charged *de maiestate*.²⁵ Her thoughtless words alone cannot have given reason for this, for those of senatorial rank had great freedom of speech. More probably, the aediles summoned to the spot found fault with Claudia's improper con-

22 Thes. 194 s.v.; cf. *insons punitus* (Val. Max. 1,7 ext.)

23 Val. Max. 8,1: Scipio: *non, puto, quod pretio corruptus fuerat*; Decianus: *spectatae integritatis viro vox sua exitium attulit*; Titius: *erat innocens*.

24 Broughton, II 3 n. 7.

25 Kübler, *Maiestas* 542-559, 545f.; cf. Gundel, *Der Begriff Maiestas im politischen Denken der röm. Republik*, Hist. 12(1963)283-320.

duct, which endangered public order. This would give rise to an altercation which might have been maliciously interpreted as resistance to the authority of the aediles, sufficient reason for a fine or preferment of a charge. Because Livy and Gellius say nothing of a charge, although it would certainly have added welcome colour to the latter's narrative at least, we may presume that their source had no knowledge of it. As the charge does not appear in Ateius Capito's *De iudiciis publicis*, which was used by Gellius, the aediles presumably contented themselves with fining Claudia.

For some reason, therefore, the source used by Suetonius and Valerius Maximus mistakenly supposed that a charge had in fact been made. Because *laesae maiestatis* was a common accusation in the first century of the Empire, it may be surmised that the source confused a fine by authority of the aediles with an actual arraignment if both referred to *minutae* or *laesae maiestatis*. If Claudia or her guardian also appealed - or were thought to have done so - against the amount of the fine, the error is more understandable still. Because Claudia was fined by the aediles, not the tribunes, there could be no question of an actual indictment - an official fine is the only possibility.

In any case Valerius Maximus was correct in the sense that Claudia had done no actual harm to the Roman State and people - the mob in question could hardly be regarded as such - or to the maiestas of its officials. She was therefore *insons*, guiltless of a crime. Valerius likens Claudia with good reason to Scipio, C. Appuleius Decianus and Sex. Titius, who were condemned in innocence because certain matters were known concerning them which did not please the popular

assembly. The case of Claudia, like that of Scipio, was apparently non-political, but the popular assembly was also a political organ. For this reason the political situation affected all its decisions, a fact used skilfully by politicians to their own advantage. The aediles who fined Claudia were not only officials safeguarding the *maiestas* of the Roman people, but above all politicians seeking to injure their opponents and increase their own popularity.

Claudia's unwise outburst was directly responsible for her fining and perhaps for the failure of her appeal (*provocatio*).

Fining is understandable only in a specific political situation, external and internal.

Juridically Claudia was innocent of the crime for which she was accused, but fines were imposed on her by her own politically unwise words, which provided her dead brother's opponents with a splendid opportunity to make him a scapegoat.

III

Juridically, then, Claudia was not guilty of a crime in uttering her incautious words. But in many Roman trials, as mentioned earlier, guilt was determined by the political situation. What was it like in 246 BC, when Claudia was condemned?

Ever since Fr. Münzer published his basic study *Römische Adelsparteien und Adelsfamilien*²⁶ students of the Republic have regarded quarrels and friendships between powerful families of the aristocracy as the foundation of Roman political life.²⁷ These matters are

²⁶ Stuttgart 1920

²⁷ M. Gelzer, *Nobilität* 49ff.; Scullard, *Roman Politics* 1ff.

revealed by chance references in the literary sources and by combinations of names in the consular rolls. It was former consuls who ruled the State in the Senate and pursued the advantage of their families.²⁸ Research here remains somewhat uncertain in its results, as direct source information on groupings is rare: it is, in fact, *arcana imperii*.

Especially difficult to examine is the period 292-219, for which the sources are extremely scanty: Books 11-20 of Livy, for instance, survive only as an abridgement. The Fasti give the names of consuls, but do not enable us to conclude which of them directed elections of officials.²⁹

Münzer was able to show the existence of several family alliances at this time. W. Schur traced the field of political power in detail, but in a highly hypothetical manner.³⁰ The most certain results are crystallized by Scullard in his book Roman Politics 220-150 BC.³¹ In the internal politics of the later third century he finds three groups prevailing: the Fabii, Aemilii and Claudii. Many other powerful families were opposed to the Claudii in any case. This fact is reflected in sources during the Empire which accused the Claudii of arrogance toward the populace, though it was competing elements of the nobility who in fact suffered most from pride.³²

This scene, as Th. Mommsen showed over 100 years ago, did not

28 R. Syme, Roman Revolution 11-12.

29 Scullard 4ff., 30ff.

30 H. Schur, Fremder Adel im römischen Staat, Hermes 1924, 450-473; Münzer, Adelsparteien 46ff.

31 Oxford 1951, 31-38.

32 Scullard 36; Syme 19; Tac. ann. 14; Suet. Tib. 1-2,1.

crystallize until the first century AD.³³ In truth the Claudii were much in favour of reform, as the work of Ap. Claudius Caecus (RE No. 91), for instance, makes clear. One of his actions as censor was to enter the names of the landless in *tribus* and to receive freedmen into the Senate.³⁴ During his long life Ap. Claudius Caecus enjoyed immense prestige which assisted his family and its supporters to remain in power.³⁵ These supporting families were presumably connected with Claudius by marriage, since he had five daughters and four sons.³⁶ Three of these rose to the consulship in 268 (RE No. 317), 249 (RE No. 304) and 240 (RE No. 104), and from them descended the main branches of the Claudii: the Pulchri, Centones and Nerones.³⁷

The Sempronii at least are regarded as allies of the Claudii, and this collaboration presumably continued from the time of Ap. Claudius Caecus until the Gracchi.³⁸ To what degree this collaboration extended to the Valerii Maximi, Sulpicii Saverriones, Volumnii, Iunii Bruti and Marcii Philippi, as Schur surmises,³⁹ is difficult to decide, because the names of families competing for official posts might of course also appear adjacently or consecutively on the consular rolls.⁴⁰

In any case the Claudii had, besides allies, numerous competi-

33 Mommsen, RF I, 1864, 285-318, especially 317.

34 Scullard 36ff.; Suolahti, Censors 220ff.

35 Scullard 37; Suolahti 223.

36 Cic. Cato 37.

37 Münzer, RE III 91.

38 Scullard 37; Schur 470ff.; Münzer 270ff.

39 Schur 463ff.

40 Syme 13.

tors and enemies.⁴¹ Particularly they were opposed by the conservative Fabii with their allies who included the Atilii, Manlii, Marcii (?), Fulvii, Mamilii, Laetorii, Otacilii, Ogulnii and Licinii.⁴²

In internal politics, however, an approximate balance of power prevailed in the early third century. Counterbalancing Ap. Claudius Caecus were another person of consequence, Q. Fabius Maximus Rullianus (RE No. 114) and his son Q. Fabius Maximus Gurges (RE No. 112). It is Schur's view that during the Third Samnite War the opponents even agreed on a division of power.⁴³

Halfway through the century, however, the situation changed. In 265 came the death of Consul Q. Fabius Maximus Gurges the younger,⁴⁴ and from the main branch no heads of state arose for a generation; Q. Fabius Verrucosus (RE No. 116), the famous consul of 233, was presumably a minor when his father died. Obviously, too, the younger sons of Ap. Claudius Caecus could not aim at the consulship because of their age, so that a kind of truce prevailed during the First Punic War, as earlier in the so-called Third Samnite War. This equilibrium seems to have benefited a third grouping led by the Aemilii which included the Cornelii and Caecilii.⁴⁵

In 250, when the consuls were two presumed supporters of the Fabii, namely C. Atilius Regulus (RE No. 47) and L. Manlius Vulso (RE No. 101), the second son of Ap. Claudius Caecus, P. Claudius Pulcher (RE No. 304) and probably his supporter L. Iunius Pullus

41 Scullard 37ff.

42 Id. 38f.

43 Schur 463f.

44 Broughton, I 202.

45 Scullard 35f.

(RE No. 133) were elected consuls. A change of men may have been the popular wish, because the consuls of the previous year had suffered heavy defeats in Sicily. P. Claudius and L. Iunius had even poorer success, however.⁴⁶ The latter committed suicide, leaving Claudius as the sole scapegoat.⁴⁷ The next year's tribunes C. Fundanius Fundulus (RE No. 5) and Pullius (RE No. 1) brought a charge of treason (*perduellio*) against him, and when a storm interrupted the trial they caused fines of 120 000 asses to be imposed.⁴⁸ The Fabii may well have been involved, as the opportunity to harm an adversary was tempting. This may be indicated by the story that Claudius occasioned defeat by angering the gods when he ordered the sacred chickens which had provided an unfavourable omen to be thrown into the sea.⁴⁹ The rumour made Claudius a suitable scapegoat without defaming military honour. On his return from the unfortunate campaign Claudius appointed as dictator on the Senate's demand his client and perhaps freedman M. Claudius C.f. Glicia (RE No. 166), an action which presumably caused open dispute between the conservative Fabii and Claudii.⁵⁰ It was a question not of principle alone but also of balance of power, as Glicia would probably have held elections of officials. He was, however, induced to give up the office, to which he appointed the seasoned soldier and probable supporter

46 Broughton, I 213f.

47 Cic. nat.deor. 2,7; div. 1,29, 2,20, 2,71; Val. Max. 1,4,3; Min. Fel. 7,4, 26,2.

48 Schol. Cic. Bob. 90 St.; Polyb. 1,52,3; Cic. nat.deor. 2,7; Liv. perioch. 19; Val. Max. 8,1 abs. 4; Suet. Tib. 2; Gell. 10,6; De Sanctis, III 177; Broughton, I 215; RE III 257f.

49 De Sanctis, III 170f.; Münzer, RE III 2858; Broughton, I 214f.

50 De Sanctis, III 171.

of the Fabii A. Atilius Caiatinus (RE No. 36); as *magister equitum* he selected L. Caecilius Metellus (RE No. 72), who may also have been a supporter of the Fabii.⁵¹ The following year's consuls C. Aurelius Cotta (RE No. 94) and P. Servilius Geminus (RE No. 62) were experienced soldiers and not, perhaps, supporters of the Aemilii.

Both tribunes who charged P. Claudius belonged to new families who are not known to have produced officials earlier. The Pullii evidently produced no officials later than the *viocurus*,⁵² perhaps *IV-vir viarum*, who lived in the third century, although this apparently wealthy family is encountered often toward the end of the Republic in central Italy. Our Fundanius, on the other hand, was elected aedile of the *plebs* for the following year, and in 244 as the next year's consul.⁵³ He did not succeed in war and remained the only consul of his family, though officials of lower rank emerged later.⁵⁴

Bleicken has regarded the time preceding the Second Punic War as a new phase of activity for the tribunes: the accord following *lex Hortensia* was at an end, and later opposition, led mainly by C. Flaminius (RE No. 2), to old families of the nobility had started.⁵⁵ In 249, of course, Flaminius was still too young to take part in political life, but it may be assumed that among the *plebs* of that time, exhausted by war as they were, opposition arose to the aristocratic military commanders who had suffered defeat. Advantage was certainly taken of this by *homines novi* such as Fundanius and Pullius,

51 Scullard 32-34.

52 Ziegler, RE IXA(1961)156.

53 Münzer, RE VII 292f.; Broughton, I 216-217.

54 Münzer, RE VII 291ff.; Broughton, II 568.

55 Bleicken 27-37.

who were seeking a career. The opportunity was excellent, because they could count on support from opponents of the mighty Claudii.

C. Fundanius Fundulus (RE No. 5)⁵⁶ at least may have been seeking approval from the Fabii as aedile in 246 when, with his colleague Ti. Sempronius (Gracchus) (RE No. 50), he fined the sister (RE No. 382) of P. Claudius (RE No. 304) for her improper words. With the money thus received they built the temple of Libertas on the Aventine, the hill of the *plebs*, where the temple of Ceres already stood.⁵⁷ At this time the Fabii succeeded in becoming consuls for the third successive year (247-245), and even in 244 the consul A. Manlius Torquatus Atticus (RE No. 87) was presumably an ally of the Fabii.⁵⁸ Elected consul in 243 was C. Fundanius Fundulus, whereas his colleague was obliged to wait a further five years till 238 for his consulship although he belonged to a consular family - not, admittedly, to its main branch. Among his descendants were several consuls.⁵⁹ Following generations of the Fundanii, on the other hand, are known to have produced only an aedile of the *plebs* (RE No. 213) during the ascendancy of the Fabii, and a tribune of the *plebs* in 195 (RE No. 3);⁶⁰ also, at a later period, one official of lower rank (RE No. 1).⁶¹ In the third century it was evidently still possible for upstarts with aristocratic support and wealth in addition to rise to the consulship in exceptional cases, but great ability was required if their descendants were to reach the same eminence.

56 Münzer, RE VII 2885; Broughton, I 217.

57 Liv. 24,16,19.

58 Broughton, I 216-217.

59 Münzer, RE IIA 1400-1401; Broughton, I 221, II 628-632.

60 Broughton, I 264, 340.

61 Id., II 138.

The external political situation - an exhausting war with heavy losses - aroused bitterness among the *plebs* against commanders of aristocratic family. Opponents of the Claudii used this to advantage by making P. Claudius Pulcher (RE No. 304) a scapegoat for the lost sea battle of Drepana. Their work was made easier by the reputation of the Claudii as radicals with no regard for custom, which was confirmed when Claudius made his unwise appointment of a dictator. Among tribunes at the outset of their career it was a simple matter to find those who brought a charge of *perduellio* and who, when this collapsed, ensured that a fine was imposed. Pursuit of the sister of Claudius continued, and the aedile C. Fundanius Fundulus (RE No. 5), who with his colleague was responsible for the fine, was rewarded with the rank of consul in 243.

The Fabii produced consuls for three successive years, but the balance was restored in 240, when the youngest brother of the Claudii (RE No. 104) became consul. But a new flowering for the Claudii starts only with the Second Punic War.

As Valerius Maximus states, therefore, Claudia was *insons*, innocent of the crime for which she was charged or at least fined. Valerius is thinking of the juridical, formal side of the case, but at the same time he refers to the political situation. Claudia, like her brother, was made a scapegoat, a victim of popular hatred and war-weariness. Opponents turned the situation to skilful advantage. At most she can be accused of thoughtlessness, if indeed she uttered the arrogant words attributed to her.

Claudia the innocent is one of the many anecdotes which afford us a flashing glimpse of the unending struggle for power among Rome's aristocracy and family alliances.