CHAPTER 3

The Discovery of Numa’s Writings: Roman Sacral Law and the Early Historians

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The study of documentary evidence is pivotal for the historian. As always, Herodotus sets the benchmark. When visiting Thebes in Boeotia, Herodotus was intrigued by a series of inscribed tripods in the Temple of Apollo Ismenios that allowed him not only to reconstruct the genealogy of the Labdakids of Thebes – or independently confirm his reconstruction of it – but also to explore the early history of writing in Greece (5.59–61). Documentary evidence thus provided external authority to the apodeixis of Herodotus’ inquiries, and has continued to do so ever since throughout the history of the genre. From tangible objects with tiny scribbles to modern day statistics, which are essentially nothing more than hyper-convoluted compilations of external data, documentary evidence amplifies the interpretative force of the display of history.

The world of republican Rome was full of tangible objects that had their own histories to tell. Modern historians have given much consideration to the countless monuments in the city of Rome and its places of memory, both in examinations of individual lieux de mémoire and in systematic memory studies. From this emerges an increasingly thick description of Rome and its memorial cityscape in the era of the Republic; incidentally, it is worthwhile asserting that this description of memory markers at Rome, and the message and meaning they convey, has become more compact, if not crowded, than that of any other urban realm in premodern times.1

Documentary evidence, understood in a very broad way, comes in shapes and sizes that tend to be less imposing than those of magnificent monuments.

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1 See the collection of Stein-Hölkeskamp – Hölkeskamp (2006). Roman memorial culture in the republic has been studied extensively and from multiple perspectives, see, for example, Walter (2004); Hölkeskamp (2005); Id. (2012); Dyson (2010); Roller (2013) (Augustan period); Muth (2014).
On the Capitoline Hill, for instance, when the foundations of the Temple of Iuppiter Optimus Maximus were laid, the workers were said to have found a human skull. This skull was believed to be the caput Oli, the head of a certain Olus or Aulus, who was thought to foreshadow the future greatness of Rome.\(^2\) Once the temple was built, the right wall of its cella was covered with iron nails, the clavi annales, which counted the years that had passed since the inauguration of the temple.\(^3\) And from its doorstep, visitors were able to point out a small and unimpressive block of black marble that was situated a few hundred metres away on the Forum, the Lapis Niger.\(^4\) As unengaging as each of those objects may seem – a skull, a set of rusty nails, a rock with an inscription – they were quintessential to the history of the Republic as the Romans saw them. In the rationale of recent ‘thing theories’ as fostered by Bill Brown (2001 and 2004), they surpassed their physicality as mere objects through the cultural backdrop of the world that surrounded them, thereby becoming ‘things’ (rather than objects). The nails from the temple wall not only bore testimony of a long forgotten cultural practice, they were also time-measuring devices that helped historians establish a chronological grid. The site of the Lapis Niger in turn added a spatial layer to the grid. The shrine that was built around it marked a place of memory in the more literal sense of the word. The inscription on the five-sided block was an ‘authentic voice’ from the past. Although the inscribed words were mostly unintelligible to later Romans, it was held that they cited an early ritual prescription; as such, they spoke to the religious foundations of the community.\(^5\) The prophecy of Olus, finally, filled the historical narrative with meaning. The skull also attested that those objects were not only fragments of history but that they were related to one another and tied into an extensive web of narratives. Their true authority resulted from their force as objects that provided for material, spatial, and chronological authentications of history and, in their interrelatedness, validated the broad stream of past traditions at Rome.

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\(^2\) The provenance of Caput Oli: Fabius Pictor FRHist 1 F 30 = FRH 1 F 16 (who might have been behind the aetiological assertion of Capitol and Caput Oli), with Liv. 1.55.5; Dion. Hal. 4.59–61; Plin. nat. 28.15. On the association with the Vibenna brothers Aulus and Caeles, cf. Cornell (1995), 145.

\(^3\) Cincius Alimentus FRH 2 F 1, from Liv. 7.3.5–8 (lex de clavo pangendo). See FRHist 1, 183 for an argument that this belongs to the antiquarian Cincius.


\(^5\) The inscription may well be the one which Dionysius (2.45.2) believed contained the deeds of Romulus.